

**AGENDA
TOWN OF JUPITER ISLAND
TOWN COMMISSION MEETING
MONDAY, SEPTEMBER 9, 2024, 9:00 AM
ISLAND ROOM – TOWN HALL – 2 BRIDGE ROAD**

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMENTS*

Mayor/Commissioner Comments*

- a. Town Coffee Update
- b. Agenda Approval
- c. Other Comments

Public Comment (Non-Agenda Related)*

Public Comment is an opportunity for the Mayor and Town Commissioners to listen to any issue(s) of importance to you. Public Comment is offered at the beginning of our meetings, in the event attendees cannot stay in chamber for the agenda item or meeting duration. If you elect to address an item on today's agenda during opening Public Comment, we ask that you please refrain from re-addressing the item during Public Comment at the agenda item. Residents also may submit comments, at any time, to the Mayor and Commissioners into the public record: THMail@tji.martin.fl.us. (Please email Public Comment at least one business day prior to the meeting to ensure timely distribution to the Mayor and Commissioners.)

CONSENT ITEMS

1. Consent Agenda

Category A- To be reviewed and approved (as is or as edited) by the Town Commission

- a. Minutes of the July 17, 2024, Town Commission

Category B- Other Informational Materials (No Action Required)

- a. Minutes of the May 29, 2024, Pension Board Meeting
- b. Minutes of the May 29, 2024, Jt. Town/SMRU Defined Contribution Plan Committee Meeting

PRIORITY MATTERS & PRESENTATIONS

2. Primary Election Special Outreach Acknowledgments*

COMMISSION ACTION ITEMS

3. Request for Waiver of Zoning in Progress (ZIP)

- a. 161 North Beach
- b. 169 South Beach
4. Ordinance No 394 - Home Based Businesses - 2nd Reading
5. Ordinance No 398 - Amending Administrative Review of Building Applications - 2nd Reading
6. Ordinance No 399 - Amending Alternative Development Standards Regarding Fill - 2nd Reading
7. Ordinance No 390 - Adopting Property Rights Element - Second 2nd Reading
8. Potential Merger of Alternative Development Standards (ADS) with the Land Development Regulations (LDR)
9. Ordinance No 400 - Restoring Local Planning Agency (LPA) Authority - 1st Reading
10. Comprehensive Plan / LDR Review RFP 2024 - 09
11. Finance Matters
 - a. Approval of the 2024-2025 Property, Casualty, and Ancillary Insurance Policies
 - b. Approval of 2024-2025 Employee Insurance Benefits
 - c. Resolution No. 923 - Amending the General Fund Budget FY 2024
 - d. FY 2024-2025 Tentative Annual Budget
 - e. Resolution No 924 - Approval of Proposed Pension Board Investment Policy Statement (IPS) Revisions

ADDITIONAL COMMISSION MATTERS

12. Waterfront Setback Line Study Update*

STANDING REPORTS

13. Town Manager's Report
 - a. Florida League of Cities and Treasure Coast Regional Planning Council Updates* (Kelly Layman)
 - b. 2024 Primary Election Results, Martin County Elections* (Kelly Layman)
 - c. Town Manager Evaluation
 - d. Legal Representation Expenses
 - e. Other Items*
14. Town Attorney Report
 - a. Short-Term Rentals
 - b. Other Items*

15. Finance Department Report

- a. Monthly Financial Report
- b. Other Items*

16. Building Department Report

- a. Building Department Reports
- b. Code Enforcement Report
- c. BOA/IRC Chair Update
- d. Other Items*

17. Public Safety Department Report

- a. PSD Activity Report
- b. Other Items*

18. Public Works Report

- a. Road Improvements Recap*
- b. Other Items*

OTHER ITEMS

19. Meeting Dates

- September 9, 2024 – 1st Budget Hearing – 5:01 PM
- September 10, 2024 – Town Coffee with Commissioner Taddeo – 9AM
- September 10, 2024 - SMRU Board – 10:00AM PM
- September 10, 2024 – Beach Protection District – Directly following SMRU Board
- September 12, 2024 – 2nd Budget Hearing – 5:01PM
- October 2, 2024 – Town Coffee with Mayor Townsend – 9AM
- October 2, 2024 – Beach Protection District – 10AM
- October 3, 2024 – Town Commission Meeting – 9AM
- November 5, 2024 – Town Coffee with Commissioner Warner – 9AM
- November 5, 2024 – SMRU Board / Beach Protection District – 10AM
- November 6, 2024 – Town Commission Meeting – 9AM
- March 18, 2025 – Municipal Election (3 seats)

- a. Potential Scheduling of Additional Meeting Dates

20. Other Items*

** No advanced materials provided*

TOWN COMMISSION

Penny Townsend, Mayor

Marshall Field VI, Vice Mayor
Anne Scott, Commissioner
Patricia Warner, Commissioner
Joseph Taddeo, Commissioner

ADMINISTRATIVE STAFF

Town Manager, Robert Garlo
Town Attorney, Thomas J. Baird
Town Clerk, Kimberly Kogos

TOWN VISION

The Town of Jupiter Island is a barrier island community, between the Indian River Lagoon and the Atlantic Ocean, where the beauty of nature will always dominate the presence of man. Our vision for the future is illustrated by the traditions of the past, formed by a community of caring individuals who, with imagination and heart, have combined the island's beautiful gifts of nature with those of tradition and family. Inherent in the character of the Town are tranquility, seclusion and safety. The residents of Jupiter Island will faithfully endeavor to preserve and nurture their unique community for all future generations

STATE MANDATED STATEMENT

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Town prior to the meeting. Please contact the Town Hall, 2 Bridge Road, Hobe Sound, FL 33455, telephone (772) 545-0103.

**MINUTES
TOWN OF JUPITER ISLAND
TOWN COMMISSION MEETING
WEDNESDAY, JULY 17, 2024**

TIME: Wednesday, July 17, 2024 – 9:00 AM
PLACE: Town Hall Island Room – 2 Bridge Rd., Hobe Sound, FL
PRESENT: Present were Mayor Penny Townsend, Vice Mayor Marshall Field VI, and Commissioners Anne Scott, Patricia Warner and Joseph Taddeo. Also present were Town Manager Robert Garlo, Town Clerk Kimberly Kogos, Town Attorney Thomas Baird and IT Director Bill Sutton.

Mayor Townsend called the meeting to order at 9:02 AM.

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMENTS*

1. Mayor/Commissioner Comments

Mayor Townsend called the meeting to order and read the Town Vision Statement.

a. Town Coffee Update

Commissioner Scott provided a review of the Town Coffee meeting. She stated a resident question regarding the process for remodeling an existing home on the Island as well as concern regarding traffic on the Island, especially North Beach Road. She noted two people attended in person and approximately 12 people participated online.

b. Other Comments

Mayor Townsend noted that all commissioners were present as well as Town Attorney Tom Baird and Town Manager Robert Garlo. She reorganized the agenda by adding an agenda item to the Action Items number 9a: Caterpillar Purchase and moved Item 16a to be directly above Item 13a BOA/IRC Discussion. Commissioners agreed.

2. Public Comment (Non-Agenda Related)

There was no public comment.

CONSENT ITEMS

1. Consent Agenda

There were no comments regarding the Consent Agenda.

MOTION: *Field/Taddeo moved to approve the consent agenda as presented.*

ACTION: *Motion passed 5-0.*

Category A- To be reviewed and approved (as is or as edited) by the Town Commission

- a. Minutes of the June 12, 2024, Town Commission Meeting
- b. Fixed Asset Disposals – June

Category B- Other Informational Materials (No Action Required)

- a. Minutes of the May 30, 2024, Board of Adjustment Meeting
- b. Minutes of the June 6, 2024, Impact Review Committee Meeting

PRIORITY MATTERS

2. Proclamation Honoring Harold White

Town Manager Garlo greeted the family and friends of long-time employee, community resident, and friend, Harold White.

Mayor Townsend read the Proclamation honoring Harold White.

Mr. Albert Miller, friend of the late Harold White, provided comments and remarks in honor of Mr. White. He stated that on August 10th, the Banner Lake Club will be renamed in honor of Harold White.

Mayor Townsend presented the Proclamation to the family and expressed comments in honor of Harold.

Commissioner Scott provided comments of endearment regarding Harold White and the Banner Lake Community. Commissioner Warner also expressed kind comments regarding Harold and his brother Frank.

3. Hurricane Preparedness and Response - Martin County Emergency Management Director, Sally Waite*

Chief Michael Ewing introduced Ms. Sally Waite, Martin County Emergency Management Director. Ms. Waite greeted the Commission and provided a presentation of the county office of Emergency Management. She explained the various facets that are served and the outstanding needs to still be addressed. She reviewed the resources in place to assist residents in case of an evacuation.

Commissioner Scott stated that she had participated in the Emergency Operations Center (EOC) during a storm in 2016 and was very impressed with the operations. Ms. Waite noted that the center has been remodeled and invited the Commissioners to visit.

Ms. Waite explained that the EOC is always at a Level 3 as they are always monitoring. Once a threat is identified, they move to a Level 2 with more staff, and finally activate Level 1 which operates 24/7. Once the threat has passed, the team moves to recovery mode.

Mayor Townsend asked about the useful role of a public official during a public emergency. Ms. Waite explained that public officials should reiterate the information obtained from the EOC/safety liaison to the residents and encourage residents to follow that guidance.

Chief Ewing stated the importance of listening to the official message from the EOC to avoid confusion from inconsistent information sources.

Commissioner Taddeo asked when 911 response ceases to respond during a storm. Chief Ewing explained that Public Safety comes to any call as soon as possible, even during a storm.

4. RFP Comprehensive Plan / LDR Scope of Work

Town Manager Garlo provided the scope of work for the Comprehensive Plan and LDR review. He explained that staff solicited a Request for Proposal (RFP) last week and is expecting a proposed award to be presented to the Commission in September.

COMMISSION ACTION ITEMS

5. Ordinance No. 394 - Home Based Businesses - 1st Reading

Director Catherine Harding explained the changes, including incorporating home-based businesses into the business tax section and reducing business taxes. Additionally, the changes establish guidelines for home-based businesses and detail how they will be monitored by the code compliance officer.

It was noted that 23 people were online listening to the meeting.

Town Attorney Baird read Ordinance 394 by title:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING CHAPTER 6, ARTICLE III OF THE TOWN'S CODE OF ORDINANCES TO DELETE THE USE OF THE TERM "OCCUPATIONAL LICENSES" AND REPLACE IT WITH "BUSINESS TAX"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Public Comment:

There was no public comment.

MOTION: *Scott/Field moved to approve Ordinance 394 on first reading.*

ACTION: *Motion passed 5-0.*

6. Ordinance No. 395 - Appeal Process (de novo) - 2nd Reading

Town Attorney Baird reviewed the context of Ordinance 395.

Mayor Townsend noted grammatical changes to the ordinance and confirmed the term "fully constituted board" to mean "including all members, whether currently filled or vacant."

Town Attorney Baird read Ordinance 395 by title:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING APPENDIX A OF THE TOWN'S CODE OF ORDINANCES WHICH CONTAINS THE TOWN'S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE AMENDMENT OF ARTICLE X, DIVISION 8 REGARDING APPEALS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Public Comment:

There was no public comment.

MOTION: *Warner/Field moved to approve and adopt Ordinance No. 395 on 2nd Reading.*

ACTION: *Motion passed 5-0.*

7. Ordinance No 397 - Notice Revision - 2nd Reading

Town Attorney Baird explained the highlights of the ordinance.

Town Manager Garlo noted that Ordinance 390 reflected a notice distance of 1,320 feet and asked if Ordinance 397 should reflect 1,320 feet instead of 1,500 feet as stated in the 1st Reading of Ordinance 397. Town Attorney Baird explained that the change can be made without starting over. Commissioner Scott expressed concern regarding making the change "on the fly."

Mayor Townsend referred to changes that were made, but not consistent throughout the entire ordinance. (30 days' notice vs. 14 days vs. 21 days vs. 10 days) Vice Mayor Field expressed approval of the ordinance as written and noted that the various days serve different purposes (30-day notice for administrative review vs. 14-day and 21-day public notice).

Public Comment:

There was no public comment.

MOTION: *Field/Taddeo moved to approve Ordinance 397 with distance of 1,320 feet on 2nd Reading.*

ACTION: *Motion passed 4-1. Commissioner Scott voted in opposition.*

Town Attorney Baird read Ordinance 397 by title:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING TOWN'S LAND DEVELOPMENT REGULATIONS AT ARTICLE X, DIVISION 7, SECTIONS 7.03 AND 7.04 OF APPENDIX "A" TO INCREASE THE SCOPE OF THE NOTICE TO BE PROVIDED; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

8. Ordinance No 398 - Amending Administrative Review of Building Applications

Director Harding explained the change to reflect Americans with Disabilities Act (ADA) accommodations, clarifying that it allows for a timelier review and consideration of ADA needs. Additionally, since interior renovations do not concern the public, the recommendation is to remove the requirement for administrative review.

Commissioner Scott expressed concern about how this ordinance change could be abused. Director Harding explained the requirements to request ADA accommodations.

Town Attorney Baird read Ordinance 398 by title:

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 TO AMEND ARTICLE X, DIVISION 1, SECTION 1 TO PERMIT APPLICATIONS FOR ACCOMMODATIONS UNDER AMERICANS WITH DISABILITIES ACT TO BE REVIEWED ADMINISTRATIVELY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Public Comment:

There was no public comment.

MOTION: *Field/Taddeo moved to approve Ordinance 398 as presented on 1st Reading.*

ACTION: *Motion passed 5-0.*

9. Ordinance No 399 - Amending Alternate Development Standards Regarding Fill - 1st Reading

Director Harding explained the text amendment in question.

Commissioner Taddeo asked about the change of elevation from 8.0 NGVD to 6.5 NAVD. Director Duchock provided an explanation stating that 6.5 NAVD is the equivalent to 8.0 NGVD.

Town Attorney Baird read Ordinance 399 by title only.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING APPENDIX A, ARTICLE X, DIVISION 3, SECTION 3.02 ENTITLED "PLACEMENT OF MORE THAN THREE FEET OF FILL"; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Public Comment:

There was no public comment.

MOTION: *Field/Commissioner Taddeo moved to approve Ordinance 399 as presented on 1st Reading.*

ACTION: *Motion passed 5-0.*

a. SMRU Caterpillar Equipment Purchase

Mayor Townsend noted Item 9a was a carryover from yesterday's SMRU meeting.

Director Stuart Trent provided an explanation of the Caterpillar equipment request. He provided pricing for review and photographs of the equipment that would be purchased. He stated that the existing equipment has reached the end of useful life and noted an estimated life use of 17-20 years.

Public Comment:

There was none.

MOTION: *Field/Taddeo moved to approve the Caterpillar equipment purchase as presented.*

ACTION: *Motion passed 5-0.*

DISCUSSION AND DELIBERATION ITEMS

10. Waterfront Setback Line Study Update* (Cummins Cederberg)

Director Duchock introduced the Cummins Cederberg project manager, Jennifer Bystiga who provided a status update of the project. She explained the team is engaged in Task 2 of 4, Data Analysis and Assessment of Setback Criteria. She explained the purpose of "R-Monument locations" and noted the specific locations. She reviewed lines of demarcation, or important references and lines that influence the position of a Waterfront Setback Line.

Vice Mayor Field inquired about the relevance of the Coastal Construction Control Line (CCCL) to the study. Director Duchock explained the CCCL is a regulatory line and where the State requires additional permitting. Discussion ensued.

Ms. Bystiga continued the presentation by reviewing FEMA flood zone delineations and the development of conceptual 30-Year Erosion Projects townwide. She provided an overview of the Town's beach nourishment history and sand placement areas. Vice Mayor Field expressed a desire to see the difference between nourished and unnourished beaches to demonstrate the overall net effect. Ms. Bystiga confirmed that modeling will be conducted to demonstrate this request. Discussion ensued. Ms. Bystiga also reviewed the 2012-2022 dune restoration and historic mean high water shoreline position, based on FDEP data from 1976-2023.

Ms. Bystiga briefly summarized the developed and undeveloped parcel inventory, indicated 2/3 of all oceanfront property is along South Beach Drive, with the remainder located on North Beach Drive, Estrada Road, or "unassigned." There are a total of 261 oceanfront parcels totaling +/-710 acres. Next steps were shared including Tasks 3 and 4, with final mapping and summary report available December 2024.

The Commission appreciated the comprehensive data gathering and analysis.

Commissioner Scott asked if the study would include the effects on the waterway waterfront. Director Duchock clarified that it does not.

11. Vulnerability Assessment* (Cummins Cederberg)

Director Duchock introduced the Cummins Cederberg project manager, Jennifer Bystiga who provided a presentation of the Town's vulnerability assessment. She reviewed the project timeline and explained the current Task 1 of identifying data standards and what to include in those standards.

Discussion ensued about the new National Oceanic and Atmospheric Administration (NOAA) data standards. Commissioner Taddeo requested that all engagement with the Department of Environmental Protection (DEP) be highlighted in the report.

Ms. Bystiga reviewed and explained additional Tasks 2-11.

Public Comment:

There was none.

The Town Commission recessed at 11:00 AM.

The Town Commission reconvened at 11:10 AM.

Mayor Townsend reminded everyone of the 12:30 PM Attorney Client Session.

12. 45-Acre Conservation Land

Director Duchock provided a presentation to explain the invasive vegetation removal plan of the property. He noted the goal of 10-acres of restoration by 2025 as well as other goals to maintain passive recreation components as required, continue invasive plant management and a phased plan for future restoration areas, and to develop a long-range plan for the property in coordination the United States Fish and Wildlife Service (USFWS) property management activities on adjacent properties.

In response to Mayor Townsend's inquiry about funding, Director Duchock mentioned a conservation fund. He added that he would need to consult with Director Pazanski regarding the amount in the fund.

Public Comment:

There was no public comment.

13. BOA/IRC/LPA

Agenda Item 16a was heard at this time.

a. BOA/IRC Discussion

Mayor Townsend reviewed the process of choosing the chair of boards and committees. She asked if a survey had been or could be circulated among the IRC/BOA/LPA to determine who selects the chair of the associated board or committee. Town Manager Garlo stated that it had not been issued yet but could be.

Vice Chair Field mentioned chair term limits or rotating position. Discussion ensued.

Staff was asked to circulate a survey to the IRC/BOA/LPA members.

Public Comment:

There was no public comment.

b. LPA Discussion

Town Manager Garlo, in response to a previous request by Vice Mayor Field, reviewed the historic change in authority of the Local Planning Agency (LPA). Vice Mayor Field opined that the committee should be able to take up any topic they choose. Commissioner Scott expressed that she does not understand why the committee was limited in their responsibilities.

Staff were asked to bring back a draft ordinance to restore authority to the LPA.

MOTION: *Field/Taddeo moved to direct staff to bring back a draft ordinance to restore authority to the Local Planning Agency (LPA).*

ACTION: *Motion passed 5-0.*

14. Town Manager's Report

a. Town Manager Evaluation*

Commissioner Taddeo suggested providing objectives/goals/accomplishments to be added to the evaluation of the Town Manager.

Mayor Townsend stated that the charter provides those objectives. Commissioner Taddeo disagreed and stated that the Commission should provide a list of objectives for the Town Manager for the upcoming year. Vice Mayor Field suggested Commissioner Taddeo coming up with a list of objectives for the year, without getting too complex (ie. his tasks change with each Commission meeting).

The Commission agreed that Commissioner Taddeo would bring back a list of objectives in September.

b. FY 2024-25 Proposed Budget Update

Town Manager Garlo reviewed the proposed 2024-2025 budget. He stated that the proposed millage rate was set at 2.8086 mills for the general fund, .9593 for the Beach District, and .2273 for the electric underground debt service. The aggregate of the millage rate proposed for FY 2024-2025 was 3.9952. Additionally, the first budget public hearing would be held on September 9, 2024.

The Commission agreed to keep the proposed budget as presented.

Public Comment:

There was none.

c. Town Activities Related to 2024 Primary Elections of August 20* (Kelly Layman)

External Affairs Consultant, Kelly Layman, displayed a new website subpage called "Public Information" including Election Cycle 2024 and Past News Recaps for Residents. She reviewed each section of the page.

Ms. Layman displayed a county election flyer and explained what will be provided via forthcoming public notices. She noted that this is a county election, and the Town Clerk is not able to assist with registration, mail in voting, etc. She explained that residents will need to contact the County Supervisor of Elections (SOE) directly. Commissioner Scott expressed that the SOE is extremely helpful.

Town Manager Garlo mentioned that Ms. Layman is attempting to bring Congressman Brian Mast to the Commission at an upcoming meeting.

d. Governor DeSantis Vetoes and Governor's Office Communications

This item was heard before Item 14c.

Ms. Layman provided an update on the Governor's vetoes and office communications. She referred to gas-powered leaf blowers and noted that the Governor vetoed this bill. She also referred to vacation rentals and read the Governor's veto letter of the bill for reference. She expressed this is encouraging for home rule.

She stated that Executive Director of the South Florida Water Management District, Drew Bartlett, will be presenting in October.

a. Tornado Restoration Update

Town Manager Garlo stated that the Town incurred costs of over \$200,000 and failed to meet the disaster

declaration cost of over \$700,000. Therefore, reimbursement is not approved.

He provided comments regarding Town Staff and contractors who provided extremely remarkable restoration work. They stood up and reset over 20 fallen and damaged ficus trees in a short period of time and stopped Martin County Fire Rescue from cutting up the landmark ficus trees.

b. Other Items*

15. Town Attorney Report*

Town Attorney Baird stated that an Attorney-Client session will take place at 12:30 PM today to discuss current litigation. He referred to the prior topic of Comprehensive Plan and LDR Review and explained he added specific areas for the consultants to address coastal elements.

Mayor Townsend asked about creating an ordinance for short-term rentals. Town Attorney Baird said he will look comprehensively at the vetoed bill and provide a memorandum to the Town Manager regarding the regulation of short-term rentals.

STAFF REPORTS

16. Building Department Report

a. Alternate Development Standards Discussion

This item was heard prior to Agenda Item 13a.

Director Harding explained that the standards reflected in Article X, Division 3, Alternate Development standards can, for the most part, be incorporated into Article IV of the Land Development Regulations.

Commissioner Scott expressed concern over the responsibilities given to the various boards and committees.

Mayor Townsend stated there is consensus for Director Harding to proceed and work with Town Attorney Baird to bring back additional information in September.

b. Building Department Reports

Director Harding reviewed the building department report as presented.

Vice Mayor Field asked about the details of the violation. Director Harding explained that the violation was an interior demolition without a permit, although she did not have the exact address on hand but will provide to the Commission. It was confirmed that the violation was intentional. The violation was cured quickly by taking out the required permits.

Commissioner Scott inquired how it was possible that 68 permits were not closed and asked for an explanation. Director Harding explained how a contractor may not have called for a final inspection. The Code Compliance Officer will begin addressing the list of permits not closed.

c. Code Enforcement Report

Commissioner Scott referred to the Code Enforcement Report and asked about the abbreviations. She asked for a key to the abbreviations going forward.

The Commission recessed at 12:29 PM for a Closed-Door Attorney Client Session.

The Town Commission reconvened at 3:20 PM.

Mayor Townsend stated that the Attorney Client Session has adjourned, and the attorney has the guidance needed.

d. Other Items*

2. Public Safety

a. Activity Report - June

Chief Ewing reported on a recent arrest event.

Public Comment:

There was none.

b. Other Items*

There was none.

3. Public Works Report

a. Long Range Beautification Plan*

Director Trent provided an update on the storm event recovery. He noted that trees were cut back for re-setting and have been lowered to a height of 25-30 feet. He explained that the Beautification Committee has been working on a succession plan for the next generation of canopy trees along the Ficus Alée. The Ficus Aurea strangler fig species was chosen, one was planted and sampled, and is holding well. The Beautification Committee wishes to expend funds from their account to interplant the strangler figs along the Allee.

Commissioner Scott asked about hiring an expert to address the ongoing fungus issues. Director Trent explained which professionals the Town has engaged with thus far.

Director Trent explained that the committee will follow up at a later meeting.

b. South Beach Road Maintenance Maps

Director Trent reviewed the Town's Right of Way (ROW) throughout the town. He referenced the sidewalks, also called The Ramble, and vegetation protection.

Commissioner Scott asked if the part of the Ramble was maintained by the County. Director Trent clarified that The Ramble is completely maintained by Public Works.

Public Comment:

There was none.

c. Other Items*

There was none.

OTHER ITEMS

19. Meeting Dates

- July 16, 2024 – Town Coffee with Commissioner Scott – 9AM
- July 16, 2024 – SMRU Board/Beach Protection – 10AM
- July 17, 2024 – Town Commission Meeting – 9AM
- July 17, 2024 – Closed Door Attorney-Client Session – 12:30PM
- No August Meeting
- September 9, 2024 – Town Commission / Beach Protection – 9AM
- September 9, 2024 – SMRU Board – 12:30 PM
- September 9, 2024 – 1st Budget Hearing – 5:01 PM
- September 12, 2024 – 2nd Budget Hearing – 5:01PM
- October 2, 2024 – Town Coffee with Mayor Townsend – 9AM
- October 2, 2024 – Beach Protection District – 10AM
- October 3, 2024 – Town Commission Meeting – 9AM

a. Discussion of September Dates (Town Coffee, Beach Protection, and SMRU)

Mayor Townsend noted there is no August meeting. She referenced the September meetings and confirmed with the Commission the following dates:

- September 10 - Town Coffee with Commissioner Taddeo – 9AM
- September 10 - Beach Protection District (directly following SMRU)
- September 10 - SMRU Board – 10AM
- November 5 - Coffee w Commissioner Warner, Conference Room – 9AM
- November 5 - SMRU, Conference Room- 10AM
- November 5 Beach Conference Room
- November 6 - Town Commission – 9 AM

Town Attorney Baird asked if the commission would like an attorney client session in September. The Commission agreed.

The Town Commission adjourned at 3:48 PM.

20. Other Items*

There were none.

Respectfully submitted,

Kimberly Kogos, Town Clerk

**MINUTES
TOWN OF JUPITER ISLAND
PENSION PLAN COMMITTEE MEETING
WEDNESDAY, MAY 29, 2024**

TIME: Wednesday, May 29, 2024

PLACE: Town Hall Conference Room – 2 Bridge Road, Hobe Sound, FL

PRESENT: Town Manager Robert Garlo, Finance Director Matthew Pazanski and Assistant Town Manager/Beach Protection Director John Duchock.

Present by conference call were Chair Geddes Parsons, Member Craig Donaldson, and P.J. Gardner of AGW Capital Advisors

Chair/Committee Member Parsons called the meeting to order at 9:23 a.m.

1. **Approval of Minutes**

Chair Parsons called for a motion to approve the minutes of the February 21, 2024 meeting.

MOTION: Duchock/Garlo

2. **AGW Capital Advisors, Inc.**

Mr. Gardner opined the Town is in a unique position of having the ability to maintain a lower rate of return assumption risk portfolio while maintaining a higher probability of reaching financial goals. Mr. Gardner proceeded to briefly review the current Capital Markets Indices which reflected modest Bond yields influenced by continuing high rates of inflation, and currency depreciation of the US dollar with municipal bonds outperforming taxable bonds for the quarter.

Mr. Gardner reviewed the Town's portfolio performance and highlights of the 2023 Actuarial Report over time, the current market value of assets, and the present value of benefits for the group. The Net present value of the Liability stands at approximately \$13M, while the actuarial assumed value is being met by the present value of accrued benefits.

The committee collectively opined it is comfortable with the current and projected path of the Plan going forward.

Town Manager Garlo advised that both the Finance Committee and the Town Commission are comfortable with waiting an additional 6-7 years before revaluating.

Mr. Donaldson stressed the importance of managing the plan's glide path with less risk while taking advantage of some advancing market opportunities and protecting the plan from regression.

Chair Parsons proposed doing the first tranche after additional review by Mr. Gardner and further discuss before doing the next one, thereby derisking by one fourth of what was originally suggested; Member Donaldson agreed.

MOTION: Pazanski/Garlo moved to approve as discussed.

ACTION: 5-0 motion passed.

3. **Other Items**

The Committee agreed to meet on August 14, 2024 at 9:00 a.m.

Member Garlo advised that the Town is beginning to formulate the FY24-25 Budget and is in the process of reviewing long-standing agreements as a matter of good practice and will solicit a Request for Qualifications for a Financial Advisor. Mr. Garlo also expressed his appreciation for the additional benefits that Mr. Gardner provides to the Town, such as meeting 1-1 with the Town Employee's for their personal benefit.

Chair Parsons opined that the Committee should be advisors for the RFQ; which was unanimously agreed.

The Committee agreed to meet again on Wednesday, August 14, 2024. Mr. Gardner advised he will attend in person and will meet with any participants who request to do so.

3. **Adjournment**

The meeting was adjourned at 10:49 a.m.

Respectfully submitted,

Kimberly Kogos, Town Clerk

MINUTES
TOWN OF JUPITER ISLAND AND JOINT MEETINGS OF THE TOWN
401A DEFINED CONTRIBUTION PLAN (DC) COMMITTEE AND THE
SOUTH MARTIN REGIONAL UTILITY (SMRU) 401A DEFINED
CONTRIBUTION PLAN (DCP) COMMITTEE WEDNESDAY, MAY 29, 2024
at 10:15 AM OR DIRECTLY FOLLOWING PENSION BOARD MEETING

TIME: Wednesday, May 29, 2024 – 10:58 AM

PLACE: Town Hall Island Room – 2 Bridge Rd., Hobe Sound, FL

PRESENT: Present were Town Manager Robert Garlo, Finance Director and Committee Chair Matthew Pazanski, Assistant Town Manager/Beach Protection Director and Plan Administrator John Duchock, Public Services Director Stuart Trent, and Control System Specialist Dustin Lindholm, Nicholas St. George, Water Operator/Committee Member,

REMOTELY: P.J. Gardner of AGW Capital Advisors.

ABSENT: Director of Planning and Zoning Ruben Cruz, and Information Technology Director Bill Sutton.

The meeting was called to order by Town Manager Garlo at 10:58 am.

1. Approval of Minutes – February 21, 2024, Meeting of the Town 401a DCP and SMRU 401a DCP meeting

Director Duchock asked for comments regarding the February 21, 2024 minutes. Hearing none, he called for a motion to approve the minutes as presented.

MOTION: *Trent/Lindholm moved to approve the Minutes of the February 21, 2024, meeting as presented.*

ACTION: *Motion Approved 6-0.*

2. AGW Capital Advisors, Inc. - Performance Review and Capital Markets Update

Mr. Gardner greeted the Committee and noted that many new participants funding at 20% per pay are surprised how much their balances have grown because we are moving more people into the model portfolios. Mr. Gardner advised at the upcoming meeting in November (Q3 2024) the annual investment policy review will be done, fee analysis, underlying investment funds, as well as benchmarking. Because of the Plan's good size, the fee study is timely reflecting over \$15 MM, which is attractive to the marketplace.

Mr. Gardner continued to review the many options available to participants, a brief market review with a breakdown of performance, before opining that there is no recommendation to change the Fund menu as the Plan remains in good shape.

Mr. Gardner advised that the next meeting is set for August 15, 2024, at which time he will be in town and available for participant one-on-ones, before departing from the call.

3. Withdrawal Requests*

Director Pazanski stated that a request for withdrawal was generated from SMRU employee Mike Berman, but advised that Mr. Berman was not qualified at this time.

4. **Other Items***

Mr. Lindholm requested an update on potential implementation of the Roth (401)k Option, to which Mr. Pazanski replied was still in review.

5. **Adjournment***

The meeting was adjourned at 11:32am.

Respectfully Submitted,

Kimberly Kogos, Town Clerk

LAW OFFICES OF
MARC R. GAYLORD, P.A.

12000 S.E. OLD DIXIE HIGHWAY
HOBE SOUND, FL 33455
TEL: (772) 545-7740
FAX: (772) 545-7782

MARC R. GAYLORD, ESQ.
JARED E. GAYLORD, ESQ.

FORD T. DWYER, ESQ.
COLBY HEDDEN, ESQ.

August 28, 2024

VIA HAND DELIVERY

Mayor Penelope D. Townsend
Vice Mayor Marshall Field, VI
Commissioner Anne Scott
Commissioner Patsy Warner
Commissioner Joe Taddeo
Jupiter Island Town Commission
P.O. Box 7
Hobe Sound, FL 33455

TOWN OF JUPITER ISLAND
BUILDING DEPARTMENT
Date Received: 08.28.24

RE: 161 North Beach Road, Hobe Sound, FL 33455
161 N. Beach, LLC, a Florida limited liability company
Waterfront Setback Line Zoning-in-Progress Waiver

APPROVED
Catherine Gardony
Building Official 8/28/24

Mayor, Vice Mayor, and Commissioners:

This office represents 161 N. Beach, LLC, a Florida limited liability company and the Ivler family (the "Owner"), the owner of 161 North Beach Road, Hobe Sound, FL 33455 (the "Property"), as it pertains to the Owner's application for either a replacement or repair of the existing residence located at the Property.

The Owner purchased this .50519-acre¹ Property in June 2002. The Property is located in the E-12 Island Core Residential District, south of the Nathaniel P. Reed Hobe Sound National Wildlife Refuge. The Property currently contains a two-story main residence built on pilings that was constructed in 1995.² Recently, my client began investigating replacing or extensively repairing the existing residence. The current residence is in a state of deterioration due to the impacts of numerous storms. While the Owner has made repairs since 2002, the cumulative effect of these storms, corrosive salt spray, and impacts from the 2023 Nor'easters have undermined the safety of the residence. For the past few months, my client has worked with architects, landscape professionals, and contractors to determine the feasibility of replacing the existing residence or repairing it. Recently, my client learned of the existence of the Town's zoning-in-progress ("ZIP") to investigate the waterfront setback line ("WFSBL") from Town staff. Any renovation or replacement of the existing structure will first require a ZIP waiver from the Town Commission.

¹ 22,006 square feet.

² Records indicate the residence was submitted to the Board of Adjustment for review in 1992 and the Impact Review Committee in 1993. The prior permit was approved by the Town's Building Department on June 24, 1994.

Previously, during the Town's prior ZIP for the WFSBL, the Town permitted exceptions to the moratorium on development approvals, provided that a property owner could prove good cause existed to support such a waiver. At least six WFSBL waivers were granted by the Town Commission.³ Recently, the Town Commission granted ZIP waivers for 89 South Beach Road, 185 South Beach Road, and 15 South Beach Road.⁴

Good cause exists to support granting a ZIP waiver for 161 North Beach Road. First, the residence is in poor condition and is in desperate need of renovation or replacement. Delaying the permitting and approval process until the ZIP ends in March 2025 will only delay the eventual repair or replacement of the residence. Such a delay will increase the likelihood that the residence is destroyed due to inclement weather or other catastrophe.

Secondly, while the WFSBL line for this Property moved between Ordinance 293 and Ordinance 376, such movement is moot. The existing residence has been non-conforming since its original approval by the Board of Adjustment in 1992. The change of the WFSBL a maximum of 21.46' further west,⁵ does not change the fact that the residence is non-conforming. Further changes to the WFSBL, if moved further west, will also not change this fact.

Finally, the Property is protected by a rip rap and built on pilings. The Town Commission has indicated that in addition to zoning impacts, the Commission will investigate how the WFSBL should be utilized to minimize the impacts of erosion and storm damage. Areas of the Island which utilize shore armoring, like 161 North Beach and the associated rip rap, are better protected from adverse storm surge than those areas not protected by rip rap. Furthermore, the raised structure built on pilings will allow catastrophic storm surge to pass underneath the residence, rather than impacting the structure. The existing rip rap and the elevated design of the proposed residence will be helpful to protect the Property in the event of a catastrophic storm event.

Without the requested ZIP waiver for my client's Property, my clients will not be able to begin development approval until at the earliest, March 1, 2025.⁶ Delaying the development approval until March 1, 2025 at the earliest will delay Impact Review Committee approval, Florida Department of Environmental Protection Coastal Construction Control Line permitting, and building permitting – all costing my clients valuable time and resources. Failure to issue a ZIP waiver would unnecessarily prolong this minor renovation project, prevent my client's full enjoyment of the Property, and be inconsistent with prior waivers granted by the Town Commission.

³ These include 75 North Beach, 51 North Beach, 35 North Beach, 272 South Beach, 483 South Beach, and 607 South Beach.

⁴ Other applications, such as those filed prior to the adoption of Resolutions 901 and 902, were not required to secure ZIP waivers.

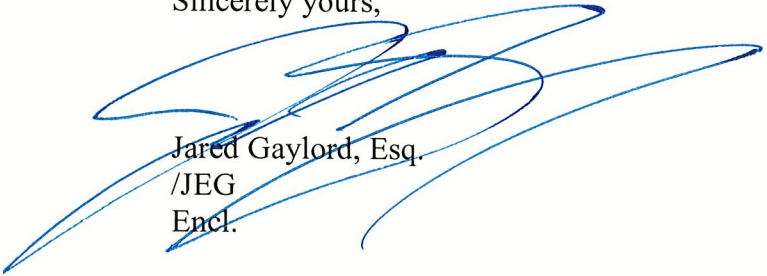
⁵ See enclosed survey and letter from P. Michael Zarrella of R.L. Vaught & Associates, Inc. certifying the WFSBL for this Property.

⁶ The deadline to finalize the WFSBL study, per Resolution 901 and 902.

Page 3 of 3
161 North Beach Road
WFSBL ZIP Waiver

If you have any questions or concerns regarding this matter, please do not hesitate to contact the undersigned.

Sincerely yours,



Jared Gaylord, Esq.
/JEG
Encl.

Basic Info

PIN 35-38-42-004-000-02990-2	AIN 57416	Situs Address 161 NORTH BEACH RD JUPITER ISLAND FL	Website Updated 8/27/24
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General Information

[CHANGE MAILING ADDRESS](#)

[SIGN UP FOR PROPERTY FRAUD ALERT](#)

Property Owners 161 N BEACH LLC	Parcel ID 35-38-42-004-000-02990-2	Use Code/Property Class 0100 - 0100 Single Family
Mailing Address C/O DAVID IVLER 3503 MAIN LODGE DR MIAMI FL 33133	Account Number 57416	Neighborhood 135705 Jupiter Island - North Beach
Tax District JUPITER ISLAND	Property Address 161 NORTH BEACH RD JUPITER ISLAND FL	Legal Acres 0.34
	Legal Description BON AIR BEACH LOTS 299 & 300 OR 351/469	Ag Use Size (Acre\Sq Ft) N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2024	\$ 1,890,000	\$ 266,280	\$ 2,156,280	\$ 380,924	\$ 1,775,356	\$ 0	\$ 1,775,356

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date 6/12/02	Grantor (Seller) FACKLER, ERNEST C	Doc Num JKL
Sale Price \$ 1,050,000	Deed Type Special Warranty Deed	Book & Page <u>1655 0481</u>

Legal Description

BON AIR BEACH LOTS 299 & 300 OR 351/469

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.

INSTR # 1579907
OR BK 01655 PG 0481
RECORDED 06/19/2002 11:23:59 AM
MARSHA EWING
CLERK OF MARTIN COUNTY FLORIDA
DEED DOC TAX 7,350.00
RECORDED BY T Copus (asst mgr)

This Document Prepared By and Return to:
Walter G. Woods, Esq.
Oughterson, Sundheim & Woods, P.A.
310 SW Ocean Blvd.
Stuart, Florida 34994

Parcel ID Number: 35-38-42-004-000-0299.0-2

Grantee #1 TIN:

Grantee #2 TIN:

Warranty Deed

This Indenture, Made this 12th day of June, 2002 A.D., Between Ernest C. Fackler, a single man

of the County of Wayne, State of Florida, grantor, and 161 N. Beach, D.L.C., a Florida limited liability company

whose address is: 3976 Wood Avenue, Coconut Grove, FL 33133

of the County of Miami-Dade, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Martin State of Florida to wit:
Lots 299 and 300, Bon Air Beach (Plat 3), according to the map or plat thereof as recorded in Plat Book 10, Page 34, of the Public Records of Palm Beach (now Martin) County, Florida.

Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 2002.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Lynne H. Killian
Printed Name: LYNNE H. KILLION
Witness

Ernest C. Fackler (Seal)
Ernest C. Fackler
P.O. Address: 8949 SE Bridge Road, PMB 283
Hobe Sound, Florida 33455-5312

Rebecca J. Howard
Printed Name: Rebecca J. Howard
Witness

STATE OF Michigan Gemma DeCamillo
COUNTY OF WAYNE Gemma DeCamillo
WITNESS

The foregoing instrument was acknowledged before me this 12 day of June, 2002 by Ernest C. Fackler, a single man

he is personally known to me or he has produced his Personally Known as identification.



Lynne H. Killion
Printed Name: LYNNE H. KILLION
Notary Public
My Commission Expires:

LYNNE H. KILLION
NOTARY PUBLIC - MICHIGAN
WAYNE COUNTY
MY COMMISSION EXPIRES JAN. 27, 2006

R. L. VAUGHT & ASSOCIATES, INC.

9075 S.E. BRIDGE ROAD, HOBE SOUND, FL 33455 (772)546-8086 FAX: (772)546-8087

August 28, 2024

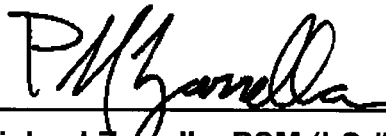
Ruben Cruz, Director of Planning and Zoning
c/o Town of Jupiter Island Building Department
2 Bridge Road; Hobe Sound, Florida 33455

RE: Ordinance # 293 – 161 N. Beach Road

Mr. Cruz,

The physical location of the previous waterfront setback line as recorded in Ordinance No. 293, Exhibit "C", as adopted October 6, 2004, Town of Jupiter Island, Land Development Regulations, is a maximum of 21.46 feet east of the current waterfront setback line as recorded in Ordinance No. 376, Exhibit "C", adopted May 7, 2019, and as shown on our survey of the above referenced property.

Best Regards,

A handwritten signature in black ink, appearing to read "P. Michael Zarrella", is written over a horizontal line.

P. Michael Zarrella, PSM (LS #6736)

R.L. Vaught & Associates, Inc. (LB #5879)

LAW OFFICES OF
MARC R. GAYLORD, P.A.

12000 S.E. OLD DIXIE HIGHWAY
HOBE SOUND, FL 33455
TEL: (772) 545-7740
FAX: (772) 545-7782

MARC R. GAYLORD, ESQ
JARED E. GAYLORD, ESQ.
FORD T. DWYER, ESQ.

August 9, 2024

VIA HAND DELIVERY

Mayor Penelope D. Townsend
Vice Mayor Marshall Field, VI
Commissioner Anne Scott
Commissioner Patsy Warner
Commissioner Joe Taddeo
Jupiter Island Town Commission
P.O. Box 7
Hobe Sound, FL 33455

RE: 169 South Beach Road, Hobe Sound, FL 33455
S. Tucker S. Johnson and Charlotte Elizabeth Johnson
Waterfront Setback Line Zoning-in-Progress Waiver

Mayor, Vice Mayor, and Commissioners:

This office represents S. Tucker S. Johnson and Charlotte Elizabeth Johnson, the owner of 169 South Beach Road, Hobe Sound, FL 33455, as it pertains to their application for a garage addition to their existing residence located at the property.

The Johnson family purchased this 1.90425-acre¹ property in January 2004. The property is located in the B-40 1-Acre Residential District and currently contains a main residence comprised of one and two story portions completed in 1960. Recently, my clients began investigating adding a small, 36' by 27.03' attached garage on the northeast side of the property. Since spring, my clients have worked with architects, landscape professionals, and contractors to finalize the planned addition.

On or about July 16, 2024, my clients submitted a Development Review Committee ("DRC") application for review and comments from Town staff. On July 17, 2024, the Town informed me that the DRC garage addition application would not be processed due to the Town's zoning-in-progress ("ZIP") to investigate the waterfront setback line ("WFSBL").

Previously, during the Town's prior ZIP for the WFSBL the Town permitted exceptions to the moratorium on development approvals, provided that a property owner could prove that the

¹ 82,949 square feet.

WFSBL did not change for the parcel between Ordinance 293² and Ordinance 376.³ At least six WFSBL waivers were granted by the Town Commission.⁴ Recently, the Town Commission granted ZIP waivers for 89 South Beach Road, 185 South Beach Road, and 15 South Beach Road.⁵

The Johnson family's request is very similar to those waiver requests, although significantly smaller in size and scope. First, this application is in the same, "Island Core" portion of the B-40 Zoning District. Moving the WFSBL in this community would likely render many residences nonconforming. It is worth noting that the proposed addition is west of the existing WFSBL – approximately 5.6' west. This addition is no further east than the existing residence. Moving the waterfront setback line west for this property and in this neighborhood would likely render the existing residence non-conforming.

Secondly, the WFSBL line for this property did not move between Ordinance 293 and Ordinance 376. This was confirmed by the project team's surveyor, R.L. Vaught & Associates, Inc. Per the enclosed surveys, between 2004 and 2019 the WFSBL is exactly the same for 169 South Beach Road and did not change. Additionally, P. Michael Zarrella of R.L. Vaught & Associates, Inc. has certified in a letter dated July 25, 2024 that the WFSBL has remained the same for the property.

Finally, the property is protected by a seawall. The Town Commission has indicated that in addition to zoning impacts, the Commission will investigate how the WFSBL should be utilized to minimize the impacts of erosion and storm damage. Areas of the Island which utilize shore armoring, like the Island Core portion of the B-40 District, are better protected from adverse storm surge than those areas not protected by seawalls. The proposed addition will be more than thirty feet (30') from the existing seawall. It is unlikely that a storm surge would be able to overtake the seawall and travel greater than 30' to the proposed garage. The proposed seawall and the distance between the residence and the seawall will be helpful to protect the property in the event of a catastrophic storm event.

Without the requested ZIP waiver for my clients' property, my clients will not be able to begin development approval until at the earliest, March 1, 2025.⁶ Delaying the development approval until March 1, 2025 at the earliest will delay Impact Review Committee approval, Florida Department of Environmental Protection Coastal Construction Control Line permitting, and building permitting – all costing my clients valuable time and resources. Failure to issue a ZIP waiver would unnecessarily prolong this minor renovation project, prevent my clients' full enjoyment of their property, and be inconsistent with prior waivers granted by the Town Commission.

² I.e., the original waterfront setback line established in October 2004.

³ I.e., the revised waterfront setback line established in May 2019.

⁴ These include 75 North Beach, 51 North Beach, 35 North Beach, 272 South Beach, 483 South Beach, and 607 South Beach.

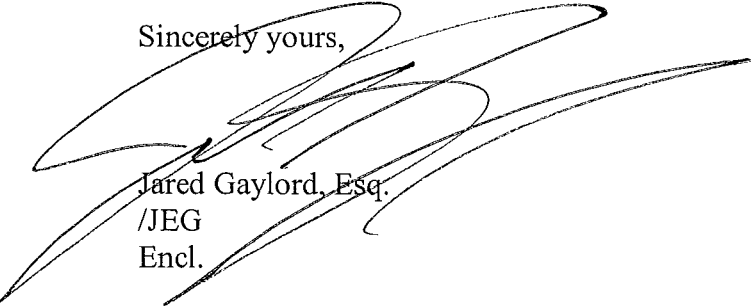
⁵ Other applications, such as those filed prior to the adoption of Resolutions 901 and 902, were not required to secure ZIP waivers.

⁶ The deadline to finalize the WFSBL study, per Resolution 901 and 902.

Page 3 of 3
169 South Beach Road
WFSBL ZIP Waiver

If you have any questions or concerns regarding this matter, please do not hesitate to contact the undersigned.

Sincerely yours,



Jared Gaylord, Esq.
/JEG
Encl.



Basic Info

PIN	AIN	Situs Address	Website Updated
35-38-42-009-126-01231-1	57804	169 SOUTH BEACH RD JUPITER ISLAND FL	7/16/24

General Information

CHANGE MAILING ADDRESS

SIGN UP FOR PROPERTY FRAUD ALERT

Property Owners JOHNSON S TUCKER S JOHNSON CHARLOTTE ELIZABETH	Parcel ID 35-38-42-009-126-01231-1	Use Code/Property Class 0100 - 0100 Single Family
Mailing Address 169 SOUTH BEACH RD HOBE SOUND FL 33455	Account Number 57804	Neighborhood 135710 Jupiter Island - Ocean
Tax District JUPITER ISLAND	Property Address 169 SOUTH BEACH RD JUPITER ISLAND FL	Legal Acres 2.17
	Legal Description ISLAND BEACH REVISED PLAT 2 S 75' OF LOT...	Ag Use Size (Acre\Sq Ft) N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2024	\$ 15,840,000	\$ 4,469,710	\$ 20,309,710	\$ 9,977,281	\$ 10,332,429	\$ 50,000	\$ 10,282,429

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date 2/11/04	Grantor (Seller) DILLON, SUSAN S (TR)	Doc Num 1724206
Sale Price \$ 11,000,000	Deed Type TR	Book & Page <u>1860 2285</u>

Legal Description

ISLAND BEACH REVISED PLAT 2 S 75' OF LOT 123 BLK 126 & LOTS 124 & 125, BLK 127

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.

This Instrument Prepared By:
Frederick G. Sundheim, Jr.
OUGHTERSON, SUNDHEIM, & WOODS, P.A.
310 SW Ocean Blvd.
Stuart, FL 34994

INSTR # 1724206
OR BK 01860 PG 2285
RECORDED 01/26/2004 11:03:02 AM
MARSHA EWING
CLERK OF MARTIN COUNTY FLORIDA
DEED DOC TAX 77,000.00
RECORDED BY S Phoenix

D-441A/fgs

TRUSTEE'S DEED

Susan S. Dillon, Crosby R. Smith, Mark M. Collins, Jr. and J.P. Morgan Chase Bank, as Co-Trustees of the Marital Trust under Article FIFTH of the Will of C. Douglas Dillon dated April 16, 2002 (Grantor), in consideration of the sum of Ten (\$10.00) and no/100's received from S. Tucker S. Johnson and Charlotte Elizabeth Johnson, H & W, of 169 South Beach Rd., on this 12 day of December, 2003, conveys to the Grantee the real property located in Martin County, Florida, described as:

See Exhibit "A"

Property Appraiser's ID number is 353420091260123110000
3538420091190066080000

To have and to hold the same to the said S. Tucker S. Johnson (Grantee), her heirs and assigns, in as full and ample manner as the same was possessed or enjoyed by the said Susan S. Dillon, Crosby R. Smith, Mark M. Collins, Jr. and J. P. Morgan Chase Bank, as Co-Trustees of the Marital Trust under Article FIFTH of the Will of C. Douglas Dillon dated April 16, 2002 (Grantor) during its possession.

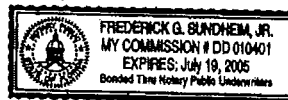
Witnesses:

Susan S. Dillon, Crosby R. Smith, Mark M. Collins, Jr. and J.P. Morgan Chase Bank, as Co-Trustees of the Marital Trust under Article FIFTH of the Will of C. Douglas Dillon dated April 16, 2002

[Signature]
Printed Name: FRED SUNDHEIM, JR.

[Signature]
Susan S. Dillon, as Co-Trustee

[Signature]
Printed Name: ANNA WISDOM



STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 15 day of DECEMBER, 2003, by Susan S. Dillon, as Co-Trustee of the Marital Trust under Article FIFTH of the Will of C. Douglas Dillon dated April 16, 2002.

[Signature]
Printed Name: _____
Notary Public

[Signature]
Printed Name: MARILYN CARRETT

[Signature]
Crosby R. Smith, as Co-Trustee

[Signature]
Printed Name: BARBARA M. TROMANO

STATE OF New York
COUNTY OF New York

The foregoing instrument was acknowledged before me this 12th day of December, 2003, by Crosby R. Smith, as Co-Trustee of the Marital Trust under Article FIFTH of the Will of C. Douglas Dillon dated April 16, 2002.

SCOTT P. CALLAHAN
Notary Public, State of New York
No. 4963833
Qualified in Putnam County
Commission Expires March 18, 2004

[Signature]
Printed Name: SCOTT P. CALLAHAN
Notary Public
SCOTT P. CALLAHAN
Notary Public, State of New York
No. 4963833
Qualified in Putnam County

Printed Name: _____

Mark M. Collins, Jr., as Co-Trustee

Printed Name: _____

(SEE ATTACHED)

STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me this ____ day of _____, 2003, by Mark M. Collins, Jr., as Co-Trustee of the Marital Trust under Article FIFTH of the Will of C. Douglas Dillon dated April 16, 2002

Printed Name: _____
Notary Public

J.P. MORGAN CHASE BANK

Marilyn Carrejo
Printed Name: MARILYN CARREJO

Ramona T. Leleu
Printed Name: RAMONA T. LELEU, as NAMING of J.P.
J.P. Morgan Chase Bank, as Co-Trustee

Barbara M. Trombino
Printed Name: BARBARA M. TROMBINO

STATE OF New York
COUNTY OF New York

The foregoing instrument was acknowledged before me this 12th day of December, 2003, by J.P. Morgan Chase Bank, as Co-Trustee of the Marital Trust under Article FIFTH of the Will of C. Douglas Dillon dated April 16, 2002

Scott P. Callahan
Printed Name: SCOTT P. CALLAHAN
Notary Public

SCOTT P. CALLAHAN
Notary Public, State of New York
No. 4903833
Qualified in Putnam County
Commission Expires March 19, 2004

OR BK 01860 PG 2287

Printed Name: Mark M. Collins, Jr., as Co-TrusteePrinted Name: Paul ChewSTATE OF Maryland
COUNTY OF BaltimoreThe foregoing instrument was acknowledged before me this 12th day of December, 2003, by Mark M. Collins, Jr., as Co-Trustee of the Marital Trust under Article FIFTH of the Will of C. Douglas Dillon dated April 16, 2002Printed Name: Karen L. Shirey
Notary Public

Printed Name: _____

_____, as _____ of J.P.
J.P. Morgan Chase Bank, as Co-Trustee

Printed Name: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2003, by J.P. Morgan Chase Bank, as Co-Trustee of the Marital Trust under Article FIFTH of the Will of C. Douglas Dillon dated April 16, 2002

Printed Name: _____
Notary Public

EXHIBIT "A"

Parcel 1

LEGAL DESCRIPTION

"HARLEQUIN"

The South 75 feet of Lot 123, Block 126, Lot 124 and Lot 125, Block 127, THE ISLAND BEACH REVISED PLAT NO. 2, according to the Plat thereof filed September 21, 1845, recorded in Plat Book 2, Page 44 of the Public Records of Martin County, Florida; which property was formally shown on The Island Beach Revised Plat No. 1, according to the Plat thereof filed September 24, 1933, recorded in Plat 2, Pages 10 and 10 ½, Martin County, Florida.

A/K/A 169 South Beach Road, Hobe Sound, Florida 33455

Together with the following described ingress-egress easement:

Begin at the Southwesterly corner of said Lot 122; thence run N21°17'24"W, along the Westerly line of said Lot 122, for a distance of 30.42 feet; thence run N68°33'06"E, for a distance of 56.36 feet, to a point of curvature, of a circular curve to the right; thence run Northeasterly, Easterly and Southeasterly along the arc of said curve, having a radius of 70.00 feet and a central angle of 59°45'54", for an arc distance of 73.02 feet, to a point of reverse curvature; thence run Southeasterly, Easterly and Northeasterly along the arc of said circular curve, having a radius of 5.00 feet and a central angle of 59°58'10", for an arc distance of 5.23 feet, to the point of tangency, thence run N68°20'50"E, for a distance of 18.01 feet, to a point of curvature of a circular curve to the right; thence run Northeasterly, Easterly and Southeasterly along the arc of said curve, having a radius of 37.94 feet and a central angle of 28°02'53", for an arc distance of 18.57 feet; thence run S23°46'39"E, for a distance of 7.47 feet; thence run S66°12'21"W, along a line 25.00 feet Southerly of and parallel with the Northerly line of said Lot 123, for a distance of 157.62 feet; thence run N21°17'24"W, along the Westerly line of said Lot 123, for a distance of 25.02 feet, to the point of beginning.

Parcel 2

LEGAL DESCRIPTION

Lots 66 & 71, Block 119 and the North 25' of Lots 72 & 77, Block 120, of the Island Beach Revised Plat 2, Page 44 of the Public Records of Martin County, Florida.

A/K/A 174 South Beach Road, Hobe Sound, Florida 33455

R. L. VAUGHT & ASSOCIATES, INC.

9075 S.E. BRIDGE ROAD, HOBE SOUND, FL 33455 (772) 546-8086 FAX: (772) 546-8087

July 25, 2024

Ruben Cruz, Director of Planning and Zoning
c/o Town of Jupiter Island Building Department
2 Bridge Road; Hobe Sound, Florida 33455

RE: Ordinance # 293 – 169 S. Beach Road

Mr. Cruz,

The physical location of the previous waterfront setback line as recorded in Ordinance No. 293, Exhibit "C", as adopted October 6, 2004, Town of Jupiter Island, Land Development Regulations, is identical to the physical location of the current waterfront setback line as recorded in Ordinance No. 376, Exhibit "C", adopted May 7, 2019, and as shown on our survey of the above referenced property.

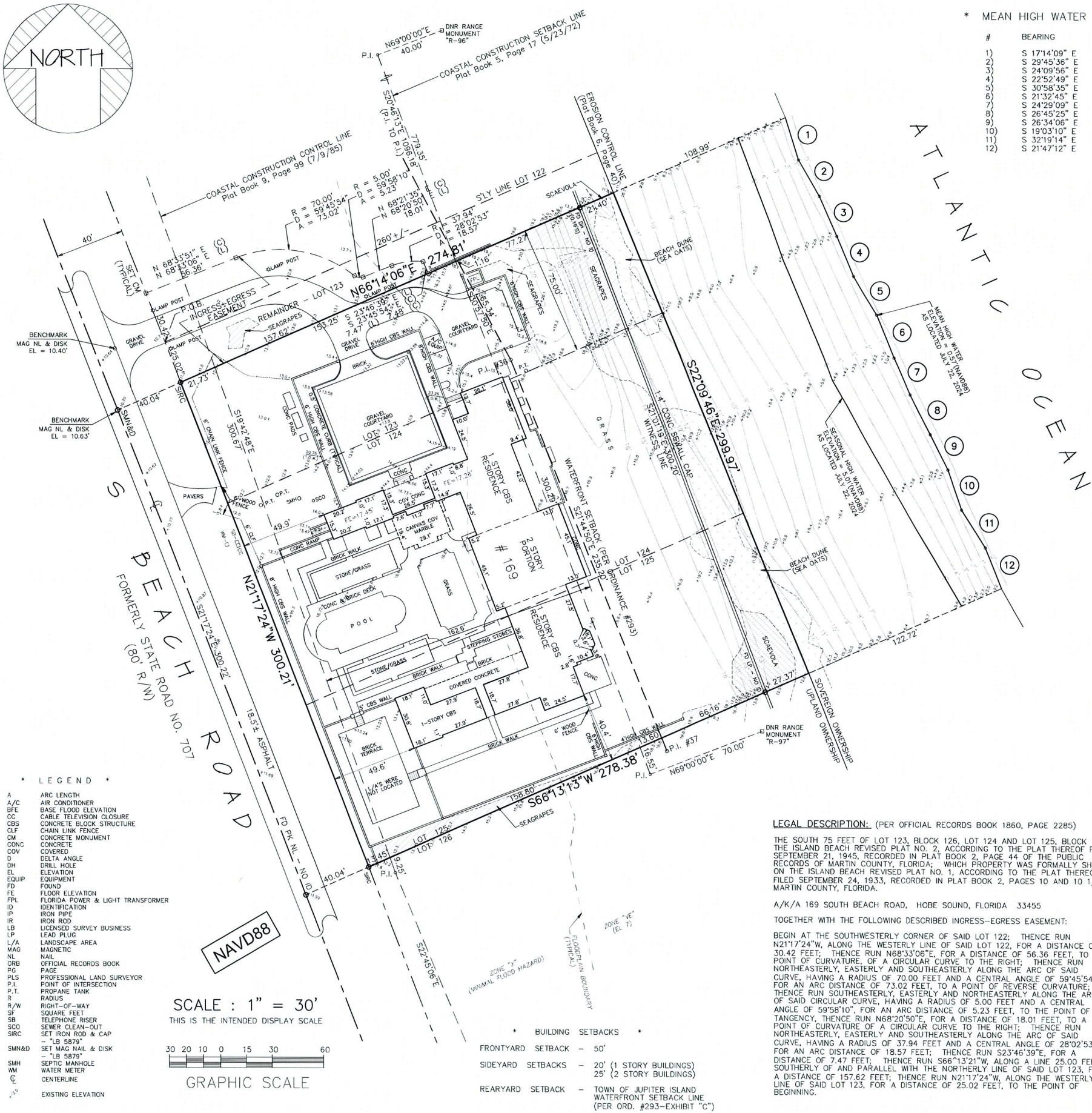
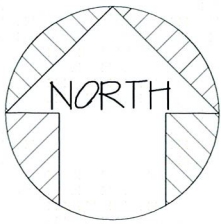
Best Regards,

A handwritten signature in black ink, appearing to read "P. Michael Zarrella", written over a horizontal line.

P. Michael Zarrella, PSM (LS #6736)

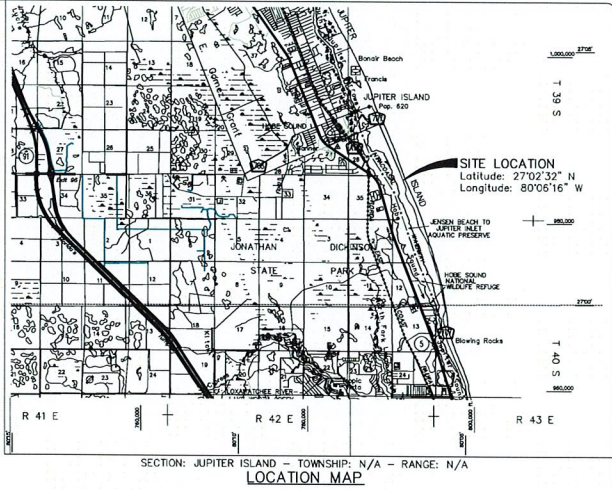
R.L. Vaught & Associates, Inc. (LB #5879)

GOD BLESS AMERICA



* MEAN HIGH WATER LINE DATA *

#	BEARING	DISTANCE
1)	S 17°14'09" E	25.61'
2)	S 29°45'36" E	24.35'
3)	S 24°09'56" E	25.47'
4)	S 22°52'49" E	25.15'
5)	S 30°58'35" E	25.92'
6)	S 21°32'45" E	26.72'
7)	S 24°29'09" E	23.33'
8)	S 26°45'25" E	25.78'
9)	S 26°34'06" E	22.81'
10)	S 19°03'10" E	24.49'
11)	S 32°19'14" E	25.80'
12)	S 21°47'12" E	25.37'



MEAN HIGH WATER LINE NOTE:

MEAN HIGH WATER ELEVATION = 0.57' (NAVD88)

ELEVATIONS ARE NAVD (1988) PER DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF SURVEYING AND MAPPING, TIDAL WATER SURVEY PROCEDURAL APPROVAL. THE TIDAL WATER SURVEY DEPICTED HEREIN COMPLETES WITH CHAPTER 177, PART II, FLORIDA STATUTES AND IS RECORDED IN THE PUBLIC REPOSITORY OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF SURVEYING AND MAPPING AS MEAN HIGH WATER SURVEY FILE

THE LINES SHOWN HEREIN AND NOTED AS MEAN HIGH WATER LINE, DOES NOT NECESSARILY REFLECT ALL OF THE SINUSOIDITIES OF SAID LINE, AND ONLY THOSE POINTS MARKED BY CIRCLES, ARE IN FACT ON SAID LINE. THE TANGENTS WHICH CONNECT THESE POINTS BY BEARING AND DISTANCE, ARE SHOWN TO PROVIDE A CLOSED GEOMETRIC FIGURE. THE HORIZONTAL LOCATION OF SAID POINTS ON THE MEAN HIGH WATER LINE WERE ESTABLISHED UTILIZING REAL-TIME KINEMATIC GLOBAL POSITIONING SYSTEM (RTK GPS).

MONUMENTATION WAS NOT SET AS A SAFETY PRECAUTION. TIES TO TWO UPLAND MONUMENTS WERE ESTABLISHED.

SURVEYOR'S NOTES:

1. NOT VALID WITHOUT ALL SHEETS AND THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. BEARINGS SHOWN HEREON ARE GRID BASED ON THE PLAT OF COASTAL CONSTRUCTION CONTROL LINE, RECORDED JULY 9, 1985 IN PLAT BOOK 9, AT PAGE 99, LYING BETWEEN DNR RANGE MONUMENTS "R-96" AND "R-97"; SHOWN HEREON PER PLAT FOR GENERAL LOCATION PURPOSES ONLY.
3. THIS SURVEY IS BASED ON A CLOSED GEOMETRIC FIGURE EXCEEDING A HORIZONTAL CLOSURE OF 1:10000 U.S. SURVEY FEET, WELL-IDENTIFIED FEATURES SHOWN HEREON HAVE BEEN MEASURED TO AN ESTIMATED HORIZONTAL POSITIONAL ACCURACY OF 0.1 FEET.
4. ELEVATIONS SHOWN HEREON REFER TO NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88) AND ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF. BENCHMARK USED: "M 308" (NGS), ELEVATION = 13.16' (NAVD88)
5. THE EXPECTED ACCURACY OF SPOT ELEVATIONS SHOWN HEREON IS 0.03 FEET FOR THE HARD SURFACE ELEVATIONS AND 0.1 FEET FOR NATURAL GRADE ELEVATIONS.
6. BEARINGS, ANGLES, AND DIMENSIONS SHOWN HEREON ARE FIELD MEASURED QUANTITIES UNLESS NOTED OTHERWISE AS: (L) = LEGAL MEASUREMENT; (C) = CALCULATED MEASUREMENT; (M) = FIELD MEASUREMENT.
7. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF TITLE AND IS SUBJECT TO EASEMENTS, RIGHT-OF-WAYS AND OTHER ENCUMBRANCES WHICH MAY BE REVEALED IN A SEARCH OF TITLE TO THE SUBJECT LAND.
8. THE SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSONS OR ENTITY NAMED IN CERTIFICATION HEREON. SAID CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PERSON, WITHOUT THE EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.
9. THERE HAS BEEN NO ATTEMPT TO LOCATE ANY SUBSURFACE IMPROVEMENTS, FOOTERS, FOOTINGS AND/OR UTILITIES ON THIS PROPERTY OR ADJACENT RIGHTS-OF-WAY.
10. SUBJECT PROPERTY LIES IN FLOOD ZONES "X" (MINIMAL FLOOD HAZARD), AND "VE" (EL 7). FLOODPLAIN BOUNDARIES SHOWN HEREON WERE SCALED FROM DIGITAL FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD ZONE MAP #12085C0336H, DATED FEBRUARY 19, 2020. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.
11. LOT AREA = 82,949 SQUARE FEET (1.90425 ACRES) MORE OR LESS.

LEGAL DESCRIPTION: (PER OFFICIAL RECORDS BOOK 1860, PAGE 2285)

THE SOUTH 75 FEET OF LOT 123, BLOCK 126, LOT 124 AND LOT 125, BLOCK 127, THE ISLAND BEACH REVISED PLAT NO. 2, ACCORDING TO THE PLAT THEREOF FILED SEPTEMBER 21, 1945, RECORDED IN PLAT BOOK 2, PAGE 44 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; WHICH PROPERTY WAS FORMALLY SHOWN ON THE ISLAND BEACH REVISED PLAT NO. 1, ACCORDING TO THE PLAT THEREOF FILED SEPTEMBER 24, 1933, RECORDED IN PLAT BOOK 2, PAGES 10 AND 10 1/2, MARTIN COUNTY, FLORIDA.

A/K/A 169 SOUTH BEACH ROAD, HOBE SOUND, FLORIDA 33455

TOGETHER WITH THE FOLLOWING DESCRIBED INGRESS-EGRESS EASEMENT:

BEGIN AT THE SOUTHWESTERLY CORNER OF SAID LOT 122; THENCE RUN N21°17'24"W, ALONG THE WESTERLY LINE OF SAID LOT 122, FOR A DISTANCE OF 30.42 FEET; THENCE RUN N68°33'06"E, FOR A DISTANCE OF 56.36 FEET, TO A POINT OF CURVATURE, OF A CIRCULAR CURVE TO THE RIGHT; THENCE RUN NORTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 70.00 FEET AND A CENTRAL ANGLE OF 59°45'54", FOR AN ARC DISTANCE OF 73.02 FEET, TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE, HAVING A RADIUS OF 5.00 FEET AND A CENTRAL ANGLE OF 59°58'10", FOR AN ARC DISTANCE OF 5.23 FEET, TO THE POINT OF TANGENCY, THENCE RUN N68°20'50"E, FOR A DISTANCE OF 18.01 FEET, TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE RUN NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 37.94 FEET AND A CENTRAL ANGLE OF 28°02'53", FOR AN ARC DISTANCE OF 18.57 FEET; THENCE RUN S23°45'39"E, FOR A DISTANCE OF 7.47 FEET; THENCE RUN S66°13'13"W, ALONG A LINE 25.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 123, FOR A DISTANCE OF 157.62 FEET; THENCE RUN N21°17'24"W, ALONG THE WESTERLY LINE OF SAID LOT 123, FOR A DISTANCE OF 25.02 FEET, TO THE POINT OF BEGINNING.

* BUILDING SETBACKS *

FRONTYARD SETBACK	- 50'
SIDEYARD SETBACKS	- 20' (1 STORY BUILDINGS) 25' (2 STORY BUILDINGS)
REARYARD SETBACK	- TOWN OF JUPITER ISLAND WATERFRONT SETBACK LINE (PER ORD. #293-EXHIBIT "C")

SCALE : 1" = 30'

THIS IS THE INTENDED DISPLAY SCALE



GRAPHIC SCALE

- * LEGEND *
- A ARC LENGTH
 - A/C AIR CONDITIONER
 - BFE BASE FLOOD ELEVATION
 - CC CABLE TELEVISION CLOSURE
 - CBS CONCRETE BLOCK STRUCTURE
 - CLF CHAIN LINK FENCE
 - CM CONCRETE MONUMENT
 - CONC CONCRETE
 - COV COVERED
 - D DELTA ANGLE
 - DH DRILL HOLE
 - EL ELEVATION
 - EQUIP EQUIPMENT
 - FD FOUND
 - FE FLOOR ELEVATION
 - FPL FLORIDA POWER & LIGHT TRANSFORMER
 - ID IDENTIFICATION
 - IP IRON PIPE
 - IR IRON ROD
 - LB LICENSED SURVEY BUSINESS
 - LP LEAD PLUG
 - L/A LANDSCAPE AREA
 - MAG MAGNETIC
 - NAIL NAIL
 - ORB OFFICIAL RECORDS BOOK
 - PG PAGE
 - PLS PROFESSIONAL LAND SURVEYOR
 - P.I. POINT OF INTERSECTION
 - P.T. PROPANE TANK
 - R RADIUS
 - R/W RIGHT-OF-WAY
 - SB SQUARE FEET
 - TELEPHONE RISER
 - SEWER CLEAN-OUT
 - SIRC SET IRON ROD & CAP
 - ~LB 5879~ SET MAG NAIL & DISK
 - ~LB 5879~ SEPTIC MANHOLE
 - WM WATER METER
 - WM CENTERLINE
 - EXISTING ELEVATION

REVISIONS

BY	
RLV, SR	6/5/03 * ROOF & SOFFIT ELEVATIONS & MEAN GRADE ORDER NO 807614
RLV	9/15/03 * ADD INGRESS-EGRESS EASEMENT ORDER NO 807767
RLV	12/11/03 * TREE SURVEY ORDER NO 807750
RLV	7/22/05 * FORMBOARD ORDER NO 808493
PMZ	06/15/16 * PARTIAL TOPD * FB: 207/23 ORDER NO 812773
RLV II	06/28/24 * ADD PROPOSED SITE PLAN ORDER NO 819807
PMZ	07/23/24 * CCCL SURVEY * FB: 207/23 ORDER NO 819906

BOUNDARY & TOPOGRAPHIC SURVEY

169 SOUTH BEACH ROAD
HOBE SOUND, FLORIDA 33455
TOWN OF JUPITER ISLAND

RL VAUGHT & ASSOCIATES, INC.

SURVEYORS, MAPPERS & PLANNERS
LICENSED SURVEY BUSINESS NUMBER 5879
9075 SE BRIDGE ROAD; HOBE SOUND 33455
MAIL: P.O. BOX 160 HOBE SOUND, FL 33475
PHONE: 772-546-8086 FAX: 772-546-8087
EMAIL: vaught@bellsouth.net

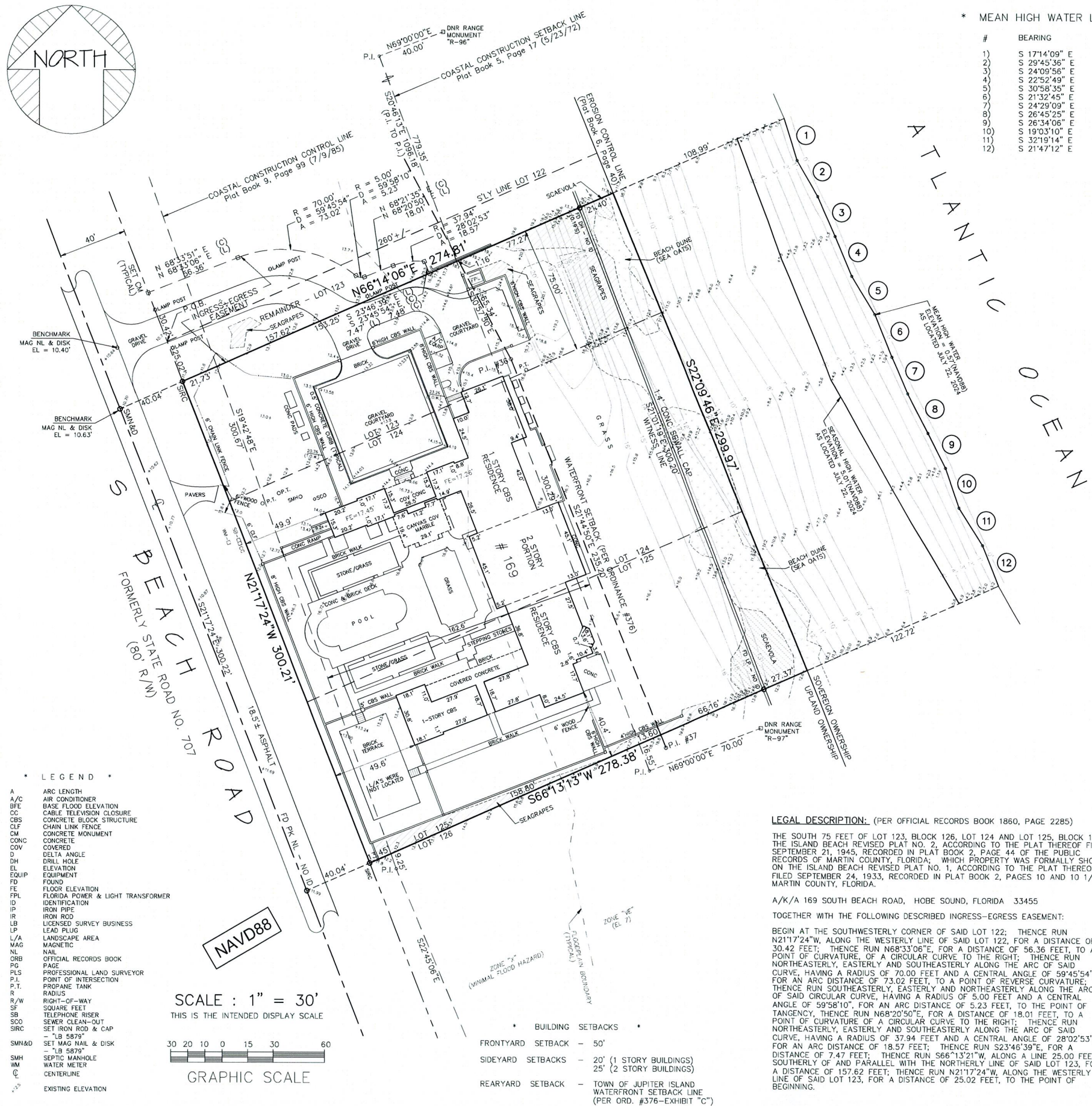
DRAWN

RLV
CHECKED
RLV, SR
SCALE
AS SHOWN
DATE
APRIL 18, 2003
FIELD BOOK
155/11
ORDER NO.
807568
SHEET OF SHEETS
1 1
FILE NUMBER
PB7568-03J

PCN: 35-38-42-009-128-01231-10000

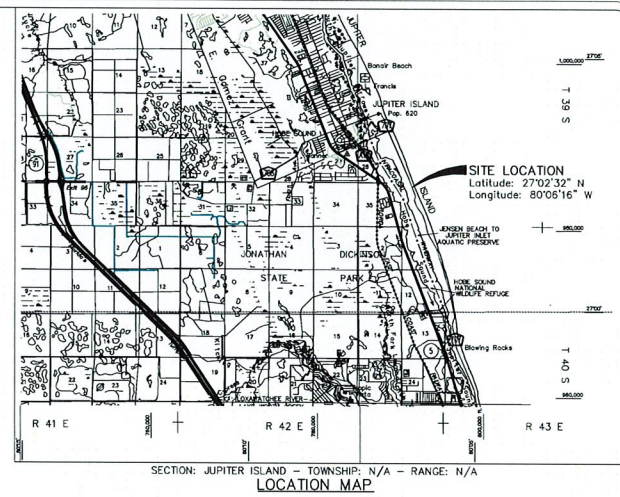
ORDINANCE #376

GOD BLESS AMERICA



* MEAN HIGH WATER LINE DATA *

#	BEARING	DISTANCE
1)	S 17°14'09" E	25.61'
2)	S 29°45'36" E	24.35'
3)	S 24°09'58" E	25.47'
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 - LOT AREA = 82,949 SQUARE FEET (1.90425 ACRES) MORE OR LESS.

LEGAL DESCRIPTION: (PER OFFICIAL RECORDS BOOK 1860, PAGE 2285)

THE SOUTH 75 FEET OF LOT 123, BLOCK 126, LOT 124 AND LOT 125, BLOCK 127, THE ISLAND BEACH REVISED PLAT NO. 2, ACCORDING TO THE PLAT THEREOF FILED SEPTEMBER 21, 1945, RECORDED IN PLAT BOOK 2, PAGE 44 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; WHICH PROPERTY WAS FORMALLY SHOWN ON THE ISLAND BEACH REVISED PLAT NO. 1, ACCORDING TO THE PLAT THEREOF FILED SEPTEMBER 24, 1933, RECORDED IN PLAT BOOK 2, PAGES 10 AND 10 1/2, MARTIN COUNTY, FLORIDA.

A/K/A 169 SOUTH BEACH ROAD, HOBE SOUND, FLORIDA 33455

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CERTIFICATION VALID TO:

1. S. TUCKER S. JOHNSON

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

DATE OF LAST FIELD WORK: July 22, 2024

R. L. VAUGHT & ASSOCIATES, INC.
LICENSED BUSINESS NO. 5879

By: P. Michael Zarrella
Professional Land Surveyor No. 6736
State of Florida

REVISIONS		BY
6/5/03	ROOF & SOFFIT ELEVATIONS & MEAN GRADE	RLV, SR
9/16/03	ADD INGRESS-EGRESS EASEMENT	RLV
12/11/03	TREE SURVEY	RLV
7/22/05	FORWARD	RLV
06/15/16	PARTIAL SURVEY	PMZ
06/28/24	ADD PROPOSED SITE PLAN	RLV III
07/23/24	COLL SURVEY	PMZ

BOUNDARY & TOPOGRAPHIC SURVEY

169 SOUTH BEACH ROAD
HOBE SOUND, FLORIDA 33455

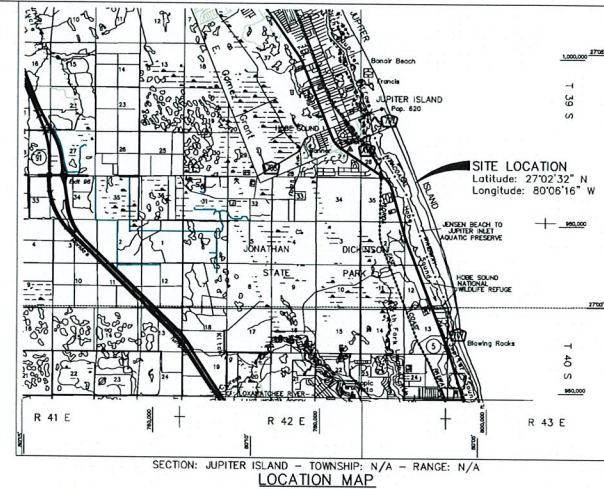
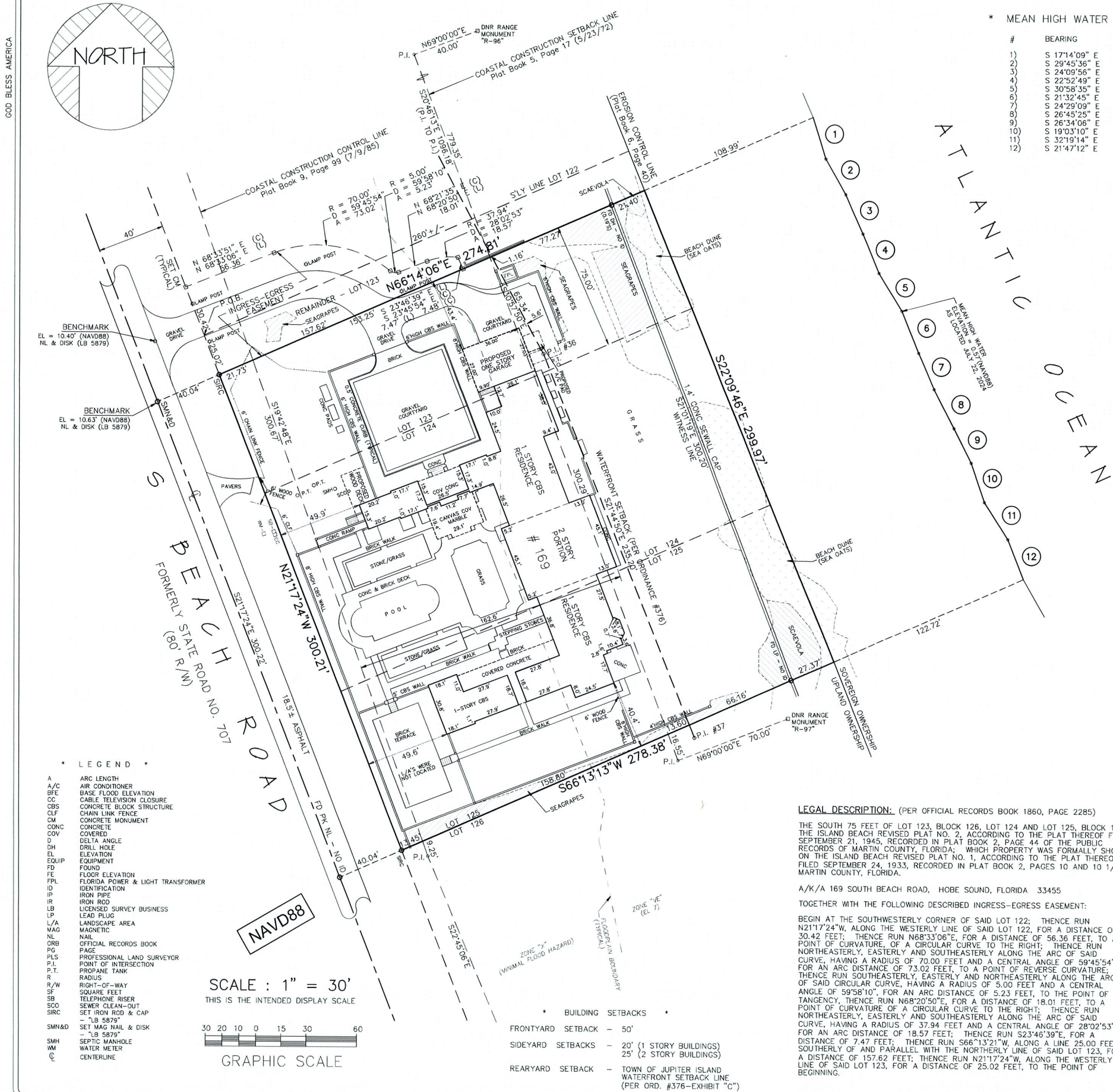
TOWN OF JUPITER ISLAND

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SURVEYORS, MAPPERS & PLANNERS
LICENSED SURVEY BUSINESS NUMBER 5879
9075 SE BRIDGE ROAD; HOBE SOUND 33455
MAIL: P.O. BOX 160 HOBE SOUND, FL 33475
PHONE: 772-546-8086 FAX: 772-546-8087
EMAIL: vaught@bellsouth.net

DRAWN
RLV
CHECKED
RLV, SR
SCALE
AS SHOWN
DATE
APRIL 18, 2003
FIELD BOOK
155/11
ORDER NO.
807568
SHEET OF SHEETS
1 1
FILE NUMBER
PB7568-03J

PCN: 35-38-42-009-126-01231-10000

FILE: .../SOUTH BEACH ROAD/169 SBR/169SBR_2024-06-28.DWG

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R. L. VAUGHT & ASSOCIATES, INC.
LICENSED BUSINESS NO. 5879

By: *P. M. Zarella*
P. M. Zarella
Professional Land Surveyor No. 6736
State of Florida

DATE OF LAST
FIELD WORK:

July 22, 2024

FILE: .../SOUTH BEACH ROAD/169 SBR/169SBR_2024-06-28.DWG

REVISIONS	BY
6/5/03 * ROOF & SOFFIT ELEV. & MEAN GRADE ORDER NO 807614	RLV, SR
9/16/03 * ADD INGRESS- EGRESS EASEMENT ORDER NO 807767	RLV
12/11/03 * TREE SURVEY FB: 150739 ORDER NO 807750	RLV
7/22/05 * FORMBOARD RE-IN * FB: 151111 ORDER NO 808490	RLV
10/15/14 * PARTIAL TPO * FB: 207273 ORDER NO 812775	PMZ
06/28/24 * ADD PROPOSED SITE PLAN ORDER NO 819307	RLV III
07/23/24 * M/HM SURVEY * FB: DC ORDER NO 819306	PMZ

BOUNDARY & TIDAL WATER SURVEY
169 SOUTH BEACH ROAD
HOBE SOUND, FLORIDA 33455
TOWN OF JUPITER ISLAND

RL VAUGHT & ASSOCIATES, INC.
SURVEYORS, MAPPERS & PLANNERS
LICENSED SURVEY BUSINESS NUMBER 5879
9075 SE BRIDGE ROAD, HOBE SOUND 33455
MAIL: P.O. BOX 160 HOBE SOUND, FL 33475
PHONE: 772-546-8086 FAX: 772-546-8087
EMAIL: vaught@ellisouth.net

DRAWN RLV
CHECKED RLV, SR
SCALE AS SHOWN
DATE APRIL 18, 2003
FIELD BOOK 155/11
ORDER NO. 807568
SHEET OF SHEETS 1 1
FILE NUMBER PB7568-03J

ORDINANCE NO. 394

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING CHAPTER 6, ARTICLE III OF THE TOWN'S CODE OF ORDINANCES TO DELETE THE USE OF THE TERM "OCCUPATIONAL LICENSES" AND REPLACE IT WITH "BUSINESS TAX"; 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 adopted Article III of Chapter 6 of the Town's Code of Ordinances (Code) pertaining to occupational licenses; and

WHEREAS, the Florida Legislature changed the terminology pertaining to occupational licenses to business taxes; and,

WHEREAS, the Town's Administrative Official has concluded that it is necessary to amend Article III of Chapter 6 of the Code, to reflect the change in state law by changing the term "occupational license" to "business tax."

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

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

Section 2: Section 6 of Article III of Chapter 6 of the Code is hereby amended as follows:

ARTICLE III. OCCUPATIONAL LICENSES BUSINESS TAX RECEIPTS

Sec. 6-51. Business Tax levied.

- (a) An occupational license tax Business Tax is hereby levied on:
- (1) Any person who maintains a permanent business location, home-based business, profession, or branch office within the town ~~for the privilege of engaging in or managing any business within its jurisdiction.~~
 - (2) Any person who maintains a permanent business location or branch office within the town ~~for the privilege of engaging in or managing any profession or occupation within its jurisdiction.~~
 - (3) Any person who does not qualify under the provisions of subsection (1) or ~~subsection (2) and~~ who transacts any business or engages in any occupation or profession in interstate commerce, if such license tax is not prohibited by s. 8 of Art. I of the United States Constitution.
- (b) Every person who is engaging in or desires to engage in or carry on any business, occupation, or profession, including a home-based business ~~either wholly or in part in the town shall be assessed a business tax is required to obtain an occupational license.~~
- (c) A license business tax shall be assessed ~~required~~ for each place of business, occupation or profession, including home-based businesses and shall be procured on or before October 1 of each year. No license business tax shall cover more than one such place. Home-based Business.

Sec. 6-52. License Business Tax required.

It shall be unlawful for any person to engage in or carry on, any business, profession or occupation, or to manage in the town any such business, profession or occupation, including home-based businesses ~~hereinafter mentioned and described~~ without first having applied for and ~~procured the license~~ paid a business tax in accordance with section 6-55 referred to in sections 6-1 and 6-2.

Sec. 6-53. When due; proration.

All licenses business taxes required by the terms of this article shall be issued for the term of one year and shall run from October 1 of each year and terminate on September 30 next succeeding. If October 1 falls on a weekend or holiday, the tax shall be due and payable on or before the first working day following October 1. Any person commencing such business, profession, or occupation after April 1 of the fiscal ~~licensed~~ year, shall be entitled to the issuance of the appropriate license business tax receipt by paying one-half

of the amount of the business tax license for the license fiscal year, but such license business tax receipt, when issued after April 1 of each year, shall expire on September 30 next succeeding.

(Ord. No. 10, § 3, 8-25-53)

State law reference(s)—Similar provisions, F.S. § 205.043.

Sec. 6-54. Transfer.

~~Licenses~~ Business Taxes may be transferred ~~in~~ from the business for which it was originally issued when there shall have been a bona fide sale and transfer of the property ~~used and employed in~~ for such business as stock in trade, but such transferred business tax receipt license shall not be held good for any longer time, or any other place, than that for which it was originally issued; provided, also, that such transfer of ~~license~~ a business tax receipt shall become effective only upon the approval ~~thereof by~~ of the town manager or his designee. A fee of \$3.00 shall be paid for transfer of such ~~license-business tax receipt~~.

Sec. 6-55. Tax.

All ~~license~~ business taxes shall be payable to and collected by the town manager or his designee. The following specified amounts shall be collected by the town manager or his designee ~~for the carrying on and~~ engaging in ~~of such~~ a business, profession or occupation before the issuance of the license therefor:

Architects\$25.00

Automobiles for hire, baggage wagons and taxis, each\$10.00

Maximum per company\$100.00

Barber shops\$10.00

Beauty parlors\$25.00

Boats for hire\$15.00

Carnivals, per week\$1,000.00

Circuses, per week\$1,000.00

Clubs, having restaurant and hotel facilities\$50.00

Contractors and builders, including workmen, general\$50.00

Subcontractors\$25.00

Decorators\$25.00

Doctors and physicians\$25.00

Electricians\$25.00

Gasoline filling stations\$50.00

Hypnotists, fortunetellers and palmists\$1,000.00

Landscape contractors\$25.00

Magazine and publication subscription agents\$1,000.00

Miscellaneous Occupation.....\$25.00

Peddlers, itinerant vendors, traveling dealers who shall bargain to sell any goods, wares or merchandise by sample or in any manner for present or future delivery to any person whoever by himself or agent following after to deliver and collect for same\$100.00

Photographers, itinerant\$100.00

Plumbers\$25.00

Radio, television and air conditioning, installation and service\$25.00

Real estate and insurance agents, including president and general manager\$25.00

Roofers\$25.00

Shops selling prints and novelties, etc.\$25.00

Telephone companies (intrastate business only)\$50.00

Water companies for profit\$250.00

Sec. 6-56. Tax for unenumerated businesses.

Any person engaged in any business, profession or occupation, wholly, or in part, within the town not mentioned or covered by section 6-55 shall pay an annual license business tax of \$25.00. Each business tax imposed by this article shall be separate and independent.

(Ord. No. 10, § 6, 8-25-53)

Sec. 6-57. Separate types of business. Home-based business subject to tax.

~~Each license tax imposed by this article is intended to be separate and independent.~~

A business is considered a home-based business, and subject to a business tax if it operates in whole or in part, from a residential property and meets the following criteria:

- A. Employees of a home-based business who work in a residential dwelling where a home-based business is being operated shall also reside in the residential dwelling, except for up to two employees who may live somewhere other than the

residence. This does not include any employees of the home-based business that work exclusively remotely.

- B. Parking related to a home-based business' activities shall meet the town's parking requirements for the zoning district in which the business is located. The need for parking generated by a home-based business shall not be greater in volume than would normally be expected at a similar residence where no business is conducted. Vehicles and trailers used in connection with the home-based business shall be parked in legal parking spaces on the property and shall not be located within the right-of-way, any pedestrian paths, or the unimproved surfaces of the residential property.
- C. As viewed from the street, the use of a residential property which includes a home-based business shall be consistent and compatible with the uses of the surrounding residential properties. External modifications made to a residential dwelling to accommodate a home-based business shall conform to the residential character and architectural aesthetics of adjacent properties and the immediate neighborhood. The home-based business shall not conduct retail transactions on the property other than remote transactions.
- D. The activities of the home-based business shall be secondary to the property's use as a residential dwelling.
- E. The home-based business activities shall comply with all town regulations with respect to signage and equipment or processes that create noise, vibrations, heat, smoke, dust, glare, fumes or noxious odors. Any town regulations imposed on a home-based business with respect to noise, vibrations, heat, smoke, dust, glare, fumes or noxious odors shall not be more stringent than those than those regulations or conditions the town applies to a residence where no business is conducted.
- F. All home-based business activities shall comply with all relevant local, state and federal regulations with respect to the use storage or disposal of any corrosive, combustible or other hazardous or flammable materials or liquids and shall not be more stringent than those that apply to a residence where no home-based business is conducted.

Sec. 6-58. Delinquency penalty.

- (a) If any person shall fail to pay the ~~license tax~~ business tax required by this article on or before November 1 of every year, there shall be added ten percent to the amount of such ~~license tax~~ business tax, plus an additional five percent penalty for each month of delinquency thereafter until paid. However, the total delinquency penalty shall not exceed 25 percent of the ~~occupational license tax~~ business tax for the delinquent establishment.
- (b) Any person engaging in or managing any business, occupation, or profession without first obtaining a ~~local occupational license~~ business tax receipt from the town, if required hereunder, shall ~~be subject to pay~~ a penalty of 25 percent of the business

tax license determined to be due, in addition to any other penalty provided by law ~~or ordinance~~.

Sec. 6-59. Separation of violations.

Each day of selling or disposal of merchandise or engaging in business or occupation without procuring a business tax license ~~therefor~~, as required under the terms of this article, shall constitute a separate and distinct violation.

Section 3. Severability.

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

Section 4. Repeal of Ordinances in Conflict.

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

Section 5. Codification.

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

Section 6. Effective Date.

This ordinance shall take effect immediately upon its execution.

(Continued Next Page)

**PASSED UPON FIRST READING ON THE ____ DAY OF ____ 2024. PASSED
AND ADOPTED UPON SECOND READING ON THE ____ DAY OF ____ 2024.**

(SEAL)

TOWN OF JUPITER ISLAND, FLORIDA

Mayor, Penelope Townsend

Vice Mayor, Marshall Field VI

Commissioner, Anne Scott

Commissioner, Patricia Warner

Commissioner, Joseph Taddeo

ATTEST:

Town Clerk, Kimberly Kogos

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town of Jupiter Island website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

Proposed Ordinance 394 – Home Based Businesses

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING CHAPTER 5, ARTICLE III OF THE TOWN'S CODE OF ORDINANCES TO DELETE THE USE OF THE TERM "OCCUPATIONAL LICENSES" AND REPLACE IT WITH "BUSINESS TAX"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. **If one or more boxes are checked below**, this means the Town of Jupiter Island has concluded that **a business impact estimate is not required by state law¹ for the proposed ordinance**, but the Town of Jupiter Island is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☒ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or

¹ See Section 166.041(4)(c), Florida Statutes.

- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town of Jupiter Island hereby publishes the following information:

1. Summary of the proposed ordinance *(must include a statement of the public purpose, such as serving the public health, safety, morals and welfare)*:

Proposed Ordinance 394 changes the reference of “occupational licenses” to “business tax”, incorporates Home-Based Business into the Business Tax section of the code, and reduces Business tax.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Jupiter Island, if any: **N/A**

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the Town of Jupiter Island regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

The adoption of Ordinance 394 should not generate any significant foreseeable or anticipated costs or new charges for businesses who are doing business within the Town.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The Town is unaware of Home-Based Businesses operating within the Town limits and does not believe that Ordinance 394 will have a foreseeable significant negative impact on any businesses within the Town of Jupiter Island.

4. Additional information the governing body deems useful (if any): **None**

ORDINANCE NO. 398

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING APPENDIX A OF THE CODE OF ORDINANCES TO AMEND ARTICLE X, DIVISION 1, SECTION 1 TO PERMIT APPLICATIONS FOR ACCOMMODATIONS UNDER AMERICANS WITH DISABILITIES ACT TO BE REVIEWED ADMINISTRATIVELY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Jupiter Island, Martin County, Florida (Town Commission) has the home rule powers and as conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Building Department Director has recommended that the Town Commission amend Article X, Division 1, of Appendix A of the Town's Code of Ordinances entitled "Administrative Review," to provide that applications which pertain to accommodations under the American with Disabilities Act (ADA) are only subject to administrative review.

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

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

Section 2. The Town Commission hereby amends Article X, Division 1, Section 1.00 of Appendix A of the Code of Ordinances of the Town of Jupiter Island, which contains the Town's Land Development Regulations, as follows:

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

Sec. 1.00. Applicability.

Approval may be granted administratively for all of the following:

- A. Applications for development of floor area if the total floor area on the lot proposed for development, including existing and proposed floor area, will be less than 70 percent of the maximum floor area permitted on the lot by the underlying zoning district regulations.
- B. Ground-level single story additions of less than 600 square feet in floor area, provided that the total floor area on the lot proposed for development, including existing and proposed floor area, does not exceed 100 percent of the maximum floor area permitted in the underlying zoning district.
- C. One-story accessory buildings of less than 600 square feet in floor area, such as garages and golf cart sheds, provided that the total floor area on the lot proposed for development, including existing and proposed floor area, does not exceed 100 percent of the maximum floor area permitted in the underlying zoning district.
- D. Perimeter walls or fences, if the application includes the written consent of adjoining property owners.
- E. Ground-level terraces with or without one foot maximum height bench walls.
- F. Driveways which are more than eight feet from side and rear lot lines in the A-80, B-40 and G-35 Districts, and more than three feet from side and rear lot lines in all other zoning districts.
- G. Uncovered swimming pools and tennis courts that are located entirely within the building envelope.
- H. Docks and dune crossovers in the middle one-third of property.
- I. ~~Interior alterations~~ Accommodations under the Americans with Disabilities Act.
- J. Exterior lighting that is landward of the coastal construction control line and is fully compliant with the exterior lighting regulations contained in article IV, section 3.17.
- K. Brush bins.
- L. Bulkheads/seawalls.
- M. Demolition of buildings and structures that require permits for construction, except principal buildings and guest houses.

Section 3. Severability.

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

Section 4. Repeal of Ordinances in Conflict.

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

Section 5. Codification.

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

Section 6. Effective Date.

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

(Continued on next page)

(Ordinance No. 398 continued)

PASSED UPON FIRST READING THE ____ DAY OF _____, 2024.

PASSED UPON SECOND READING THE ____ DAY OF _____, 2024.

Mayor

Vice-Mayor

Commissioner

Commissioner

Commissioner

Attest:

Town Clerk

Business Impact Estimate

Proposed ordinance's title/reference:

**Ordinance No. 398
Notice Requirements Revision**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Town of Jupiter Island is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the Town of Jupiter Island is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- X The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town of Jupiter Island hereby publishes the following information:

¹ See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance: **Amend Article X, Division 1, Administrative Review to add ADA Accommodations.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Jupiter Island, if any: **N/A**

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the Town of Jupiter Island regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **N/A**

4. Additional information the governing body deems useful (if any): **N/A**

Business Impact Estimate

Proposed ordinance's title/reference:

Ordinance No. 398

Amending Administrative Review of Building Applicaitons

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING APPENDIX A OF THE CODE OF ORDINANCES TO AMEND ARTICLE X, DIFVISION 1, SECTION 1 TO PERMIT APPLCIATIONS FOR ACCOMMODATIONS UNDER AMERICANS WITH DISABILITIES ACT TO BE REVIEWED ADMINISTRATIVELY; PROVIDING FOR REPEAL OF ORDINANCES IN CLONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Town of Jupiter Island is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the Town of Jupiter Island is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- X The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town of Jupiter Island hereby publishes the following information:

1. Summary of the proposed ordinance *(must include a statement of the public purpose, such as serving the public health, safety, morals and welfare)*:

Amend Article X, Division 1, Administrative Review to add ADA Accommodations ("Approval may be granted administratively for all of the following:....I) Accommodations under the Americans with Disabilities Act")

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Jupiter Island, if any: **None**

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the Town of Jupiter Island regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **N/A**

4. Additional information the governing body deems useful (if any): **None**

ORDINANCE NO. 399

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING APPENDIX A, ARTICLE X, DIVISION 3, SECTION 3.02 ENTITLED "PLACEMENT OF MORE THAN THREE FEET OF FILL"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Jupiter Island, Martin County, Florida (Town Commission) has all the powers and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and,

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

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

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

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

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

DIVISION 3. – ALTERNATIVE DEVELOPMENT STANDARDS.

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

The board of adjustment may approve the use of alternative development standards to article IV, section 3.01, regarding the placement of more than three feet of fill on a lot, if the applicant demonstrates that:

- A. The additional fill will not result in a building which is taller than the maximum height permitted on any adjacent lot without the use of alternative development standards; and
- B. Fill will be placed in a manner that will not result in additional stormwater runoff onto adjacent property or public rights-of-way; and
- C. Fill will be placed in a manner that will not result in significant soil erosion; and
- D. The portion of the lot for which the fill is proposed has not previously been filled pursuant to a special exception or the use of alternative development standards, or the elevation of said portion of the lot has decreased by more than three feet since the fill was placed; and
- E. ~~Either:~~ The use of alternative development standards will not result in a building which is more visible from adjacent property or public rights-of-way than that which could be constructed without the use of alternative development standards; ~~or and~~
- F. ~~2-~~ The fill is necessary to build the finished floor of the building at an elevation of 6.5 ~~8.0~~ NGVD NAVD.

Section 3. Severability.

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

Section 4. Repeal of Ordinances in Conflict.

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

Section 5. Codification.

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

Section 6. Effective Date.

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

PASSED UPON FIRST READING THE ____ DAY OF _____, 2024.

PASSED UPON SECOND READING THE ____ DAY OF _____, 2024.

Mayor

Vice-Mayor

Commissioner

Commissioner

Commissioner

Attest:

Town Clerk

Business Impact Estimate

Proposed ordinance's title/reference:

**Ordinance No. 399
Notice Requirements Revision**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Town of Jupiter Island is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the Town of Jupiter Island is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- X The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town of Jupiter Island hereby publishes the following information:

¹ See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance: **Revise Alternate Development Standards for “fill”.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Jupiter Island, if any: **N/A**

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the Town of Jupiter Island regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **N/A**

4. Additional information the governing body deems useful (if any): **N/A**

Business Impact Estimate

Proposed ordinance's title/reference:

Ordinance No. 399

Amending Alternative Development Standards Regarding Fill

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING APPENDIX A, ARTICLE X, DIVISION 3, SECTION 3.02 ENTITLED "PLACEMENT OF MORE THAN THREE FEET OF FILL"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Town of Jupiter Island is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the Town of Jupiter Island is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- X The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town of Jupiter Island hereby publishes the following information:

1. Summary of the proposed ordinance *(must include a statement of the public purpose, such as serving the public health, safety, morals and welfare)*:

Revising Alternate Development Standards for “fill” in that:

“E) The use of alternative development standards will not result in a building which is more visible from adjacent property or public rights-of-way than that which could be constructed without the use of alternative development standards; and

F) The fill is necessary to build the finished floor of the building at an elevation of 6.5 NAVD.”

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Jupiter Island, if any: **None**

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the Town of Jupiter Island regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **N/A**

4. Additional information the governing body deems useful (if any): **None**

ORDINANCE NO. 390

**AN ORDINANCE OF THE TOWN OF THE TOWN COMMISSION OF
THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA,
ADOPTING AN AMENDMENT TO ITS COMPREHENSIVE PLAN TO
ADD A PROPERTY RIGHTS ELEMENT.**

WHEREAS, the Community Planning Act, Fla. Stat. § 163.3167 (the Act) requires the Town of Jupiter Island (the Town) to plan for the future development of the Town by adopting a comprehensive plan; and

WHEREAS, the Town has previously adopted a comprehensive plan which is in compliance with the Act; and

WHEREAS, the Fla. Stat. § 163.3177 of the Act requires the Town to adopt certain mandatory elements and the Town has previously done so in compliance with the Act:

WHEREAS, in its 2021 legislative session the Florida Legislature amended the Act to require local governments to adopt a property rights element as part of its comprehensive plan, codifying this requirement at Fla. Stat. §163.3177(6)(i)1.; and

WHEREAS, in accordance with the Act, the Town Commission hereby amends its comprehensive plan by adopting a Property Rights Element; and

WHEREAS, pursuant to Fal. Stat. §163.3184(11), a majority of the town's governing body have voted to transmit this amendment to the Town's comprehensive plan and the Town has received no comments from the reviewing agencies.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF JUPITER ISLAND:

SECTION 1. The Town Commission of the Town of Jupiter Island hereby adopts an amendment to its comprehensive plan by adding the property rights element attached hereto and incorporated herein as **EXHIBIT A**.

PASSED AND ADOPTED this _____ day of _____, _____.

Mayor

Attest:

Kimberly Kogos, Town Clerk

Approved as to form and legality:

Thomas J. Baird, Town Attorney

This ordinance passed and transmitted following (first) reading this 31st day of October, 2023.

This ordinance passed and adopted following (second) reading this 14th day of May, 2024.

This ordinance reheard, passed and adopted following (second, second) reading this _____ day of _____, 2024.

EXHIBIT A

PROPERTY RIGHTS ELEMENT

Goal The Town of Jupiter Island will make decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

Objective 1 The Town of Jupiter Island will respect judicially acknowledged and constitutionally protected private property rights.

Policy 1.1 The Town of Jupiter Island will consider in its decision-making the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 1.2 The Town of Jupiter Island will consider in its decision-making the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 1.3 The Town of Jupiter Island will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

Policy 1.4 The Town of Jupiter Island will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.

Objective 2 People have the right to participate in planning and development decisions that affect their lives and property. The Town of Jupiter Island decision-making will be transparent and follow the public hearing requirements of Florida law so that all people may participate in decisions that affect their lives and property. Land development regulations may provide for additional opportunities for people to participate in public hearings regarding planning and development decisions through the processes and standards contained in Chapter 166, Florida Statutes and the Town's Code of Ordinances.

Policy 2.1 All land use and development decisions that affect the lives and property of property owners and residents of the Town shall be made in a public hearing that complies with all applicable laws of the state and town.

Policy 2.2 The Town of Jupiter Island recognizes that planning and development decisions affect complex systems and have impacts that occur beyond the site of a particular development proposal. Any affected person, as defined in Fla. Stat. §163.3184(1)(a) of the Act may participate in and be a party to a hearing on decisions regarding the site of a development proposal.

Policy 2.3. An affected person's right to be heard. The Town of Jupiter Island recognizes that it should make planning and development decisions in response to true and accurate information. In all decisions this policy governs, the Town of Jupiter Island will provide every affected person an equal opportunity to be heard, and to be informed of all information on which the Town of Jupiter Island bases its decision. The Town of Jupiter Island will endeavor not to provide any affected person any greater opportunity to be heard than another affected person.

Policy 2.4 Notices of changes to future land use. The Town of Jupiter Island recognizes that a person cannot participate in decisions to amend the future land use of real property assigned by the town's comprehensive plan about which they are unaware. In addition to publishing notices as defined in Fla. Stat. §163.3164(40) of the Act pursuant to Fla. Stat. §166.41(3)(a), when the Town of Jupiter Island makes a decision to amend the land use designation or zoning of real property, the Town of Jupiter Island shall, at least 30 days before the hearing, mail notice of the hearing to the owners of real property and to residents within 1,320 feet of the real property to which the future land use decision relates.

Objective 3 People rely on this comprehensive plan and on the zoning designations of properties when deciding how to use property. The Town of Jupiter Island shall strive to make its decision-making reliable and predictable to promote sound, long-term investments in the town.

Policy 3.1 Majority-plus-one vote required. The Town of Jupiter Island may only amend the future land use of real property in the town by the affirmative vote of a majority plus one of the Town Commission.

#5515299 v1 18270-00002



ORDINANCE NO. 390

AN ORDINANCE OF THE TOWN OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO ITS COMPREHENSIVE PLAN TO ADD A PROPERTY RIGHTS ELEMENT.

WHEREAS, the Community Planning Act, Fla. Stat. § 163.3167 (the Act) requires the Town of Jupiter Island (the Town) to plan for the future development of the Town by adopting a comprehensive plan; and

WHEREAS, the Town has previously adopted a comprehensive plan which is in compliance with the Act; and

WHEREAS, the Fla. Stat. § 163.3177 of the Act requires the Town to adopt certain mandatory elements and the Town has previously done so in compliance with the Act:

WHEREAS, in its 2021 legislative session the Florida Legislature amended the Act to require local governments to adopt a property rights element as part of its comprehensive plan, codifying this requirement at Fla. Stat. §163.3177(6)(i)1.; and

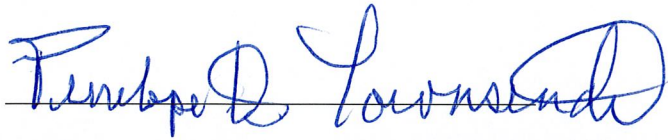
WHEREAS, in accordance with the Act, the Town Commission hereby amends its comprehensive plan by adopting a Property Rights Element; and

WHEREAS, pursuant to Fla. Stat. §163.3184(11), a majority of the town's governing body have voted to transmit this amendment to the Town's comprehensive plan and the Town has received no comments from the reviewing agencies.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF JUPITER ISLAND:

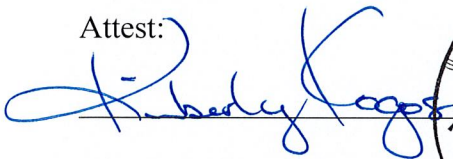
SECTION 1. The Town Commission of the Town of Jupiter Island hereby adopts an amendment to its comprehensive plan by adding the property rights element attached hereto and incorporated herein as **EXHIBIT A**.

PASSED AND ADOPTED this 14th day of May, 2024.



Mayor

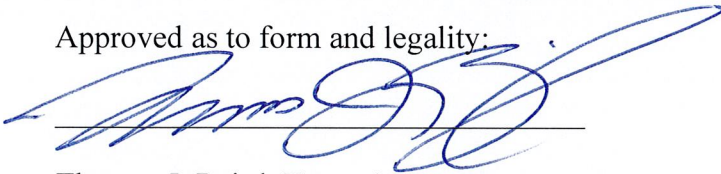
Attest:



Kimberly Kogos, Town Clerk



Approved as to form and legality:



Thomas J. Baird, Town Attorney

This ordinance passed and transmitted following (first) reading this 31st day of October, 2023.

This ordinance passed on adopted following (second) reading this 14th day of May, 2024.

EXHIBIT A

PROPERTY RIGHTS ELEMENT

Goal The Town of Jupiter Island will make decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

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Objective 2 People have the right to participate in planning and development decisions that affect their lives and property. The Town of Jupiter Island decision-making will be transparent and follow the public hearing requirements of Florida law so that all people may participate in decisions that affect their lives and property. Land development regulations may provide for additional opportunities for people to participate in public hearings regarding planning and development decisions through the processes and standards contained in Chapter 166, Florida Statutes and the Town's Code of Ordinances.

Policy 2.1 All land use and development decisions that affect the lives and property of property owners and residents of the Town shall be made in a public hearing that complies with all applicable laws of the state and town.

Policy 2.2 The Town of Jupiter Island recognizes that planning and development decisions affect complex systems and have impacts that occur beyond the site of a particular development proposal. Any affected person, as defined in Fla. Stat. §163.3184(1)(a) of the Act may participate in and be a party to a hearing on decisions regarding the site of a development proposal.

Policy 2.3. An affected person's right to be heard. The Town of Jupiter Island recognizes that it should make planning and development decisions in response to true and accurate information. In all decisions this policy governs, the Town of Jupiter Island will provide every affected person an equal opportunity to be heard, and to be informed of all information on which the Town of Jupiter Island bases its decision. The Town of Jupiter Island will endeavor not to provide any affected person any greater opportunity to be heard than another affected person.

Policy 2.4 Notices of changes to future land use. The Town of Jupiter Island recognizes that a person cannot participate in decisions to amend the future land use of real property assigned by the town's comprehensive plan about which they are unaware. In addition to publishing notices as defined in Fla. Stat. §163.3164(40) of the Act pursuant to Fla. Stat. §166.41(3)(a), when the Town of Jupiter Island makes a decision to amend the land use designation or zoning of real property, the Town of Jupiter Island shall, at least 30 days before the hearing, mail notice of the hearing to the owners of real property and to residents within 1,320 feet of the real property to which the future land use decision relates.

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Policy 3.1 Majority-plus-one vote required. The Town of Jupiter Island may only amend the future land use of real property in the town by the affirmative vote of a majority plus one of the Town Commission.

#5515299 v1 18270-00002

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town of Jupiter Island's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

Proposed Ordinance 390 – Private Property Rights Element

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO ITS COMPREHENSIVE PLAN TO ADD A PROPERTY RIGHTS ELEMENT.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. **If one or more boxes are checked below**, this means the Town of Jupiter Island is of the view that **a business impact estimate is not required by state law¹ for the proposed ordinance**, but the Town of Jupiter Island is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☒ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town of Jupiter Island hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The Proposed Ordinance 390 would amend the Comprehensive Plan by adding a Private Property Rights element to the Comprehensive Plan as required by House Bill 59 signed by the Governor on June 28, 2021, and which modified Chapter 163.3177, Florida Statutes to require local governments to adopt a Property Rights Element into its Comprehensive Plan.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Jupiter Island, if any: **NONE**

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the Town of Jupiter Island regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

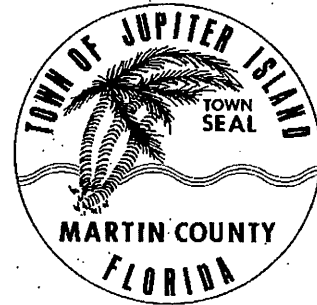
The adoption of Ordinance 390 will not directly negatively impact any businesses within the municipality and will not present a significant foreseeable or anticipated cost or decrease in the Town's regulatory costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Ordinance 390 does not have a foreseeable negative impact on any business within the Town of Jupiter Island.

4. Additional information the governing body deems useful (if any): **None**

Memorandum



To: Town Commission
Cc: Robert Garlo, Thomas Baird
From: Catherine Harding, Director of Building Department
Date: August 21, 2024
Re: Incorporating Property Rights Element into the Comprehensive Plan Per Ordinance No. 390 (Adoption/Second Reading)

Executive Summary:

- The Town Commission previously adopted Ordinance No. 390 in May 2024. Due to the adopted ordinance not being provided to the State's Department of Commerce within 10 days after adoption, the Town will need to adopt the ordinance again and provide it to the state via their transmittal portal.
- Staff has acquired the needed extensions from the state to allow this adoption process, to not invalidate all the previous work that has been completed.
- As supplemental material, staff has provided the previous adoption package for Ordinance No. 390.
- Before the Town Commission is the adoption/second reading of Ordinance No. 390, to incorporate a Property Rights Element into the Comprehensive Plan.

Attached: Ordinance No. 390 with Exhibit "A"
Supplemental Material (Previous Memo and Ordinance No. 390)

Memorandum



To: Mayor and Commission

From: Catherine Harding, Community Development Director

Date: August 20, 2024

Re: Revision of Appendix A of the Land Development Regulations

Summary of Alternate Development Standards, Merged with the General Standards of the Land Development Regulations

The Alternate development Standards were merged with the general standards of the LDR's at the request of the Commission. As a result, the need for an approval from the Board of Adjustment is reduced in a few sections. But for the most part, the sections which do require a variance will continue to be heard by the Board of Adjustment.

In the process, the Alternate Development Standards were inserted under the section to which they apply and are numbered with the same section number followed by an A. (example 2.02A) If a variance is needed, the specific conditions under which a variance may be granted is listed under that section, except for Article III, Sec. 11.03 and Article III, Sec. 11.04 which apply to all Zoning Districts.

The sections which should require Board of Adjustment approval fall under two categories: non-conformities and public impact, as follows:

Non-conformity:

Article IX. Nonconformities.

Sec. 2.02 (C) A. Variance for the replacement of a nonconforming building, dock or dune crossover.

Sec. 4.00 A. Variance for the conversion of one nonconforming use to another nonconforming use.

Article III. Zoning districts.

Sec. 11.03. Variance for an accessory use not listed under "permitted uses" in a zoning district.

Public Impact:

Article III. Zoning districts.

Sec. 11.04. Variance for the installation of a reverse osmosis plant in a zoning district.

Article IV. Supplemental regulations.

Sec. 2.00 A. Variance for the initial measuring point of a building.

Sec. 3.01 A. Variance for the placement of more than three feet of fill.

Sec. 3.07 A. Variance for docks and dune crossovers.

Sec. 3.10 A. Variance for reduction of required off-street parking.

Sec. 3.12 A. Variance for communication towers and antennas.

Article VI. Signs.

Sec. 2.02(C) A. Variance for increase in sign area.

Sec. 2.02(E) A. Variance for illuminated signage.

Reference to seeking relief through the Board of Adjustment is stated throughout the LDR's. They allow a variance from a standard and have no specific criteria. However, variances created through the Alternate Development Standards are specific. They contain guidance for approval that makes sense. Further, they are important variances that should have a consistent formulated criterion.

A copy of the revised LDR's is attached for your reference. If you scroll through it, you can see the changes highlighted in yellow. In addition, Article X, Division 4 has been deleted in its entirety, as this section reached sunset June 1, 2016.

CAH/Aug. 24

Summary of Alternate Development Standards, Merged with the General Standards of the Land Development Regulations

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CAH/Aug. 24

APPENDIX A LAND DEVELOPMENT REGULATIONS¹

ARTICLE I. GENERAL PROVISIONS

DIVISION 1. IN GENERAL

Sec. 1.00. Title.

These land development regulations shall be known and may be cited by the title "Jupiter Island Land Development Regulations."

Sec. 1.01. Legislative purpose and intent.

The Jupiter Island Land Development Regulations are adopted for the following purposes:

- A. Implementing the Jupiter Island Comprehensive Plan, as adopted pursuant to Chapter 163, Part II, Florida Statutes, and Chapter 9J-5, Florida Administrative Code.
- B. Guiding and ensuring coordinated, orderly, and harmonious development in accordance with the existing and future needs of the town.
- C. Protecting, promoting and improving the public health, safety, and general welfare.
- D. Conserving the value of land, buildings and resources, and protecting landowners from adverse impacts of adjoining developments.
- E. Protecting the character and maintaining the stability of residential, recreational, open space and public areas.

¹Editor's note(s)—Ord. No. 293, § 1(Ex. A), adopted Oct. 6, 2004, amended and restated App. A in its entirety to read as herein set out. The former App. A pertained to similar subject matter. See the Code Comparative Table for complete derivation. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

Cross reference(s)—Animals, Ch. 3; dogs prohibited from running at large, § 3-4; hours of sale, consumption, etc., of alcoholic beverages restricted, § 6-27; location of alcoholic beverage establishments restricted, § 6-28; landing aircraft in certain areas prohibited, § 8-3; open fires restricted, § 8-4; disturbing of the peace prohibited, § 8-5; obstruction of public ways prohibited, § 8-6; parks and recreation, Ch. 10; solid waste, Ch. 11; streets, sidewalks and other public places, Ch. 13; procedure for closing, vacating, etc., public ways, § 13-1; traffic and motor vehicles, Ch. 14; utilities, Ch. 15; vegetation, Ch. 16; protection of mangroves, § 16-26 et seq.

State law reference(s)—Comprehensive Plan, F.S. § 163.3161 et seq.; Land Development Regulations, F.S. §§ 163.3194, 163.3202.

- F. Assuring that necessary public facilities are made available concurrently with the impacts of development.
- G. Balancing the interest of the public in the town with that of individual property owners.
- H. Achieving an energy-efficient and energy conserving land use design pattern, based upon greenhouse gas reduction strategies.

(Ord. No. 371, § 1, 3-12-18)

Sec. 1.02. Repeal of inconsistent ordinances.

Ordinance Nos. 212, 213, 214, 215, 278, 279 and all other ordinances or parts of ordinances in conflict herewith, are hereby repealed.

Sec. 1.03. Amendment.

- A. The Town Commission may from time to time on its own motion, or on petition of a property owner or group of property owners, or on recommendation of the Local Planning Agency, amend, supplement or repeal these regulations or any part thereof. Any such amendment, supplement or repeal of the Code shall be made in accordance with the requirements of F.S. § 166.041, as amended from time to time.
- B. In reviewing any application for an amendment to the text of these Land Development Regulations, the Town Commission shall consider whether the proposed amendment is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan, and the purposes of these Land Development Regulations and other Town ordinances that implement the Comprehensive Plan.

Sec. 1.04. Interpretation, validity, and severability.

- A. *Interpretation as minimum requirements.* In interpreting and applying the provisions of these Land Development Regulations, all persons shall consider these regulations to be the minimum requirements for the protection, promotion and improvement of the public health, safety, morals and general welfare of the community.
- B. *Interpretation—Relationship of zoning district names to former zoning district names.* The zoning districts are renamed as follows:

Former District Name	Current District Name
Residence District "R-1-A"	2-Acre Estate Residential District "A-80"
Residence District "R-1"	1-Acre Estate Residential District "B-40"
	South Island Residential District "G-35"
Residence District "R-3"	Central Riverfront Residential District "C-35"
Residence District "R-2"	Island Core Residential District "D-25"
	Island Core Residential District "E-12"
	Island Core Residential District "F-15"
Recreation District "RD"	Recreation Club District "RCD"
Public District "PD"	Public Lands District "PLD"
Conservation/Preservation District "CPD"	Conservation/Preservation District "CPD"

The Administrative Official shall update the official zoning map to indicate the new zoning district names.

-
- C. *Validity—Relationship to former Land Development Regulations.* It is expressly declared and determined that if for any reason these regulations should be found by any court of competent jurisdiction to be invalid or unenforceable, then the provisions of the applicable portion of the land development regulations of the town in force and effect as of the date hereof shall continue to be in full force and effect, it being the intention of the Town Commission that there shall exist no period of time in which the Town not be comprehensively zoned and regulated.
- D. *Validity—Relationship to less restrictive zoning district.* In the event any court of competent jurisdiction should hold that any provision of these regulations, or the Zoning Map which is made a part hereof, is unconstitutional or unenforceable as to any particular parcel of land or building within the Town, because the use allowed for such parcel of land or building under these regulations amounts to taking property without due process of law, or for any other reason then and in that event such parcel of land or building is hereby declared to be, and is hereby, classified under the Town's Zoning Code in the next less restrictive classification.
- E. *Severability.* Should any word, paragraph, provision, part, section, division, or article hereof be held by any court of competent and final jurisdiction to be invalid, unlawful, or unconstitutional, such ruling or finding shall not affect the remaining provisions of these regulations, which shall remain in full force and effect.
- (Ord. No. 312, § 6, 7-10-07; Ord. No. 349, § 1, 12-16-14)

Sec. 1.05. Effective date.

These regulations shall take effect immediately upon enactment.

DIVISION 2. POWERS AND DUTIES OF THE ADMINISTRATIVE OFFICIAL

Sec. 2.00. Powers and duties of the Administrative Official.

The Administrative Official shall:

- A. Examine all applications for permits and issue permits for the construction, alteration, enlargement and occupancy of all buildings which are in accordance with requirements of these Land Development Regulations as provided herein.
- B. Record and file all applications for permits with accompanying plans and documents, and make such reports to the Board of Adjustment as may be required; and
- C. Enforce the provisions of these Land Development Regulations as provided herein.

DIVISION 3. ESTABLISHMENT, AUTHORITY, COMPOSITION, AND MEETINGS OF DEVELOPMENT REVIEW BOARDS

Sec. 3.00. Local Planning Agency.

- A. *Establishment.* A Local Planning Agency for the Town is created and established.
- B. *Authority; functions; powers and duties in general.*
 - 1. The Local Planning Agency has the authority and duty, to the extent required by law, to:

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- a. Propose, or review applications for, amendments to the Comprehensive Plan, including the annual monitoring and evaluation of the plan in accordance with state statute and rule.
 - b. To consider, upon request of the Town Commission, applications or proposals for district boundary changes (rezoning); and
 - c. To consider, upon request of the Town Commission, applications or proposals for amendment to these regulations.
 - 2. The Chair, or in his or her absence the acting Chair, may administer oaths and compel the attendance of witnesses.
 - 3. No member shall abstain from voting unless he has a conflict of interest pursuant to the provisions of F.S. Ch. 112.
- C. *Composition.* The Local Planning Agency shall consist of five members appointed by the Mayor with the consent of the Town Commission. Each member of the Local Planning Agency must have a place of residence within the incorporated limits of the Town.
- D. *Alternate members.* The Local Planning Agency shall also have two alternate members appointed by the mayor with the consent of the Town Commission. Alternate members may act in the temporary absence or disability of any regular member, or when a regular member is disqualified in a particular case.
- E. *Terms of office.*
- 1. The basic term of office for members of the Local Planning Agency shall be three years; provided that each member serving at the time of adoption of these Land Development Regulations section shall complete his or her term as originally established.
 - 2. The members of the Local Planning Agency shall hold office as indicated above until the Town Commission's regular April meeting date of the year each member's term expires. As the initial term of each member expires, the new term of each appointed member shall be three years.
 - 3. Each member shall hold office until his or her successor is duly appointed and qualified.
 - 4. Any member appointed to serve in lieu of any member on account of death, resignation, removal or disability of such member, shall serve only for the unexpired term of such member, but shall be eligible for reappointment thereafter.
- F. *Removal from office.*
- 1. Members shall serve at the pleasure of the Town Commission, which may remove any member without cause by majority vote of the entire Town Commission.
 - 2. Should any members of the Local Planning Agency no longer maintain a residence within the incorporated limits of the Town, the member shall become disqualified and a new member, who maintains a residence within the incorporated limits of the Town, shall be appointed.
- G. *Reappointment.* Any member is eligible for reappointment.
- H. *Vacancies.* Any vacancy occurring shall be filled by the Town Commission within 60 days after the vacancy occurs.
- I. *Officers.* The Mayor shall appoint, with the consent of the Town Commission, a chair and vice-chair from among the members of the Local Planning Agency. The Town Clerk or his or her designee shall take all minutes and perform clerical duties necessary to the functioning of the Local Planning Agency.
- J. *Meetings and rules of procedure.* The Local Planning Agency shall have meetings at times and places to be determined by the chair. It shall adopt rules for the transaction of its business and keep a properly indexed

record of its resolutions, transactions, findings and determinations, which record shall be a public record. All meetings of the Local Planning Agency shall be open to the public, as prescribed by law.

- K. *Employees and salaries.* The Local Planning Agency may, subject to the approval of the Town Commission and within the financial limitations set by appropriations made or other funds available, employ such experts, technicians and staff as may be deemed proper and pay their salaries, contractual charges and fees, and such other expenses as are necessary to conduct the work of the agency.
- L. *Minutes public record.* The Local Planning Agency shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or abstaining, indicating such fact. The records of the Local Planning Agency shall be filed in the office of the Town Clerk and shall be a public record.

(Ord. No. 311, § 1, 3-15-07; Ord. No. 364, § 1, 4-19-17)

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. *Variances.* The Board of Adjustment shall hear and decide applications for 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 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.
 - 3. No member shall abstain from voting unless he has a conflict of interest pursuant to the provisions of F.S. Ch. 112.
- C. *Composition.* The Board of Adjustment shall consist of five members appointed by the mayor with the consent of the Town Commission. Each member of the Board of Adjustment must have a place of residence within the incorporated limits of the Town. Members of the Board of Adjustment shall not hold any elected public office.
- D. *Alternate members.* The Board of Adjustment shall also have three alternate members appointed by the mayor with the consent of the Town Commission. Alternate members may act in the temporary absence or disability of any regular member or when a regular member is disqualified in a particular case.
- E. *Terms of office.*
 - 1. The basic term of office for members of the Board of Adjustment shall be three years; provided that each member serving at the time of adoption of these Land Development Regulations section shall complete his or her term as originally established.
 - 2. The members of the Board of Adjustment shall hold office as indicated above until the Town Commission's April meeting date of the year each member's term expires. As the initial term of each member expires, the new term of each member shall be three years.
 - 3. Each member shall hold office until his or her successor is duly appointed and qualified.
 - 4. Any member appointed to serve in lieu of any member on account of death, resignation, removal or disability of such member, shall serve only for the unexpired term of such member, but shall be eligible for reappointment thereafter.

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- F. *Removal from office.* Should any member of the Board of Adjustment no longer maintain a residence within the incorporated limits of the Town, the member shall become disqualified and a new member, who maintains a residence within the incorporated limits of the Town, shall be appointed.
- G. *Reappointment.* Any member is eligible for reappointment.
- H. *Vacancies.* Any vacancy occurring shall be filled by the Town Commission within 60 days after the vacancy occurs.
- I. *Officers.* The Mayor shall appoint, with the consent of the Town Commission, a chair and vice-chair from among the members of the Board of Adjustment. The Town Clerk or his or her designee shall take all minutes and perform clerical duties necessary to the functioning of the board.
- J. *Meetings and rules of procedure.*
1. The Board of Adjustment shall meet at regular intervals to be determined by it and at such other times as the Chair or Commission may determine.
 2. The Board of Adjustment shall adopt rules for the transaction of its business and keep a properly indexed record of its resolutions, transactions, findings and determinations, which record shall be a public record.
 3. The Administrative Official or his or her designee shall attend all meetings and be permitted to answer questions, give evidence and make recommendations.
 4. The Town Clerk or his or her designee may administer oaths, and the Chair or acting Chair may compel the attendance of witnesses in the same manner as prescribed in the circuit court.
 5. No action shall be taken on any application unless a quorum of three members is present, and only upon a majority vote of all members present and voting
 6. The Board of Adjustment or any of its members may inspect the premises, site or area under consideration.
 7. All decisions of the Board of Adjustment shall be by motion.
 8. All meetings of the Board of Adjustment shall be open to the public, as provided by law.
- K. *Employees and salaries.*
1. The Board of Adjustment may, subject to the approval of the Town Commission and within the financial limitations set by appropriations made or other funds available, employ such experts, technicians and staff as may be deemed proper and pay their salaries, contractual charges and fees, and such other expenses as are necessary to conduct the work of the Commission.
 2. The Administrative Official shall furnish from the Town such staff as may be necessary to assist and advise the board in fulfillment of its duties and is authorized to retain a qualified reporter or clerk to record and transcribe the public proceedings of the Board of Adjustment.
- L. *Minutes public record.* The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member on each question or if absent or abstaining, indicating such fact. The records of the Board of Adjustment shall be filed in the office of the Town Clerk and shall be public record.

(Ord. No. 305, § 1, 9-12-06)

Sec. 3.02. Impact Review Committee.

- A. *Establishment.* An Impact Review Committee for the Town is created and established.

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- B. *Authority; functions; powers and duties in general.*
1. The Impact Review Committee has the authority and duty to review and decide applications for impact review as provided in Article X.
 2. The Chair, or in his or her absence the acting Chair, may administer oaths and compel the attendance of witnesses.
 3. No member shall abstain from voting unless he has a conflict of interest pursuant to the provisions of F.S. Ch. 112.
- C. *Composition.* The Impact Review Committee shall consist of five members appointed by the Mayor with the consent of the Town Commission. Each member of the impact review committee must have a residence within the incorporated limits of the Town.
- D. *Alternate members.* The Impact Review Committee shall have three alternate members appointed by the mayor with the consent of the Town Commission. Alternate members may act in the temporary absence or disability of any regular member or when a regular member is disqualified in a particular case.
- E. *Terms of office.*
1. The basic term of office for members of the Impact Review Committee shall be three years; provided that each member serving at the time of adoption of these Land Development Regulations section shall complete his or her term as originally established.
 2. The members of the Impact Review Committee shall hold office as indicated above until the Town Commission's April meeting date of the year each member's term expires. As the initial term of each member expires, the new term of each appointed member shall be three years.
 3. Each member shall hold office until his or her successor is duly appointed and qualified.
 4. Any member appointed to serve in lieu of any member on account of death, resignation, removal or disability of such member, shall serve only for the unexpired term of such member, but shall be eligible for reappointment thereafter.
- F. *Removal from office.*
1. Members shall serve at the pleasure of the Town Commission which may remove any member without cause by majority vote of the entire Town Commission.
 2. Should any member of the Impact Review Committee no longer maintain a residence within the incorporated limits of the Town, the member shall become disqualified and a new member, who maintains a residence within the incorporated limits of the Town, shall be appointed.
- G. *Reappointment.* Any member is eligible for reappointment.
- H. *Vacancies.* Any vacancy occurring shall be filled by the Town Commission within 60 days after the vacancy occurs.
- I. *Officers.* The mayor shall appoint, with the consent of the Town Commission, a Chair and Vice-chair from among the members of the Impact Review Committee. The Town Clerk or his or her designee shall take all minutes and perform clerical duties necessary to the functioning of the Impact Review Committee.
- J. *Meetings and rules of procedure.*
1. The Impact Review Committee shall meet at regular intervals to be determined by it and at such other times as the Chair or Commission may determine.

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2. The Impact Review Committee shall adopt rules for the transaction of its business and keep a properly indexed record of its resolutions, transactions, findings and determinations, which record shall be a public record.
 3. The Administrative Official or his or her designee shall attend all meetings and be permitted to answer questions, give evidence and make recommendations.
 4. The Town Clerk or his or her designee may administer oaths, and the Chair or acting Chair may compel the attendance of witnesses in the same manner as prescribed in the circuit court.
 5. No action shall be taken on any application unless a quorum of three members is present, and only upon a majority vote of all members present and voting
 6. The Impact Review Committee or any of its members may inspect the premises, site or area under consideration.
 7. All decisions of the Impact Review Committee shall be by motion.
 8. All meetings of the Impact Review Committee shall be open to the public, as provided by law.
- K. *Employees and salaries.* The Impact Review Committee may, subject to the approval of the Town Commission and within the financial limitations set by appropriations made or other funds available, employ such experts, technicians and staff as may be deemed proper and pay their salaries, contractual charges and fees, and such other expenses as are necessary to conduct the work of the Commission.
- L. *Minutes public record.* The Impact Review Committee shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or abstaining, indicating such fact. The records of the Impact Review Committee shall be filed in the office of the Town Clerk and shall be a public record.

Sec. 3.03. Town Commission.

The Town Commission's powers and duties under these Land Development Regulations shall be as follows:

- A. *Authority.* The Town Commission has the authority to:
1. Review and decide:
 - a. Applications for subdivision approval.
 - b. Applications for district boundary changes.
 - c. Applications for certificates of appropriateness for alterations to historic buildings and landmarks.
 - d. Applications for text amendments to these Land Development Regulations; and
 - e. Applications for Comprehensive Plan Amendments.
 2. Hear appeals from decisions of the Board of Adjustment, Impact Review Committee, and Administrative Official.
 3. Amend the Comprehensive Plan.
 4. Amend or repeal any or all these Land Development Regulations, including the Official Zoning Map.
 5. Determine whether a proposed use is of the same general character as a permitted use.
 6. Exercise all other powers and carry out all other duties provided by Florida Law and these Land Development Regulations.

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- 7. The Mayor, or in his or her absence the Vice Mayor, may administer oaths and compel the attendance of witnesses.
 - B. *Vote required.* No member shall abstain from voting unless he has a conflict of interest pursuant to the provisions of F.S. Ch. 112.

DIVISION 4. DISCLOSURE OF EX PARTE COMMUNICATIONS

Sec. 4.00. Applicability.

The provisions of this division shall apply to all quasi-judicial decisions in the Town.

Sec. 4.01. Disclosure of ex parte communications.

Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or committee on which the local public official is a member. Adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with local public officials:

- A. The substance of any ex parte communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.
- B. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.
- C. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.
- D. Disclosure made pursuant to paragraphs A., B., and C. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication. This paragraph does not subject local public officials to [F.S.] part III of chapter 112 for not complying with this section.

ARTICLE II. 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 but does not terminate at a peak or ridge, the building is no taller than 19 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 an angle of greater than three feet of height for every 12 feet of roof length, the building is no taller than 22 feet in height. (See Illustration 5: Building Stores, Pitched Roof Greater than 3:12, Exhibit A)

Building, principal: The building where the principal use is conducted.

Building setback: The distance between a building and a front, side, or rear lot line, measured as provided in Article IV, section 2.02. (See, e.g., Illustration 6: Yards, Exhibit A)

Building site: A discrete area of land designated for development and use as a single use.

Building, two-story: A building or portion of a building is two stories if it appears to contain more than one story, and:

1. If the roof is flat, the building is no taller than 24 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 expressed 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 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 percent.

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 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.

Pond: A pond is a body of standing water, either natural or man-made. Man-made ponds may be created specifically for habitat restoration, including water treatment, or for stormwater management. Others, like water gardens and koi ponds, are designed for aesthetic ornamentation as landscape or architectural features. Man-made ponds shall meet the Town regulations found in article IV, division III, section 3.20.

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 more than 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.

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 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)

(Ord. No. 298, § 1, 10-4-05; Ord. No. 302, § 1, 2-15-06; Ord. No. 334, § 1, 5-16-11; Ord. No. 337, § 1, 12-13-11; Ord. No. 341, § 1, 11-20-12; Ord. No. 347, § 1, 9-16-14; Ord. No. 348, § 1, 10-16-14; Ord. No. 371, § 2, 3-12-18; Ord. No. 393, § 2, 4-17-24)

ARTICLE III. ZONING DISTRICTS

DIVISION 1. ZONING DISTRICTS; BOUNDARIES; APPLICABILITY

Sec. 1.00. Zoning Districts established.

A. The Town is divided into the following zoning districts:

1. 2-Acre Estate Residential District "A-80".
2. 1-Acre Estate Residential District "B-40".

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3. Central Riverfront Residential District "C-35".
 4. Island Core Residential District "D-25".
 5. Island Core Residential District "E-12".
 6. Island Core Residential District "F-15".
 7. South Island 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.
- (Ord. No. 349, § 2, 12-16-14)

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.

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- 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 under Sec. 11.03 below.**

(Ord. No. 334, § 2, 5-16-11; Ord. No. 389, § 1, 10-31-23)

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 under Sec. 11.04 below.**
- D. Executive/employee/group vacation/retreats are prohibited in this zoning district.
- E. Any other use not specifically permitted in these regulations.

(Ord. No. 337, § 2, 12-13-11)

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.

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- 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-story buildings.
 - b. Thirty 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.
- 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.

(Ord. No. 393, § 3, 4-17-24)

DIVISION 3. "B-40 DISTRICT": 1-ACRE 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 under Sec. 11.03 below.**

(Ord. No. 334, § 3, 5-16-11; Ord. No. 389, § 1, 10-31-23)

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 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 under Sec. 11.04 below.**
- D. Executive/employee/group vacation/retreats are prohibited in this zoning district.
- E. Any other use not specifically permitted in these regulations.

(Ord. No. 337, § 3, 12-13-11)

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. To calculate 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:*

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- 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.
- 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.
- (Ord. No. 393, § 3, 4-17-24)

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 under Sec. 11.03 below.**

(Ord. No. 334, § 4, 5-16-11; Ord. No. 389, § 1, 10-31-23)

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 under Sec. 11.04 below.**
- D. Executive/employee/group vacation/retreats are prohibited in this zoning district.
- E. Any other use not specifically permitted in these regulations.

(Ord. No. 337, § 4, 12-13-11)

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.

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- 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.
- 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 30 percent of the lot area.

(Ord. No. 325, § 1, 8-7-09; Ord. No. 393, § 3, 4-17-24)

DIVISION 5. "D-25 DISTRICT": ISLAND 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 accessory use by the Board of Adjustment under Sec. 11.03 below.

(Ord. No. 334, § 5, 5-16-11; Ord. No. 389, § 1, 10-31-23)

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 under Sec. 11.04 below.
- D. Executive/employee/group vacation/retreats are prohibited in this zoning district.
- E. Any other use not specifically permitted in these regulations.

(Ord. No. 337, § 5, 12-13-11)

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.

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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, 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.

(Ord. No. 393, § 3, 4-17-24)

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 under Sec. 11.03 below.**

(Ord. No. 334, § 6, 5-16-11; Ord. No. 389, § 1, 10-31-23)

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 under Sec. 11.04 below.
- D. Executive/employee/group vacation/retreats are prohibited in this zoning district.
- E. Any other use not specifically permitted in these regulations.

(Ord. No. 337, § 6, 12-13-11)

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 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*:

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- 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.

(Ord. No. 393, § 3, 4-17-24)

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 under Sec. 11.03 below.**

(Ord. No. 312, § 3, 7-10-07; Ord. No. 334, § 7, 5-16-11; Ord. No. 389, § 1, 10-31-23)

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 under Sec. 11.04 below.**
- 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.

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- 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.

(Ord. No. 312, § 3, 7-10-07; Ord. No. 393, § 3, 4-17-24)

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 under Sec. 11.03 below.

(Ord. No. 349, § 2, 12-16-14; Ord. No. 389, § 1, 10-31-23)

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 under Sec. 11.04 below.
- D. Executive/employee/group vacation/retreats are prohibited in this zoning district.
- E. Any other use not specifically permitted in these regulations.

(Ord. No. 349, § 2, 12-16-14)

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.

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- 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. To calculate 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 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. 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.

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- 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.

(Ord. No. 349, § 2, 12-16-14; Ord. No. 393, § 3, 4-17-24)

DIVISION 9. "RCD DISTRICT": RECREATION CLUB DISTRICT²

Sec. 9.00. Permitted uses.

The following uses are permitted in the RCD District:

- A. Private recreational clubs.
- B. Medical facilities open to the public which do not exceed 1,000 square feet of floor area in the aggregate.
- C. Accessory uses to private recreational clubs which are available only to serve the members and guests of such clubs, including the following:
 - 1. Stores and shops.
 - 2. Personal service shops.
 - 3. Offices, restaurants and similar community services.
 - 4. Docks, dune crossovers, and accessory uses.
 - 5. Lodging houses for club members and guests.
 - 6. Dormitories for club employees.
 - 7. Such accessory buildings and uses as are normally incident to the uses permitted in the district; and
 - 8. Other uses, if approved by the town commission upon a showing by the applicant that the proposed use is of the same general character as one or more of the listed permitted uses.

(Ord. No. 312, § 4, 7-10-07; Ord. No. 349, § 2, 12-16-14)

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 under Sec.11.04 below.

(Ord. No. 312, § 4, 7-10-07; Ord. No. 337, § 8, 12-13-11; Ord. No. 349, § 2, 12-16-14)

²Editor's note(s)—Ord. No. 349, § 2, adopted Dec. 16, 2014, renumbered App. A. Art. III, Div's. 8—10 as Div's. 9—11.

Sec. 9.02. Development standards.

Development within the RCD District shall comply with the following standards:

- A. *Building height.* The height of any building shall not exceed two stories.
- B. *Maximum lot coverage.* The total amount of coverage for all buildings, including accessory buildings, shall not exceed 25 percent of the lot area on which the principal permitted use is located.
- C. *Required yards.* Each building shall have front, side and rear yard depths equal to or greater than the yards required in the A-80 District.
- D. *Permitted encroachments.*
 - 1. Eaves and overhangs of 30 inches in depth may encroach into any required yard.
 - 2. Any structure used for irrigation or used in connection with producing water from wells within the RCD District may be located within required front, side and rear yards provided that such structure is screened by landscape material.

(Ord. No. 312, § 4, 7-10-07; Ord. No. 349, § 2, 12-16-14)

DIVISION 10. "PLD DISTRICT": PUBLIC LANDS DISTRICT³

Sec. 10.00. Permitted uses.

Public buildings, grounds and facilities related to the provision of public services to the residents of the town are permitted in the PLD District. No more than one wireless communications tower per lot is permitted as an accessory use.

(Ord. No. 312, § 4, 7-10-07; Ord. No. 349, § 2, 12-16-14)

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 under Sec. 11.04 below.

(Ord. No. 312, § 4, 7-10-07; Ord. No. 337, § 9, 12-13-11; Ord. No. 349, § 2, 12-16-14)

Sec. 10.02. Development standards.

Development within the PLD District shall comply with the following standards:

- A. *Building height.* The height of any building shall not exceed two stories.
- B. *Maximum lot coverage.* The total amount of coverage for all buildings, including accessory buildings, shall not exceed 25 percent of the lot area on which the principal permitted use is located.

³Editor's note(s)—Former Division 9. See editor's note at Division 9.

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- C. *Required yards.* Each building shall have front, side and rear yard depths equal to or greater than the yards required in the A-80 District.
 - D. *Permitted encroachments.*
 - 1. Eaves and overhangs of 30 inches in depth may encroach into any required yard.
 - 2. Any structure used for irrigation or used in connection with producing water from wells within the PLD District may be located within required front, side and rear yards provided that such structure is screened by landscape material.
 - E. *[Beach access.]* The points of beach access: At the town's south end, the Nature Conservancy's Blowing Rocks Beach; in the central town at the County's Hobe Sound Beach Park; at the north end, the National Wildlife Refuge Park shall not be discontinued for beach access, nor shall any additional points of beach access be permitted.

(Ord. No. 312, § 4, 7-10-07; Ord. No. 331, § 1, 4-13-11; Ord. No. 349, § 2, 12-16-14)

DIVISION 11. "CPD DISTRICT": CONSERVATION/PRESERVATION DISTRICT⁴

Sec. 11.00. Permitted uses and structures.

The following uses are permitted in the CPD District:

- A. Flood control management, flood plain management, fisheries management, vegetation communities, or wildlife habitats.
- B. Accessory structures which are clearly incidental to a permitted principal use if approved by the town commission upon a showing by the applicant that the proposed structure is consistent with one or more of the listed permitted uses.

(Ord. No. 312, § 4, 7-10-07; Ord. No. 349, § 2, 12-16-14)

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 under Sec. 11.04 below.

(Ord. No. 312, § 4, 7-10-07; Ord. No. 337, § 10, 12-13-11; Ord. No. 349, § 2, 12-16-14)

Sec. 11.02. Development standards.

Development within the CPD District shall comply with the following standards:

- A. *Building height.* The height of any building shall not exceed two stories.
- B. *Maximum lot coverage.* The total amount of coverage for all buildings, including accessory buildings, shall not exceed ten percent of the lot area.

⁴Editor's note(s)—Former Division 10. See editor's note at Division 9.

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- C. *Required yards.* Each building shall have front, side and rear yard depths equal to or greater than the yards required in the A-80 District.
 - D. *Permitted encroachments.*
 - 1. Eaves and overhangs of 30 inches in depth may encroach into any required yard.
 - 2. Any structure used for irrigation or used in connection with producing water from wells within the CPD District may be located within required front, side and rear yards provided that such structure is screened by landscape material.
 - E. *No net loss of open space shall be permitted.* In instances where new structures are permitted, there shall be required additional dedicated open space equal to or exceeding the space used for such structures.
 - F. *[Beach access.]* The points of beach access: At the Town's south end, the Nature Conservancy's Blowing Rocks Beach; in the central Town at the County's Hobe Sound Beach Park; at the north end, the National Wildlife Refuge Park shall not be discontinued for beach access, nor shall any additional points of beach access be permitted.

(Ord. No. 312, § 4, 7-10-07; Ord. No. 331, § 2, 4-13-11; Ord. No. 349, § 2, 12-16-14)

Sec. 11.03. Variance for an accessory uses not listed under "permitted uses "in a zoning district.

The Board of Adjustment may approve an accessory use not listed under "Permitted Uses", as detailed in article III, division II, section 2.00.B, division III, section 3.00.B, division IV, section 4.00.B, division V, section 5.00.B, division VI, section 6.00.B, and division VII, section 7.00.B, if the applicant demonstrates that:

- 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
- D. Proposed screens and buffers 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 roads; 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.

SEC. 11.04 Variance for the installation of a reverse osmosis plant in a zoning district.

The Board of Adjustment may approve a reverse osmosis plant in a zoning district with the following provisions:

All plans, reports, letters of assurances, and other documents related to the RO plant shall be prepared by a licensed, professional hydrogeologist (P.G.), or a licensed professional engineer (P.E.) with experience and practice in the design and implementation of reverse osmosis facilities. Certification of documents indicates that they are prepared under the engineer or hydrogeologist's responsible supervision, direction or control. Endorsement of documents above their technical competence may result in action by their respective governing board. Terms are defined by the South Florida Water Management District and Florida Department of Environmental Protection. The board of adjustment may consider an application for the installation of a reverse osmosis plant as an accessory use to the primary use located on a lot of two acres or larger upon submission of the following information, but may not consider an application on a lot of less than two acres:

- A. *Engineering.* Reverse osmosis plant systems need to include a certification of a professional engineer with experience with reverse osmosis plant systems that the reverse osmosis plant shall meet all design conditions and shall include the following submissions to the town engineer for review and presentation of a report of his findings to the board of adjustment.
 1. Drawings to include the location of the system on the lot, topography of the lot, location of on-site wastewater disposal drain field on the lot, and proximity to buildings and on-site wastewater disposal drain fields on adjoining lots.
 2. Plans to include the size of the system, anticipated water supply, product and wastewater flow rates, maximum capacities, anticipated locations of water supply withdrawals, depths, appurtenant facilities, and wastewater or system concentrate discharge disposal locations.
 3. Chemical handling plan and storage. Copies of MSDS sheets for all known chemicals shall be submitted.
 4. Plans and calculations showing anticipated product water storage location and size of storage system.
 5. Plans for structures for housing a system and landscape plan for screening of said structures.
 6. Plans for emergency generator facilities and fuel.
 7. Electric plans.
 8. Monitoring systems and data collection.
 9. As-built plans to be submitted to the town.
- B. *Hydrogeology and geotechnical.* Evaluation of 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 which shall include the following submissions.
 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:

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- 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 State of Florida professional geologist or professional engineer.
- C. *Permits.* All applicable federal, state and local permits need to be identified and obtained with copies 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 of an engineer that no overflows of wastewater or concentrate discharge to surface water will occur.
- D. *Chemicals.* A certificate of an 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 system, quantities used per month, along with the MSDS sheets for each chemical, and quantities to be stored on the lot.
 2. Storage system to safely house and contain chemicals from escaping onto the ground or into the air.
 3. Method for and frequency of delivery of chemicals to the lot and removal of spent chemical containers for disposal off-site.
- E. *Noise.* A certificate of an 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.
- F. *Odor.* A certificate of an engineer addressing odor control if source water for reverse osmosis plant contains hydrogen sulfide demonstrating that no odors will leave the lot.
- G. *Setbacks.* A certificate of an 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.
- H. *Minimum lot size.* A certificate of an engineer that the lot size is a minimum of two acres.
- I. *Adverse impacts.* A certificate of an 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.

None of the above required information replaces, supersedes or circumvents information required by any federal or state agency regulating or permitting the reverse osmosis plant. Upon submission of all the above referenced

information to the satisfaction of the director of planning, zoning and building and the town engineer, the board of adjustment shall consider and may approve the use of a reverse osmosis plant upon a finding that:

1. All conditions set forth in section 3.11 relating to alternative development standards for approval of accessory uses have been met.
2. All requirements relating to lot size, setbacks, noise and odor are met.
3. There are no adverse environmental impacts created by the installation of the reverse osmosis plant.
4. All chemicals and machinery relating to the operation of the reverse osmosis plant shall be self-contained within a safe, noise-proof facility.
5. The reverse osmosis plant shall be totally screened from view from adjoining properties, rights-of-way and waterways.
6. Town staff has found acceptable the assurances from the applicant's professionals that there are no adverse impacts on adjoining property owner's irrigation water withdrawal wells, on-site wastewater disposal drain-fields, and surface water bodies.

(Ord. No. 337, § 11, 12-13-11; Ord. No. 341, § 3, 11-20-12)

Sec. 11.05. Conditions subsequent to approval of a reverse osmosis plant.

- A. Prior to the final issuance of a certificate of occupancy for a reverse osmosis plant 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.

(Ord. No. 337, § 12, 12-13-11)

Sec. 11.06. Requirements relating to monitoring of disposal system for reverse osmosis plant.

Each property owner with a reverse osmosis plant shall provide annually on the date of the anniversary of the installation of the system the following information:

1. Assurance that surface flooding does not occur.
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 the 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 local regulations.

6. The property owner will submit to an inspection of the reverse osmosis plant by town staff and/or town consultants.

In the event any of the above assurances and annual inspection cannot be provided the owner will voluntarily suspend the continued operation of the reverse osmosis plant until the system comes into compliance or the permit shall be rescinded by the town subject to review by the town's director of planning, building and zoning and the board of adjustment.

(Ord. No. 337, § 13, 12-13-11)

Sec. 11.07. Application fees, permits, annual operations and maintenance fees for reverse osmosis plants.

Any request to the board of adjustment for approval of a reverse osmosis plant will require payment to the town of \$7,500.00 to cover all administrative review fees. If the reverse osmosis plant is approved by the board of adjustment, town development permit fees are required in the amount required by ordinance. Once the reverse osmosis plant is complete, the property owner will obtain from the town an annual operations and maintenance permit and remit an annual fee of \$2,000.00.

(Ord. No. 337, § 14, 12-13-11)

ARTICLE IV. SUPPLEMENTAL REGULATIONS

DIVISION 1. APPLICABILITY

Sec. 1.00. Applicability.

All development shall be subject to the supplemental regulations set forth in this article.

DIVISION 2. MEASUREMENTS

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. 6.5 feet NAVD

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3. A point established by the Board of Adjustment using Sec. 2.00A below.
 - 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.

Sec. 2.00A. Variance for the initial measuring point of a building

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:

- A. 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
- B Will not result in a building which is more visible from adjacent properties or the public right-of-way than the existing surrounding structures.

(Ord. No. 393, § 6, 4-17-24)

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).

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3. Areas which are open to the air, but 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. Basements 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.
- E. Floors or parts of floors which are below the first floor, but do not qualify as basements, are counted as follows:
1. If the entire floor does not qualify as a basement, then the entire floor is counted as floor area.
 2. If part of the floor does not qualify as a basement, then only that area which does not qualify as a basement is counted as floor area. (See Illustration 19: Floor Area Measurement, Basements, Exhibit A)
 3. If a single wall of a floor which is below the first floor is exposed such that it no longer qualifies as a basement wall, but no floor area can be calculated due to the absence of a depth measurement, then the width of the exposed wall shall be multiplied by five feet to calculate the floor area of the exposed portion of the floor.

(Ord. No. 393, § 4, 4-17-24)

Sec. 2.02. Building setbacks.

- A. Setbacks are the shortest horizontal distance between a building or other structure that is not expressly permitted to be located within a required yard and the lot line from which the setback is measured.
- B. Entrance steps, bay windows, windowsills, belt courses, cornices, eaves of greater than 30 inches in depth, other architectural features, patios, courts, and porches shall be considered part of a building for the purpose of measuring setbacks.

DIVISION 3. DEVELOPMENT STANDARDS

Sec. 3.00. Apparent height of building.

- A. No building shall appear to be more than two stories high when viewed from contiguous lots, waterways, or public rights-of-way.
- B. The height of exterior building walls shall not exceed 22 feet.

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(Supp. No. 18, Update 2)

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 greater amount of fill using [Sec. 3.01A below](#).

Sec. 3.01A. Variance for the placement of more than three feet of fill.

The Board of Adjustment may approve [the placement of more than three feet of fill referenced in section 3.01](#), regarding the placement of more than three feet of fill on a lot, if the applicant demonstrates that:

- A. The additional fill will not result in a building which is taller than the maximum height permitted on any adjacent lot; and
- B. Fill will be placed in a manner that will not result in additional stormwater runoff onto adjacent Property or public rights-of-way; and
- C. Fill will be placed in a manner that will not result in significant soil erosion; and
- D. The portion of the lot for which the fill is proposed has not previously been filled pursuant to a special exception or the use of alternative development standards, or the elevation of said portion of the lot has decreased by more than three feet since the fill was placed; and
 1. The fill will not result in a building which is more visible from adjacent property or public rights-of-way; and
 2. The fill is necessary to build the finished floor of the building at an elevation of 6.5 NAVD.

(Ord. No. 393, § 7, 4-17-24)

Sec. 3.02. Waterfront setback lines.

- A. *Riverfront setbacks.* On riverfront lots, new buildings and new additions to existing buildings (other than docks) shall be set back at least to the "Waterfront Setback Line" set forth in Exhibit "C" to these land development regulations. The original of this document is on file in Town Hall.
- B. *Oceanfront setbacks.* On oceanfront lots, new buildings and additions to existing buildings (other than dune crossovers), shall be set back at least to the "Waterfront Setback Line" set forth in Exhibit "C" to these land development regulations. The original of this document is on file in Town Hall.

Sec. 3.03. Setbacks for swimming pools and hardscaped areas.

- A. *Covered uses and structures.* A swimming pool, terrace, or other structure that is covered, in whole or in part, by a roof, awning, trellis, screening, or other, covering shall be set back as if it were a building.
- B. *Open uses and structures.*
 1. An uncovered swimming pool, terrace, or similar hardscaped area shall be set back:
 - a. At least 20 feet from any side or rear lot line, and
 - b. From the front lot line as if it were a building.
 2. A swimming pool or terrace may be located waterward of the setback line established in article IV, section 3.02, provided that:

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- a. No part of the swimming pool or terrace exceeds one foot in height above the grade that existed prior to construction, and
 - b. No part of the swimming pool or terrace is located within 50 feet of the mean high-water mark.
3. Regarding swimming pools, required setbacks are measured from the inner wall of the swimming pool.

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.
- 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.

(Ord. No. 349, § 3, 12-16-14)

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 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 for tennis courts in the RCD District **if the applicant demonstrates that:**
 - 1. The lighting will not spill over onto any adjacent lot in a residential zoning district; and**
 - 2. The lighting standards and fixtures are not visible from any neighboring lot in a residential zoning district; and**
 - 3. The lighting will be turned off between the hours of 9:30 p.m. and 6:00 a.m.**

(Ord. No. 393, § 7, 4-17-24)

- 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

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- 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 waterfront lot except for pool fences in accordance with Sec. 3.06A. below.
 4. *Within the building envelope.* Walls and fences may be constructed within the building envelope provided that that the way walls or fences are attached to buildings does not create apparent mass more than 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 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.

Sec. 3.06A. Pool fences in rear yards of waterfront lots.

Construction of a fence or wall within a required rear yard of a waterfront lot may be permitted if the applicant demonstrates 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 parcels of land; 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.

(Ord. No. 393, § 7, 4-17-24)

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- 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.

(Ord. No. 347, § 2, 9-16-14)

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 in accordance with Sec. 3.07A. below.
- 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 the Board of Adjustment approves additional area in accordance with Sec. 3.07A below.
- 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 greater height is approved by the Board of Adjustment in accordance with Sec. 3.07A below.
 - b. Dune crossover posts and railings shall not be higher than three feet above the deck of the dune crossover.

Sec. 3.07A. Variance for docks and dune crossovers.

The Board of Adjustment may approve a variance for section 3.07, regarding docks and dune crossovers, if the applicant demonstrates that:

- A. The proposed dock or dune crossover will not result in an obvious departure from the aesthetic character of the neighborhood, considering existing structures and open space; and

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- B. 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 of the same side of the lot; and
 - C. The proposed dock or dune crossover is designed in a manner that does not materially obstruct the waterfront views from neighboring property; and
 - D. The proposed dock or dune crossover:
 - 1. 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 district-regulations; or
 - 2. Is located such that it is significantly smaller than any functional dock or dune crossover that could be constructed pursuant to the underlying district regulations; or
 - 3. 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 underlying district regulations.

(Ord. No. 393, § 7, 4-17-24)

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.
- 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 davits for 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 davited 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 davited

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/submersible 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/submersible lighting fixture, flag poles, and security lighting.
- c. Metal halide bulbs, high-intensity bulbs such as 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/submersible 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/submersible light fixtures must be white in color and shall not exceed two per dock.

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- 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.

(Ord. No. 342, § 1, 9-17-13; Ord. No. 381, § 1, 9-12-22)

Sec. 3.08. Steps at seawalls.

No permit is required to attach steps to the ocean side of a seawall if all the following conditions have been met:

- A. The steps do not extend more than 12 inches above the seawall, and railings do not extend more than four feet above the wall at any point.
- B. The steps have been permitted by the Florida Department of Environmental Protection (DEP).
- C. The steps are located within the middle one-third of the property.
- D. Should the steps be threatened by erosion to the point water is impinging on them, the owner agrees to remove them to avoid the hazard of the steps breaking away.

Sec. 3.09. Brush bins.

A. *Location.*

- 1. Brush bins shall be located on the lot for which they are intended to be used.
- 2. No brush bin shall be in the public right-of-way or on the property of another.
- 3. Each brush bin shall be placed in a location approved by the administrative official.
- 4. If a question regarding the location of a property line arises, or a property line is not readily discernible, the owner of the property shall retain a registered professional surveyor to locate and stake the property line before the administrative official will approve a location.
- 5. Setback requirements for structures shall not apply to brush bins that comply with the requirements of this section.

B. *Size, height, and design.*

- 1. Brush bins are limited to a maximum size of ten by 20 feet.
- 2. The walls and gates, or doors of a brush bin shall not exceed seven feet in height, measured from the surrounding ground level.
- 3. Brush bins shall not be covered by a permanent structure.
- 4. Brush bins shall be constructed with first-class materials. The design shall incorporate a solid surface at the rear of the bin extending not less than 12 inches above grade for purposes of removal of the debris.
- 5. Brush bins shall be landscaped so as not to be readily visible from adjoining properties or public rights-of-way, except for accessways.

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 in accordance with Sec. 3.10A below.
- 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.

(Ord. No. 393, § 5, 4-17-24)

Sec. 3.10A. Variance for a reduction of required off-street parking.

The Board of Adjustment may approve a variance to section 3.10 regarding the reduction of required parking area if the applicant demonstrates that it is not needed to achieve compliance with the landscaped open space requirement of the underlying zoning district and at least one of the following:

- A. The reduced parking area will reasonably accommodate one car per bedroom: or
- B. The required parking is provided on an adjacent lot under common ownership, and the applicant provides an executed covenant in recordable form 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
- C. The required parking is provided on an adjacent lot that is subject to a parking easement that provides the required area and is effective until the required parking is provided on the lot which it serves; or
- D. Clear and convincing evidence 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.

(Ord. No. 393, § 7, 4-17-24)

Sec. 3.11. Office and storage trailers.

One trailer per lot, for purposes of storage or office use during approved land clearing and construction is permitted in all zoning districts, provided such trailer is buffered from view, does not exceed 200 square feet, and is removed immediately upon completion of the project or any storm watch condition as issued by the National Weather Service (NWS).

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 to protect the Town's unique aesthetic environment and community character. The Town Commission may approve a variance to this section in accordance with Sec. 3.12A below.
- 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 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 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 Commission shall hear a variance in accordance with Sec. 3.12A. below.

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- 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.

(Ord. No. 349, § 3, 12-16-14)

Sec. 3.12A. Variance for communication towers and/or antennas.

The Town Commission may approve a variance to section 3.12, regarding communications towers and/or antennas, if the applicant demonstrates that:

- A. The tower/antenna is in a PLD or RCD District; and
- B. The tower/antenna will not interfere with the use and enjoyment of adjacent and nearby properties; and
- C. The visual impact of the tower/antenna and associated structures is substantially mitigated by either or both of the following:
 1. A combination of topography and existing or provided landscaping in the surrounding area; or
 2. A "stealth" design; and
- D. 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
- E. Off-street parking for at least one maintenance vehicle is provided; and
- F. There are no suitable existing towers, antennas, or other structures, or alternative technologies that do not require the use of towers or structures, that the applicant can utilize to provide the service; and
- G. The tower is set back at least 110 percent of the height of the tower from any neighboring property in an RD zoning district; and

H. 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

I. Guys and accessory buildings satisfy the minimum zoning district setback requirements; and

J. The structure is designed to accommodate co-locations of equipment and attachments with a minimum wind load rated at 170 mph; and

K. A performance bond is posted in favor of the Town to cover the cost of removing the structure if it is abandoned or otherwise violates these land development regulations.

(Ord. No. 393, § 7, 4-17-24)

Sec. 3.13. Underground location of utility service lines.

All utility service lines, electrical distribution systems, wires, cables, and feeder lines which are constructed or installed to serve new, or substantially improved or reconstructed buildings shall be constructed or installed underground.

Sec. 3.14. Landscape buffer and streetscape requirements.

- A. The frontage of lots on which new or substantially improved or reconstructed structures are located shall be landscaped in a manner which is substantially equivalent to the landscape treatment along lot frontage on the same public road for 1,000 feet in both directions during the period between November 1 and April 15. Except for areas of required sight triangles, the landscape material shall be planted as close to the public right-of-way as is practicable given existing mature vegetation and the location of utilities. The required landscaping shall include shrubs, hedges and/or other plant clusters which will provide, within three years after installation, effective screening of all buildings on the lot.
- B. Landscaping shall be in place which will provide a buffer along lot lines to minimize the visual effect of structures from adjoining properties and the public rights-of-way prior to the issuance of a building permit.
- C. Streetscapes and landscape buffers which are in place as of the effective date of these land development regulations shall be maintained so that they continue to have substantially the same or greater buffering effect, unless a new landscape plan for the lot is approved by Impact Review or in conjunction with an application for development approval.
- D. Streetscapes and landscape buffers which are the subject of a development approval shall be maintained as approved for a period of at least three years after the issuance of a certificate of occupancy for the development which included the streetscape plan, or the issuance of a certificate of completion if no certificate of occupancy is necessary.
- E. Pruning during the period between April 15 and November 1 may temporarily reduce the buffering effect of streetscapes and landscape buffers when such pruning is necessary to maintain the health and buffering effect of the vegetation during the period between November 1 and April 15.

Sec. 3.15. Indirect access.

All new and substantially improved or reconstructed structures in the A-80 and B-40 Districts shall be designed and located so that they are not visible along or through a driveway from a public right-of-way or adjacent property.

Sec. 3.16. Gates.

Gates shall be fully screened from all public rights-of-way possible and set back from the front lot line a distance equal to one-third of the depth of the required front yard, except on those lots south of the "S Curve" along South Beach Road and lots in the C-35 District. No gate shall be installed or maintained unless the Town's public safety department has a means of immediate access to the property.

(Ord. No. 347, § 2, 9-16-14)

Sec. 3.17. Exterior lighting.

These standards govern new and replacement exterior lighting on private properties. Existing exterior lighting plans, that were approved and permitted by the Town, are exempt from these regulations, until such time that a new lighting plan is submitted and approved. Exterior lighting shall include exterior security lighting and exterior landscape/aesthetic lighting, as defined below.

- *Exterior security lighting*: Exterior lighting that is used to provide a level of illumination to: illuminate areas of a property during security or emergency events, identify persons or objects (detection) or create a psychological deterrent to unwanted or criminal activity in the area being protected (deterrent). Exterior security lighting is stand-by lighting, such as motion-actuated lights or lighting operated by switch or alarm. Exterior security lighting shall be activated only by motion activation or during security or emergency events and will remain off during other times.
- *Exterior landscape/aesthetic/utility lighting*: Exterior lighting that is used to provide a level of illumination to safely ingress and egress buildings and structures on a property, to accent or highlight landscape and/or structures on a property, which includes up-lighting and down-lighting of trees and their canopies, path lights, and building-mounted light fixtures.
- *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.
- *Lumens per acre*: The total number of lumens produced by all bulbs or fixtures utilized in exterior lighting on a property divided by the number of acres, or partial acre, on such property.
- *Special RCD lighting*: Exterior lighting provided in connection with events held on properties located within the Recreation Club District (RCD).

In all cases, the intent of exterior lighting within 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 exterior lighting projects, other than exterior 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. The point source of light or any reflective surface of the light fixture shall not be directly visible from outside the property line. This includes, without limitations, eave lights, tree-mounted lighting, exterior security lighting, and gate keypads.
- C. All up-lighting fixtures shall have a glare shield. Fixtures shall be hidden by vegetative landscape materials so that they are not visible from outside the property.
- D. Light trespass onto adjacent properties and public rights-of-way shall be limited to 0.2 footcandles measured at the property lines.

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- E. Lighting fixtures, other than those used solely to illuminate property identification signs and those which have been approved by the town building and public safety departments, shall not be installed in any public right-of-way.
- F. Direct illumination of or illumination directly on the elevation of any wall or residence (wall washes) is prohibited.
- G. Metal halide bulbs, high-intensity bulbs such as high-pressure sodium, and mercury vapor bulbs are prohibited.
- H. Down lighting fixtures shall not be placed more than 15 feet above grade in palm trees and no more than 25 feet in canopy trees.
- I. All lighting sources shall have a temperature rating between 2700—3500 Kelvin with a minimum beam spread of 24 degrees. DEP-required amber turtle lights may be lower than 2700 Kelvin.
- J. Colored lights that are visible from the street are prohibited except for temporary lighting intended for recognized holiday celebrations from Thanksgiving (the last Thursday in November) until January 8th.
- K. All lighting projects shall conform to the Town of Jupiter Island Code, Chapter 3, Article II, for sea turtle lighting.
- L. Maximum lumens per single fixture is 1,000. Swimming pool and spa (underwater) lights, and flagpole lights are exempt from this standard, including Kelvin ratings, and beam spread. Special RCD lighting is also exempt from this standard, as well as subsection B above.
- M. All second-floor exterior lighting shall be shrouded on the sides so as to direct light down towards the ground.
- N. Plans, specifications, records and reports of a "security system plan" are exempt under Florida Statute 119.07(1) and § 24(a), Article I of the State Constitution.
- O. The maximum lumens permitted on any lot shall not exceed the total lumens calculated in accordance with the following formulas:
- (i) *Lots less than or equal to one-half acre:* The maximum lumens on any lot less than or equal to one-half acre shall not exceed the product of 50,000 lumens per acre multiplied by the lot size in acres.
- Example: A 0.3-acre property.
- 0.3 acres multiplied by 50,000 lumens per acre = 15,000 total lumens
- (ii) *Lots greater than one-half acre, but less than or equal to six and one-half acres:* The maximum lumens on any lot greater than one-half acre, but less than or equal to six and one-half acres shall not exceed the product of (i) (a) 52,000, minus (b) the product of 4,000 multiplied by the lot size in acres, multiplied by (ii) the lot size in acres.
- Example: A 3.5-acre property.
- 1) $52,000 - (4,000 \times 3.5) = 38,000$
- 2) $3.5 \text{ acres} \times 38,000 \text{ lumens/acre} = 133,000 \text{ total lumens}$
- (iii) *Lots greater than six and one-half acres:* The maximum lumens on any lot greater than six and one-half acres shall not exceed the product of 25,300 lumens per acre multiplied by the lot size in acres.
- Example: A 7.4-acre property.
- 7.4 acres multiplied by 25,300 lumens per acre = 187,220 total lumens

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- P. All lighting project applicants must submit the Town of Jupiter Island Exterior Lighting Self-Certification Form to the building department.

(Ord. No. 368, § 1, 7-17-18; Ord. No. 373, § 1, 2-20-19)

Sec. 3.18. Mechanical equipment.

- A. All mechanical equipment must be placed within the building envelope, unless placed completely below grade, as in an underground vault.
- B. Generators placed outdoors shall be contained within a factory-built enclosure specific for the size and type generator.
- C. All above-grade mechanical equipment shall be located behind a masonry site wall, wall to be at least as tall as the tallest piece of equipment meant to be screened, up to a height of six feet.
- D. All cooling towers shall be sunken into the earth at least three feet and screened with a six-foot tall masonry wall.
- E. The maximum sound level of operating mechanical equipment shall not exceed 60 dBA during the daytime (8:00 a.m. to 7:59 p.m.) and shall not exceed 55 dBA during the nighttime (8:00 p.m. to 7:59 a.m.). These sound levels may be measured seven meters from the equipment or at the property lines.

(Ord. No. 347, § 2, 9-16-14)

Sec. 3.19. Entrance feature.

All new entrance features, as defined in article II, shall be subject to review by the impact review committee.

(Ord. No. 347, § 2, 9-16-14)

Sec. 3.20. Pond design, construction, and maintenance.

- A. Maximum pond size (surface area) shall be 30 percent of total allowable floor area for the property.
- B. Pond setbacks shall equal or exceed all front, side and rear yard setback lines, or from the waterfront setback lines for properties located along the Intracoastal or ocean.
- C. Pond slopes shall not exceed a 4:1 pitch and pond depth shall not to exceed four feet.
- D. Six-foot high structural barriers (walls or fences) shall be installed along lot lines of neighboring properties.
- E. All ponds shall be lined with an EPDM rubber (or equivalent) liner.
- F. All ponds shall be provided with the circulation and filtration of water.
- G. Back-up power shall be provided to all pond equipment.
- H. Minimum pond water levels per the plans shall be maintained, except to the extent not allowed by law during times of water restrictions.
- I. All pond equipment shall meet the setback and burial requirements of mechanical equipment found in Article IV, section 3.18.
- J. Ponds with a water depth of 24 inches or greater shall be posted "No Swimming".

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- K. Natural (such as the use of certain fish), mechanical, or chemical means to mitigate the nuisances of mosquitoes and frogs shall be supplied to the pond.
 - L. All ponds shall have properly engineered stormwater management to handle overflows and contain the water on the property.
 - M. A basic operations and maintenance agreement shall be executed between the town and property owner, in recordable format, stipulating that the town can mitigate a pond that is not maintained to these standards or mitigate a pond that becomes a nuisance. All costs borne by the town shall be paid by the pond owner.
 - N. The owner shall provide a plan to the town to mitigate offensive sound/noise created from animals attracted to the pond, the movement of water, and pond equipment.
 - O. The pond shall be always maintained in good working condition, in a manner consistent with the pond plans, specifications, and applicable laws and regulations.
 - P. Pond maintenance shall include, without limitation, performing the following on a regular basis:
 - 1. Keeping the pond in a clean, safe, and sanitary condition; and
 - 2. Mowing the grass around the pond and removing all debris from the pond.
 - Q. Owner shall provide annually to the town a statement that the pond is being maintained in compliance with the pond maintenance standards.
- (Ord. No. 348, § 2, 10-16-14)

Sec. 3.21. Energy-efficiency and energy conservation.

Development and redevelopment of Town properties shall achieve an energy-efficient and energy conserving land use pattern, based upon greenhouse gas reduction strategies. These reduction strategies include the use and promotion of golf carts, bicycles, walking, the installation of energy efficient mechanical equipment, the use of solar technologies, and the use of renewable energy sources.

(Ord. No. 371, § 3, 3-12-18)

Editor's note(s)—Prior to reenactment by Ord. No. 371, Ord. No. 360, § 1, adopted June 14, 2016, repealed § 3.21, which pertained to exterior speakers and derived from Ord. No. 351, § 1, adopted May 6, 2015.

Sec. 3.22. Martin County Maintenance Map provisions.

For any property along South Beach Road that was subject to the adoption of the Martin County Maintenance Map on February 12, 2019, front yard building setbacks and allowable floor area shall be calculated in accordance with the lot line locations and lot size calculations made prior to the adoption of the Maintenance Map.

(Ord. No. 375, § 1, 2-20-19)

DIVISION 4. REASONABLE ACCOMMODATION PROCEDURES

Sec. 4.00. Reasonable accommodation procedures.

- (1) This section implements the policy of the Town of Jupiter Island for processing of requests for reasonable accommodation to its ordinances, rules, policies, and procedures for persons with disabilities as provided by

the federal Fair Housing Amendments Act ("FHAA") and the Americans with Disabilities Act ("ADA"). For purposes of this section, a "disabled" individual or person is an individual that qualifies as disabled and/or handicapped under the FHAA and/or ADA. Any person who is disabled (or qualifying entities) may request a reasonable accommodation with respect to the town's land use or zoning laws, rules, policies, practices and/or procedures as provided by the FHAA and the ADA pursuant to the procedures set out in this section.

- (2) A request by an applicant for reasonable accommodation under this section shall be made in writing by completion of a reasonable accommodation request form, which form is maintained by (and shall be submitted to) the Town Clerk. The reasonable accommodation form shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request. The reasonable accommodation request form shall be substantially in the form set forth in subsection (10) below.
- (3) Should the information provided by the disabled individual to the town include medical information or records, including records indicating the medical condition, diagnosis or medical history of the disabled individual, such individual may, at the time of submitting such medical information, request that the town, to the extent allowed by law, treat such medical information as confidential information of the disabled individual. The town shall thereafter endeavor to provide written notice to the disabled individual, and/or their representative, of any request received by the town for disclosure of the medical information or documentation which the disabled individual has previously requested be treated as confidential by the town. The town will cooperate with the disabled individual, to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the town shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses (whether by retention of outside counsel or allocation of internal resources) in connection therewith, and may comply with any judicial order without prior notice to the disabled individual.
- (4) The Town Manager, or his/her designee, shall have the authority to consider and act on requests for reasonable accommodation, after notice and public hearing to receive comments, input and information from the public (provided, however, the Town Manager or designee shall not be required to render their decision at said public hearing). When a reasonable accommodation request form has been completed and submitted to the Town Clerk it will be referred to the Town Manager, or designee, for review and consideration. The Town Manager, or designee, shall issue a written determination within 45 days of the date of receipt of a completed application and may, in accordance with federal law: (a) grant the accommodation request; (b) grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request; or (c) deny the request, in accordance with federal law. Any such denial shall be in writing and shall state the grounds therefor. All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e. the disabled individual or his/her representative) by certified mail, return receipt requested. If reasonably necessary to reach a determination on the request for reasonable accommodation, the Town Manager, or designee, may, prior to the end of said 45-day period, request additional information from the requesting party, specifying in sufficient detail what information is required. The requesting party shall have 15 days after the date of the request for additional information to provide the requested information. In the event a request for additional information is made, the 45-day period to issue a written determination shall no longer be applicable, and the Town Manager, or designee, shall issue a written determination within 30 days after receipt of the additional information. If the requesting party fails to provide the requested additional information within said 15-day period, the Town Manager, or designee, shall issue a written notice advising that the requesting party had failed to timely submit the additional information and, therefore, the request for reasonable accommodation shall be deemed abandoned and/or withdrawn and no further action by the Town with regard to said reasonable accommodation request shall be required. The deadlines referenced herein may be extended by mutual agreement between the Town and the applicant.
- (5) In determining whether the reasonable accommodation request shall be granted or denied, the requesting party shall be required to establish that they are protected under the FHA and/or ADA by demonstrating that

they, or the party they represent, are handicapped or disabled, as defined in the FHA and/or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this section the disabled individual must show: (i) a physical or mental impairment which substantially limits one or more major life activities; (ii) a record of having such impairment; or (iii) that they are regarded as having such impairment. Next, the requesting party will have to demonstrate that the proposed accommodations being sought are reasonable and necessary to afford handicapped/disabled persons equal opportunity to use and enjoy housing. The foregoing (as interpreted by the courts) shall be the basis for a decision upon a reasonable accommodation request made by the Town Manager, or designee, or by the Town Commission in the event of an appeal.

- (6) Within 30 days after the Town Manager's, or designee's, determination on a reasonable accommodation request is mailed to the requesting party, such applicant may appeal the decision. All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. Appeals shall be to the Town commission who shall, after public notice and a public hearing, render a determination as soon as reasonably practicable, but in no event later than 60 days after an appeal has been filed.
- (7) There shall be no fee imposed by the Town in connection with a request for reasonable accommodation under this section or an appeal of a determination on such request to the Town Commission, and the Town shall have no obligation to pay a requesting party (or an appealing party, as applicable) attorneys' fees or costs in connection with the request, or an appeal.
- (8) While an application for reasonable accommodation, or appeal of a determination of same, is pending before the Town, the Town will not enforce the subject zoning ordinance, rules, policies, and procedures against the applicant.
- (9) The following general provisions shall be applicable:
 - (a) The Town shall display a notice in the Town's public notice bulletin board (and shall maintain copies available for review in the Town Clerk's office), advising the public disabled individuals (and qualifying entities) may request reasonable accommodation as provided herein.
 - (b) A disabled individual may apply for a reasonable accommodation on his/her own behalf or may be represented at all stages of the reasonable accommodation process by a person designated by the disabled individual.
 - (c) The Town shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including, without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal, and appearing at a hearing etc. to ensure the process is accessible.
- (10) Reasonable accommodation request form:
 1. Name of applicant:
 2. Telephone number:
 3. Address:
 4. Address of housing or other location at which accommodation is requested:
 5. Describe qualifying disability or handicap:
 6. Describe the accommodation and the specific regulation(s) and or procedure(s) from which accommodation is sought:
 7. Reasons the reasonable accommodation may be necessary for the individual with disabilities to use and enjoy the housing or other service:
 8. Name address and telephone number of representative if applicable:

9. Other information:

10. Signature of disabled individual or representative, if applicable, or qualifying entity:

_____ Date: _____

(Ord. No. 350, § 1, 5-6-15)

ARTICLE V. SUBDIVISIONS

DIVISION 1. SHORT TITLE, PURPOSE AND APPLICABILITY

Sec. 1.00. Short title.

Article V of the Jupiter Island Land Development Regulations shall be known and may be cited by the short title "Subdivision Code."

Sec. 1.01. Purpose.

The purpose of the Subdivision Code is:

- A. To ensure proper identification, monumentation and recording of real estate boundaries; and
- B. To ensure that the purchaser of lands in the subdivision is provided with adequate and necessary physical improvements of lasting quality which will be installed by the developer, and to ensure that other citizens and taxpayers will not bear this cost; and
- C. To provide for safe and convenient traffic circulation; and
- D. To provide an efficient, adequate and economic supply of utilities and services to new land developments through the dedication of land for recreational, educational and other public purposes; and
- E. To help conserve and protect physical, economic and scenic resources; and
- F. To promote the public health, safety, comfort, convenience and general welfare; and
- G. To serve as an instrument of comprehensive plan implementation pursuant to F.S. Ch. 163.

Sec. 1.02. Applicability.

The Subdivision Code is applicable to all new subdivisions in the Town. No one may proceed with subdivision improvements until a subdivision plat has been approved by the Town Commission and approved as to form by the Town Attorney.

DIVISION 2. SUBDIVISION DESIGN STANDARDS

Sec. 2.00. Streets.

- A. *Conformance to local government plans required.* The arrangement, character, extent, width, grade and location of streets shall conform to the existing street plans of Martin County and the Town of Jupiter Island which provide for streets on the parcel or parcels proposed for subdivision.

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- B. *Location of other streets.* The location of streets which are not indicated on the existing street plans of Martin County and the Town of Jupiter Island must relate to existing and planned streets and topographical and soil conditions in a manner that ensures that:
1. Public convenience and safety are promoted; and
 2. The proposed uses of the land will be adequately served by such streets; and
 3. The requirements of these land development regulations regarding lot width, lot area, and lot frontage are not frustrated; and
 4. The proposed streets will be sound; and
 5. Significant trees will be preserved and protected to the maximum extent feasible; and
 6. The community character of the Town is maintained or enhanced.
- C. *Street design.* Streets shall be designed as follows:
1. The width of all street rights-of-way shall not be less than 50 feet.
 2. The radius at all intersections shall not be less than 25 feet.
 3. The radius of cul-de-sac shall not be less than 50 feet.
 4. The width of pavement shall be at least 18 feet.
 5. The minimum elevation shall be four and a half feet NAVD.
 6. On-street parking shall not be provided.
- D. *Street names and markings.* All streets shall be named and marked.

Sec. 2.01. Easements required.

A minimum of ten feet shall be reserved at the rear or side within all platted lots for drainage and utilities, and the dedication thereof shall appear on the face of the plat. The Town may require any additional easements which are necessary to provide public services to the subdivision.

Sec. 2.02. Location and availability of utilities.

- A. *Underground utilities required.* All new utilities shall be installed underground.
- B. *Availability of utilities.* All required utilities shall be available to the subdivision within six months following subdivision approval.

Sec. 2.03. On-site drainage.

Each proposed project and/or site shall maintain on-site 100 percent of all stormwater runoff from a three-year frequency, 24-hour duration storm event that is occasioned by the project and adjoining rights-of-way.

Sec. 2.04. Wetlands.

All areas designated as wetlands pursuant to Chapter 62-340, Florida Administrative Code by the Department of Environmental Protection [FDEP] or the South Florida Water Management District [SFWMD], which are located within the proposed subdivision shall either:

- A. Be retained in their natural state; or

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- B. If retention is not feasible, be the subject of an approved wetlands mitigation plan that includes all the following:
1. Replacement of the functions and values of the wetlands to be impacted or filled, based on a Wetland Rapid Assessment Procedure (WRAP) approved by the FDEP and/or the SFWMD. Mitigation may include but is not limited to creation, enhancement, restoration and preservation.
 2. A wetland mitigation ratio that is based upon the WRAP score, but not less than one to one.
 3. All required mitigation within the boundaries of the proposed subdivision, unless the mitigation will benefit the drainage basin or areas adjacent to the town.
 4. The grant of a conservation easement to the town or SFWMD or FDEP, encompassing:
 - a. all preserved and mitigated wetlands; and
 - b. a buffer adjacent to all preserved and mitigated wetlands that is an average of 75 feet in width and not less than 50 feet in width, which shall be planted with native upland vegetation.
 5. A stormwater management program which prevents direct discharge into preserved wetlands.

Sec. 2.05. Lots.

- A. Lots shall be platted according to the requirements of the underlying zoning district.
- B. Lot width and lot depth shall not be less than 100 feet in any zoning district.
- C. All lots shall have at least 50 feet of frontage on a public street.

Sec. 2.06. Tree preservation.

The subdivision shall be designed to ensure the preservation of significant trees and tree canopy to the maximum feasible extent.

DIVISION 3. PLAT REQUIREMENTS

Sec. 3.00. Form and content of preliminary plat.

The preliminary plat shall be prepared by a state registered surveyor or mapper, with all locations and dimensions drawn accurately to scale and with accurate linear and angular dimensions. The preliminary plat shall include all the following:

- A. The information that must be included on a plat pursuant to F.S. §§ 177.091 and 177.041(1), as amended from time to time.
- B. A location sketch of the proposed subdivision in relation to the Town limits.
- C. The date the preliminary subdivision plat was prepared.
- D. The name of the owner of the property that is the subject of the application, or the name of the owner's authorized agent.
- E. The jurisdictional boundaries of all wetlands within the proposed subdivision, as certified by the Department of Environmental Protection and/or the South Florida Water Management District.

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- F. The location and dimensions of all existing:
1. Water courses, drainage ditches, canals and bodies of water adjacent to or within the immediate vicinity of the proposed subdivision; and
 2. Buildings within the proposed subdivision; and
 3. Septic systems, water mains, culverts, fire hydrants, underground or above-ground utilities in or adjacent to the proposed subdivision; and
 4. Streets and alleys adjacent to the proposed subdivision, including name, right-of-way width and pavement width (existing streets shall be dimensioned to tract boundaries); and
 5. Property lines, easements and rights-of-way.
- G. The location and dimensions of all proposed:
1. Seawalls and docks; and
 2. Sites, if any, to be reserved or dedicated as open space or recreational areas, conservation easement areas, wetlands, or other such uses; and
 3. Water, septic systems, drainage facilities, fire hydrants and other utilities in the proposed subdivision and on land within 100 feet of its boundaries.
- H. Site data, in tabular form, including number of residential lots, typical lot sizes and areas, and areas in open space, conservation areas, etc.
- I. Other relevant information that may be required by the Administrative Official due to special conditions present on the parcel or parcels proposed to be subdivided.
- J. If the applicant intends to regulate land use by deed restriction or restrictive covenant, 20 copies of the proposed deed restrictions and/or restrictive covenants.

Sec. 3.01. Form and content of final plat.

The final plat shall:

- A. Conform to the requirements of F.S. § 177, part I, as amended from time to time; and
- B. Be of a uniform scale such that one-inch equals no more than 200 feet; and
- C. Be printed on sheets that are not larger than 24 inches by 36 inches; and
- D. Include all the following information in addition to that required by F.S. Ch. 177, part I, unless it is obviously not applicable to the plat:
 1. A location sketch showing location of the subdivision with respect to section or government lines.
 2. The boundary lines of the subdivision with accurate distances measured to hundredths of a foot and angles of half minutes. The boundary lines shall be determined by accurate field survey, which shall be balanced and closed with error closures not to exceed one foot to 5,000 feet. Surveys shall be coordinated and tied into the nearest established section corner or quarter section by angle and distance.
 3. The exact names, locations and widths along the property lines of all existing or recorded streets that intersect or parallel the boundaries of the subdivision.
 4. The accurate outline of all property which is to be dedicated or reserved as wetlands, conservation/ preservation or for the public use including open drainage courses and suitable

easements and all property that may be reserved by covenants in deeds for the common use of the property owners in the subdivision, with the purposes indicated thereon.

5. Mortgage holders shall execute the following certificate on the face of the plat: "The mortgagee consents and agrees to the platting of the lands embraced in the plat and to the dedication shown thereon, and further, should it become necessary to foreclose the mortgage covering the said property that all pieces and parcels dedicated to the public will be excluded from said suit and the dedication remain in full force and effect."
 6. Restrictive covenants and/or trusteeships and their duration. However, if these restrictions are of such length as to make their lettering on the plat impracticable, they shall be provided in a separate recorded instrument that is referred to on the plat.
 7. The certificate of the registered land surveyor attesting to the accuracy of the survey and that the permanent reference monuments have been established according to law.
 8. The date the final plat was prepared.
 9. The name of the record owner and subdivider.
- E. A separate instrument shall be attached to and made part of all plats showing the grade of all roads, streets, alleys and other rights-of-way however designated, and the elevations of the several portions of the land depicted on the plat, by contour lines at two-foot intervals.
- F. A letter from a title company certifying the following shall be presented with the final plat, that in addition to the requirements of F.S. § 177.041(2), states:
1. Whether or not taxes and assessments are current; and
 2. That the legal description of the property to be platted is correct.

DIVISION 4. APPLICATION FEES

Sec. 4.00. Application fees.

Subdivision fees shall be established by resolution of the Town Commission from time to time and recorded in a fee schedule that is kept on file with the Town Clerk.

DIVISION 5. APPROVAL PROCEDURES

Sec. 5.00. Preliminary and final subdivision plan approval required.

No subdivision plan or plat shall be approved for recording in the public records of Martin County unless it has received both preliminary and final approval pursuant to this division, which shall be conducted pursuant to article X, division 7.

Sec. 5.01. Application for preliminary subdivision plan approval.

Applications for preliminary subdivision plan approval shall include all the following:

- A. A preliminary plan of the proposed subdivision.
- B. The application fee.

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- C. A current survey of land and existing structures in the proposed subdivision.
 - D. A survey of existing and proposed topography in the proposed subdivision.
 - E. If utilities or utility easements are included in the proposed subdivision, utility company review and acceptance letters.
 - F. If the application is for a major subdivision, a traffic engineering study that includes trip generation, traffic control devices and sign locations.
 - G. If the application involves impacts to environmentally sensitive land or water resources or material changes to existing drainage, an environmental impact study.
 - H. If the proposed plat covers only a portion of the applicant's entire contiguous holding, a sketch showing the prospective street layout and proposed use for the remaining property that is contiguous to the proposed subdivision.
 - I. If common landscape areas are provided, a general landscape plan and tree planting plan for the common landscape areas.
 - J. If the lots in the subdivision will be served by new septic systems:
 - 1. Percolation tests for each lot, and
 - 2. A map showing all proposed individual disposal systems, and
 - 3. Full specifications of the individual disposal systems.
 - K. Soil bearing capacity tests, where necessary to determine whether areas dedicated for rights-of-way are appropriate for such use.

Sec. 5.02. Staff review and recommendations.

The Administrative Official's report and recommendations shall address whether the proposed subdivision is:

- A. Consistent with the Town Comprehensive Plan; and
- B. Consistent with these subdivision regulations; and
- C. Consistent with the underlying zoning district regulations.

Sec. 5.03. Board of Adjustment review and recommendations.

- A. The Board of Adjustment shall make recommendations to the Town Commission regarding whether the proposed subdivision is:
 - 1. Consistent with the Town Comprehensive Plan; and
 - 2. Consistent with these subdivision regulations; and
 - 3. Consistent with the underlying zoning district regulations.
- B. The Board of Adjustment shall recommend to the Town Commission that the application be approved, approved with conditions, or denied.

Sec. 5.04. Town Commission review and approval.

The Town Commission shall approve the proposed subdivision if it is, or will be because of conditions of approval:

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- A. Consistent with the Town Comprehensive Plan; and
 - B. Consistent with these subdivision regulations; and
 - C. Consistent with the underlying zoning district regulations.

Sec. 5.05. Application for final subdivision plan approval.

Following a decision by the Town Commission to approve or approve with conditions an application for preliminary subdivision plan approval, an applicant shall submit 20 copies of the final subdivision plan and any covenants or supporting documents required as a condition of preliminary subdivision plan approval to the Building Official no later than 30 days prior to the next available meeting of the Board of Adjustment.

Sec. 5.06. Staff review and recommendations.

Upon receipt of an application for final subdivision plan approval, the Administrative Official shall prepare a report and recommendations for use by the Board of Adjustment and Town Commission regarding whether the proposed final subdivision plan is consistent with the approved preliminary subdivision plan, including whether conditions of approval are satisfied.

Sec. 5.07. Board of Adjustment review and recommendations.

- A. The Board of Adjustment shall make recommendations to the Town Commission regarding whether the proposed final subdivision plan is consistent with the approved preliminary subdivision plan, including whether conditions of approval are satisfied.
- B. The Board of Adjustment shall recommend to the Town Commission that the final subdivision plan be approved or denied.

Sec. 5.08. Town Commission review and approval.

- A. The Town Commission shall decide whether the proposed final subdivision plan is consistent with the approved preliminary subdivision plan, including whether conditions of approval are satisfied.
- B. The Town Commission shall approve or deny the final subdivision plan. If the Town Commission approves the final subdivision plan, the Administrative Official shall assign address numbers to the subdivided lots.

Sec. 5.09. Variances to subdivision requirements.

Where the applicant demonstrates by clear and convincing evidence that an extraordinary hardship will result from strict compliance with this chapter, the Town Commission may grant a variance to this chapter so that substantial justice may be done and a public interest secured. However, such variance must not conflict with nor have the effect of nullifying the intent and purpose of the Town's Comprehensive Plan and Land Development Regulations. In granting variances, the Town Commission may require such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements so varied.

DIVISION 6. SUBDIVISION IMPROVEMENTS

Sec. 6.00. Subdivision improvements to be completed prior to issuance of building permits.

There shall be no building permits issued for development within the subdivision prior to the Town's acceptance of all approved subdivision improvements.

Sec. 6.01. Requirements for subdivision improvements.

- A. *Street construction.* The minimum specifications for street construction shall be set by the Administrative Official and shall be kept on file for public inspection at the building department. Alternative materials and designs may be approved by the Administrative Official if the applicant demonstrates that the alternative materials or designs will result in a road that is of equal or greater durability than a road constructed to the Town's standards.
- B. *Drainage.* Drainage systems must be designed in a manner than does not negatively impact the water quality of the Class III waters of the Town. All proposals for stormwater systems must include an environmental impact statement describing how the system will affect the water quality of the Class III waters of the Town.
- C. *Septic systems.* Septic systems shall be installed according to the requirements of the Martin County Health Department.

Sec. 6.02. Letter of credit regarding proposed improvements.

- A. The applicant shall provide the Town an irrevocable clean letter of credit drawn upon a county bank in an amount equal to 135 percent of the estimated cost of the proposed subdivision improvements to secure the cost of the construction of the improvements. The letter of credit shall be effective for one year after the date the improvements are expected to be completed.
- B. The cost of the proposed subdivision improvements shall be certified by a state registered engineer and shall be subject to the Town's review and approval while other subdivision fees are negotiated prior to the execution of the plat for the Town by the Town Manager.
- C. There shall be no building permits issued for development within the subdivision prior to the Town Engineer's and Director of Public Works' acceptance of the completed improvements. Construction permits for the improvements must be obtained from the Town within 12 months of the date upon which the subdivision has been approved by the Town Commission, or all approvals shall become null and void. Subdivision improvements shall be completed within six months of the date of their commencement or at such time as the Town Commission may decide is appropriate given the scope of the subdivision. If the improvements are not completed within the specified time, or if work is abandoned on the property by failure to conduct activity toward the improvement of the property for a continuous period of 30 days or more, or if the improvements are not completed in accordance with the approved plans, the Town may call in the irrevocable letter of credit and cause the improvements to be completed.

(Ord. No. 353, § 1, 8-12-15)

Sec. 6.03. Prohibition on conveyance or transfer until recording of plat.

After a subdivision plat having been approved pursuant to the process stated herein, no parcel in that plat can be sold, transferred or conveyed unless and until the plat has been filed and recorded of record in the public records of Martin County, Florida.

(Ord. No. 323, § 1, 5-5-09)

ARTICLE VI. SIGNS

DIVISION 1. INTENT AND PURPOSE

Sec. 1.00. Intent and purpose.

The purpose of this article is to create a legal framework for a comprehensive and balanced system of signage within the Town to encourage free communication between people and to avoid the visual clutter that is potentially harmful to traffic; vehicular, cyclist and pedestrian safety; property values and aesthetics within the Town. In view of these purposes, it is the intent of this article to authorize the use of certain signs as described herein, if they are compatible with their surroundings, appropriate to the activity that displays them, expressive of the identity of the individual and the community, and legible in the circumstances in which they are placed.

DIVISION 2. STANDARDS

Sec. 2.00. Permitted signs.

Freestanding signs and wall signs are permitted in all zoning districts.

Sec. 2.01. Prohibited signs.

All signs not specifically permitted are prohibited in all zoning districts.

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 more than 600 lumens. unless approved by the Board of Adjustment. 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:

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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 approves the larger sign area using sec. 2.02 (C). A. below.

Sec. 2.02 (C). A. Variance for increase in sign area.

The Board of Adjustment may approve a variance to Sec. 2.02C. regarding the sign area in the PD, RD, and CPD zoning districts, if the applicant demonstrates that either:

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.

(Ord. No. 393, § 7, 4-17-24)

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, if neon tubes, strip lighting, and flashing or intermittent lights are not used. The Board of Adjustment may approve a variance under Sec. 2.02 (E). A. below.

Sec. 2.02, (E). A. Variance for illuminated signage.

The Board of Adjustment may approve a variance to section 2.02(E), regarding illuminated signage, 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.

(Ord. No. 393, § 7, 4-17-24)

(Ord. No. 349, § 4, 12-16-14)

Sec. 2.03. Location.

- A. In the A-80, B-40, C-35, D-25, E-12, F-15 and G-35 Districts, signs must be placed at the entrance of the building or fenced area, or at the lot's accessway.
- B. No sign shall be erected on town property or in a public right-of-way, unless:
 - 1. The sign is specifically authorized by a resolution of the town commission and the sign does not obstruct free and clear vision or compromise traffic safety; or
 - 2. A governmental entity with jurisdiction over the right-of-way installs the sign; or
 - 3. The sign is an official traffic sign of the Town; or
 - 4. The sign is an identification sign located on public right-of-way denoting the address of the property and/or the name of the property owner or name of the residence. No more than two such identification signs shall be in public right-of-way; or
 - 5. The sign is a temporary real estate sign listing the abutting property which is for sale.
- C. No sign other than as described in section 2.03, B.1, B.2 or B.3 above shall be located within three feet of the pavement of a public street.
- D. Off site or off premises signs are prohibited. Off site, off premises signs include signs other than as described in section 2.03, B.5 above which advertise or designate a product or a service of an individual, entity or company, the principal office or location of which is located on premises other than the premises on which the sign is located.
- E. No sign shall obstruct any fire escape or any window or door or opening used as a means of ingress or egress.
- F. No sign shall be located at a street intersection such that it obstructs free and clear vision, the view of any authorized traffic sign or device regarding vehicular or pedestrian traffic or designed in a manner that it could reasonably be confused with any authorized traffic sign or device.

(Ord. No. 349, § 4, 12-16-14; Ord. No. 377, § 1, 9-9-19)

Sec. 2.04. Temporary signs.

Temporary signs are permitted in all zoning districts with or without a development permit, if they conform to all the following standards:

- A. The ratio of the horizontal dimension to the vertical dimension of the sign area shall be 3:2. No temporary sign shall be larger than 18 inches horizontally by 12 inches vertically.
- B. The supporting member shall be installed into the ground so that the top of the face of such signs shall not be more than four feet above the finished grade of the ground.
- C. Where temporary signs are suspended from an arm of the support, such arm shall not exceed a length of 20 inches.

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- D. Temporary signs shall have dark green block lettered text against a light green background using Sherwin-Williams paint codes 6450 Easy Green and 6454 Shamrock or their equivalents. All such signs shall be lettered professionally. Text may appear on both sides of the sign.
 - E. No more than two temporary signs shall be present on a lot at the same time.
 - F. No temporary sign, other than a real estate sign as describe in section 2.03, B.5. above, shall be placed in a road right-of-way or visible from a waterway or golf course.
 - G. Temporary signs shall not be illuminated.
 - H. Temporary real estate signs shall be removed within 48 hours following the sale of the property. Temporary political signs shall not be placed prior to 30 days of the election to which they are related and shall be removed within 48 hours after the day of the election to which they apply, or, if the sign is related to an event, within 48 hours after the event to which the sign relates has occurred.

(Ord. No. 377, § 2, 9-9-19)

Sec. 2.05. Maintenance; removal of unsafe signs.

- A. All signs, whether permanent or temporary, shall be always maintained in good condition while permitted to exist.
- B. If the Administrative Official determines that any sign is unsafe, insecure, a menace to the public, or constructed, erected or maintained in violation of the provisions of this article, the Administrative Official shall provide written notice to the property owner of the lot on which the sign is located, stating that the sign must either be removed or made to comply with this article.
- C. If the owner or person in possession fails to remove or alter the sign to comply with this article within ten days after the notice is received, the Administrative Official shall remove the sign.
- D. The Administrative Official shall remove any sign that is an immediate peril to persons or property summarily and without notice.
- E. When the Town has removed or paid for the removal of a sign, the actual cost of removal plus accrued interest at the rate of ten percent per annum from the date of the completion of the work shall be charged to the owner of the lot upon which the sign was located.

ARTICLE VII. CONSTRUCTION AND FLOODPLAIN MANAGEMENT

DIVISION 1. SHORT TITLE

Sec. 1.00. Short title.

This article of the Jupiter Island Land Development Regulations shall be known and may be cited by the short title "Jupiter Island Construction Code."

DIVISION 2. CONSTRUCTION CODE

Sec. 2.00. Florida Building Code adopted.

The Florida Building Code, as amended from time to time, is adopted by reference. Any reference in the Florida Building Code or Florida Statutes to the duties of a certain official shall be deemed to be a reference to the official in the Town whose duties correspond to those of the named official.

Sec. 2.01. Administrative amendments to Chapter 1 of the Florida Building Code, Building.

Sec. 107.6.1, Florida Building Code, Building, is replaced with:

107.6.1 Building permits issued based on an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

Sec. 117, Florida Building Code, Building, is replaced with:

117 VARIANCES IN FLOOD HAZARD AREAS

117.1 Flood hazard areas. Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.

(Ord. No. 339, § 3, 7-11-12; Ord. No. 344, § 3, 12-17-13)

DIVISION 3. FLOOD DAMAGE PREVENTION⁵

Sec. 3.00. Regulations: Chapter 1—Administration; Chapter 2—Definitions; and Chapter 3—Flood Resistant Development.

CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the Floodplain Management Ordinance of the Town of Jupiter Island, hereinafter referred to as "this ordinance."

101.2 Scope. The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; installation or replacement of tanks; installation of swimming pools; and any other development.

⁵Editor's note(s)—Ord. No. 339, § 2, adopted July 11, 2012, repealed the former Art. VII, Div. 3, §§ 3.00, 3.01, and enacted a new Div. 3 as set out herein. The former Div. 3 pertained to applicability and flood plain management standards and derived from Ord. No. 293, § 1(Ex. A), adopted Oct. 6, 2004.

101.3 Intent. The purposes of this ordinance and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding.
2. Require the use of appropriate construction practices to prevent or minimize future flood damage.
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential.
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain.
5. Minimize damage to public and private facilities and utilities.
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

101.4 Coordination with the Florida Building Code. This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

101.5 Warning. The degree of flood protection required by this ordinance and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

101.6 Disclaimer of Liability. This ordinance shall not create liability on the part of the Town Commission of the Town of Jupiter Island or by any officer or employee thereof for any flood damage that results from reliance on this ordinance, or any administrative decision lawfully made thereunder.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.2 Areas to which this ordinance applies. This ordinance shall apply to all flood hazard areas within the Town of Jupiter Island, as established in Section 102.3 of this ordinance.

102.3 Basis for establishing flood hazard areas. The Flood Insurance Study for Martin County, Florida and Incorporated Areas dated October 4, 2002, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Jupiter Island Town Hall, 2 Bridge Road, Hobe Sound, FL 33455.

102.3.1 Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 105 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.
2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

102.4 Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

102.5 Abrogation and greater restrictions. This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

102.6 Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements.
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

103.1 Designation. The Town's Director of Planning, Zoning & Building is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

103.2 General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 107 of this ordinance.

103.3 Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be in flood hazard areas.
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance.
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation.
4. Provide available flood elevation and flood hazard information.

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5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant.
 6. Review applications to determine whether proposed development will be reasonably safe from flooding.
 7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
 8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

103.4 Substantial improvements and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ordinance is required.

103.5 Reserved.

103.6 Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

103.7 Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 106 of this ordinance for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

103.8 Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.4 of this ordinance.
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA).

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3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
 4. Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code and this ordinance to determine that such certifications and documentations are complete.
 5. Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Jupiter Island are modified; and
 6. Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

103.9 Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Jupiter Island Town Hall, Building Department, during normal business hours.

SECTION 104 PERMITS

104.1 Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

104.2 Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

104.2.1 Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this ordinance:

1. Railroads and ancillary facilities associated with the railroad.

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2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
 3. Temporary buildings or sheds used exclusively for construction purposes.
 4. Mobile or modular structures used as temporary offices.
 5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
 9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are in flood hazard areas established on Flood Insurance Rate Maps.

104.3 Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in Section 105 of this ordinance.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Floodplain Administrator.

104.4 Validity of permit or approval. The issuance of a Floodplain Development Permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

104.5 Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

104.6 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, based on incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

104.7 Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

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1. The South Florida Water Management District; section 373.036, F.S.
 2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
 3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
 4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
 5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
 6. Federal permits and approvals.

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

105.1 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2(2) or (3) of this ordinance.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(1) of this ordinance.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

105.2 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

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1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
 2. Obtain, review, and provide to applicant's base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
 3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
 4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

105.3 Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 105.4 of this ordinance.
4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

105.4 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change

boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 106 INSPECTIONS

106.1 General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

106.1.1 Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

106.1.2 Buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

106.1.2.1 Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 105.2(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

106.1.2.2 Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 106.1.2.1 of this ordinance.

SECTION 107 VARIANCES AND APPEALS

107.1 General. The Town of Jupiter Island Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

107.2 Appeals. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of Board of Adjustment may appeal such decision to the Circuit Court, as provided by Florida Statutes.

107.3 Limitations on authority to grant variances. The Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 107.6 of this ordinance, the conditions of issuance set forth in Section 107.7 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

107.3.1 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 105.3 of this ordinance.

107.4 Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

107.5 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 107.3.1, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

107.6 Considerations for issuance of variances. In reviewing requests for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
4. The importance of the services provided by the proposed development to the community.
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion.
6. The compatibility of the proposed development with existing and anticipated development.
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area.
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles.
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

107.7 Conditions for issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards.
2. Determination by the Board of Adjustment that:

-
- a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship.
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief.
 3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
 4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

SECTION 108 VIOLATIONS

108.1 Violations. Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that conflicts with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance, or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

108.2 Authority. For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

108.3 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

201.2 Terms defined in the Florida Building Code. Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

201.3 Terms not defined. Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 202 DEFINITIONS

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of

modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Coastal construction control line. The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. [Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before February 2, 1977. [Also defined in FBC, B, Section 1612.2.]

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out near water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. To qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons: or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after February 2, 1977, and includes any subsequent improvements to such structures.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of

permanent construction of a building on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 107 of this ordinance.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, though, or over which water flows at least periodically.

CHAPTER 3 FLOOD RESISTANT DEVELOPMENT

SECTION 301 BUILDINGS AND STRUCTURES

301.1 Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to Section 104.2.1 of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 307 of this ordinance.

301.2 Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and located, in whole or in part, in a flood hazard area:

1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
2. Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

SECTION 302 SUBDIVISIONS

302.1 Minimum requirements. Subdivision proposals shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding.
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

302.2 Subdivision plats. Where any portion of proposed subdivisions lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats.
2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 105.2(1) of this ordinance; and
3. Compliance with the site improvement and utilities requirements of Section 303 of this ordinance.

SECTION 303 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

303.1 Minimum requirements. All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding.
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

303.2 Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

303.3 Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

303.4 Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 105.3(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

303.5 Limitations on placement of fill. Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

303.6 Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department

of Environmental Protection and only if the engineering analysis required by Section 105.3(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 307.8(3) of this ordinance.

SECTION 304 RESERVED

SECTION 305 RESERVED

SECTION 306 TANKS

306.1 Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

306.2 Above-ground tanks not elevated. Above-ground tanks that do not meet the elevation requirements of Section 306.3 of this ordinance shall:

1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
2. Not be permitted in coastal high hazard areas (Zone V).

306.3 Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

306.4 Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

SECTION 307 OTHER DEVELOPMENT

307.1 General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the Florida Building Code, shall:

1. Be located and constructed to minimize flood damage.
2. Meet the limitations of Section 303.4 of this ordinance if located in a regulated floodway.
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

307.2 Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 303.4 of this ordinance.

307.3 Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 303.4 of this ordinance.

307.4 Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 303.4 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 105.3.(3) of this ordinance.

307.5 Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

1. Structurally independent of the foundation system of the building or structure.
2. Frangible and not reinforced, to minimize debris during flooding that can cause significant damage to any structure; and
3. Have a maximum slab thickness of not more than four (4) inches.

307.6 Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that can cause structural damage to the building or structure or to adjacent buildings and structures.
3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
4. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is like and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

307.7 Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion

of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures.
2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

307.8 Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
3. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

(Ord. No. 339, § 2, 7-11-12; Ord. No. 344, § 2, 12-17-13)

ARTICLE VIII. HISTORIC PRESERVATION

DIVISION 1. LANDMARK DESIGNATION

Sec. 1.00. Purpose and intent.

The protection, enhancement and perpetuation of properties of special, notable, aesthetic or architectural character or historic interest or value is a public purpose and necessity, and is required in the interest of health, prosperity, safety and general welfare of the people residing within and without the Town. The purpose of this article is to:

- A. Provide for the protection, enhancement and perpetuation properties which represent or reflect elements of the Town's cultural, social, economic, political and architectural history; and
- B. Safeguard the Town's historic and cultural heritage as embodied and reflected in such landmarks; and
- C. Stabilize and enhance property values; and
- D. Foster civic pride in the beauty and notable accomplishments of the past; and
- E. Promote the use of landmarks for the education, pleasure and welfare of the residents and visitors to the Town.

Sec. 1.01. Definitions.

To this article only, the following definitions apply:

Alteration means any change to a building designated as a landmark because of construction, repair, maintenance or otherwise.

Minor exterior alteration means an exterior change which, as determined by the Administrative Official:

1. Does not cost more than \$10,000.00; and
2. Does not materially affect the exterior of the structure.

Ordinary repairs or maintenance means any work done to prevent deterioration of the building or to correct any deterioration, decay, or damage to a building by restoring the building as nearly as practicable to its condition prior to such deterioration, decay or damage.

Sec. 1.02. Town Commission to entertain applications for landmark designations.

The Town Commission shall hear applications for landmark designation, and may designate, with the consent of the owner of record, a property as a landmark if it satisfies at least one of the following criteria:

- A. The property exemplifies or reflects the broad cultural, political, economic or social history of the Nation, State, County, or Town.
- B. The property is identified with historic personages or with important events in national, state or local history.
- C. The property embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
- D. The property is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his or her age.
- E. The property is individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended.

Sec. 1.03. Landmark designation procedures.

The Town Commission shall designate landmarks and remove landmark designations according to the following procedures:

- A. Potential landmarks shall be identified for consideration by either:
 1. Application by the owner of record, or
 2. Other means of identification.
- B. If a potential landmark is identified by means other than application by the owner of record, notice of a proposed designation shall be sent by certified mail to the owner of record announcing that a public hearing by the Town Commission to consider such designation on a specific date that is not less than 30 days after the mailing of such notice.
- C. The Administrative Official post notice of each such proposed designation within the Town Hall or other conspicuous place within the Town designated for public notices at least 30 days prior to the public hearing.

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- D. At public hearing, the Town Commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.
 - E. Within not more than 30 days after a public hearing, the Town Commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, which includes the reasons for the decision.
 - F. Within 30 days of the date on which the Town Commission designates a landmark, the Administrative Official shall file a certificate of notification that such property is designated as a landmark in the Public Records of Martin County. The certificate of notification shall also be maintained on the public record of the town until such time as such designation may be withdrawn.

Sec. 1.04. Certificates of appropriateness, procedures and effect.

- A. No property designated as a landmark by the Town Commission shall be developed, altered, restored, moved or demolished in a manner that affects the exterior architectural features of the landmark until after an application for certificate of appropriateness has been approved by the Town Commission. For this section, exterior architectural features shall include but not be limited to the architectural style, scale, general design, and general arrangement of the exterior of a building, including the kind and texture of the building material and type and style of roofs, windows, doors, and signs.
- B. The Town Commission shall not consider interior arrangement or use except as this may affect a request for exterior changes.
- C. Nothing in this section shall be construed to prevent ordinary maintenance or repairs which do not involve a change of design or material, or which do not affect the exterior appearance of a building.
- D. For an exterior change project involving a minor exterior alteration, the requirement of a certificate of appropriateness may be waived by the Administrative Official, who may authorize the minor exterior alteration with a building permit.
- E. The Town Commission shall hold a public hearing upon each application for a certificate of appropriateness. Notice of the time and place of said hearing shall be mailed to the property owner not less than 30 days prior to the date established for the hearing.
- F. Within not more than 30 days after the hearing on an application, the Town Commission shall act upon it, either approving, denying or deferring action until the next meeting of the Commission.

Sec. 1.05. Standards for the issuance of Certificates of Appropriateness.

- A. In deciding whether to approve, approve with conditions, or deny a Certificate of Appropriateness related to the development, alteration, restoration, or movement of a building or structure, the Town Commission shall consider the original design of the building and determine that exterior alteration shall not significantly affect the architectural quality or historical character of the building.
- B. Certificates of Appropriateness shall be approved for demolition of historic landmarks if:
 - 1. A six-month written notice has been given to the Administrative Official; and
 - 2. The applicant demonstrates that the standards of Article X, section 2.03 are satisfied.
- C. During the waiting period set out in section 1.05(B), the Town may conduct negotiations with the owner, obtain an historic easement, or take other appropriate action to preserve the property. The Town Commission may waive any or all portions of the waiting period, provided the demolition is undertaken

subject to conditions agreed upon by the Town Commission and the owner which mitigate the adverse effects of the demolition and ensure the continued maintenance of the character of the property or district.

Sec. 1.06. Voluntary restrictive covenants.

The owner of any landmark may, at any time following the designation of his or her property, enter a restrictive covenant regarding the property after negotiation with the Town Commission. The Commission may assist the owner in preparing such a covenant in the interest of preserving the landmark. After acceptance by the Town Commission, the owner shall record such restrictive covenant in the Public Records of Martin County.

Sec. 1.07. Tax exemptions for historic properties.

- A. *Scope of tax exemptions.* The Town Commission may allow tax exemptions for the restoration, renovation or rehabilitation of historic properties. The exemption shall apply to 100 percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after February 9, 2000. The exemption applies only to taxes levied by the Town, and does not apply to:
1. Taxes levied for the payment of bonds; and
 2. Taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII, of the Florida Constitution; and
 3. Taxes on personal property.
- B. *Duration of tax exemptions.* Any exemptions granted under this section to a particular property shall remain in effect for ten years. The duration of ten years shall continue regardless of any change in the authority of the Town to grant such exemptions or any changes in ownership of the property. However, to retain an exemption, the historic character of the property, and improvements which qualified the property for an exemption, must be maintained over the period for which the exemption was granted.
- C. *Eligible properties and improvements.*
1. Property is qualified for an exemption under this section if the Town Commission has certified that at the time the exemption is granted, the property for which an exemption is requested is:
 - a. Individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended; or
 - b. A contributing property within a National Register listed district; or
 - c. Is designated as a historic property, or as a contributing property to a historic district, under the terms of these land development regulations; and
 2. For an improvement to a historic property to qualify the property for an exemption, the improvement must be:
 - a. Consistent with the United States Secretary of the Interior's Standards for Rehabilitation; and
 - b. Determined by the division of historical resources of the department of state, which the Town hereby designates to review applications for exemption, to meet criteria established in rules adopted by the Department of State.
- D. *Applications.* Any person, firm, or corporation that desires ad valorem tax exemption for the improvement of a historic property must, in the year the exemption is desired to take effect, file with the Administrative Official a written application on a form approved by the Department of State. All applicable fees shall be paid at the time the application is submitted. The application must include all the following information:

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1. The name of the property owner and the location of the historic property.
 2. A description of the improvements to real property for which an exemption is requested, and the date of commencement of construction of such improvements.
 3. Proof that the property that is to be rehabilitated or renovated is a historic property under this section.
 4. Proof that the improvements to the property will be consistent with United States Secretary of Interior's Standards for Rehabilitation and will be made in accordance with the guidelines developed by the Department of State.
 5. Other information identified in appropriate Department of State regulations.
- E. *Required covenant.* To qualify for an exemption, a property owner must enter into a restrictive covenant or agreement with the Town for the term for which the exemption is granted. The form of the restrictive covenant or agreement will be established by the Department of State, and must require that:
1. The character of the property and the qualifying improvements to the property be maintained during the period that the exemption is granted; and
 2. The covenant or agreement is binding on the current property owner, transferees, and their heirs, successors, or assigns; and
 3. Violation of the covenant or agreement results in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. § 212.12(3), as amended from time to time.
- F. *Approval by the Town Commission.* A majority vote of the Town Commission shall be required to approve a written application for exemption. Such exemption shall take effect on the January 1 following substantial completion of the improvement. The Town Commission shall include the following in the resolution or ordinance approving the written application for exemption:
1. The name of the owner and the address of the historic property for which the exemption is granted; and
 2. The period for which the exemption will remain in effect and the expiration date of the exemption; and
 3. A finding that the historic property meets the requirements of this section.

DIVISION 2. CANOPY TREE ROAD DESIGNATION

Sec. 2.00. Purpose and intent.

Some roadways, due to their cultural, historic, or environmental amenities, may warrant special protection. Examples may include canopy tree roads or roadways with special scenic or historic qualities. The purpose of this division is to provide for the designation and protection of such roadways or roadway segments in the Town of Jupiter Island as canopy tree roads or historic or scenic corridors.

(Ord. No. 355, 12-8-15)

Sec. 2.01. Definitions.

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Canopy tree road. A section of roadway where the trees form a continuous canopy over the roadway.

Canopy tree road protection zone. All lands within 100 feet of the centerline of designated roads where trees form a continuous canopy over the roadway are to be treated as canopy tree road protection zones.

Ficus Allée. Ficus Allée, within the Town of Jupiter Island municipal limits, refers to the section of SE Bridge Road from SE Beach Road to the center of the Intracoastal Waterway. Outside the municipal limits, Ficus Allée continues along Bridge Road until it reaches SE Gomez Avenue.

Ficus Allée canopy tree road protection zone. Ficus Allée within the Town of Jupiter Island municipal limits is hereby defined as a canopy tree road protection zone.

Ficus Allée Tree Inventory Map. The official inventory of Ficus Allée trees is maintained by the Town of Jupiter Island Public Works Department. A copy is on file with the Town Clerk.

Ficus nitida. The species of Ficus tree which forms the canopy of trees of Ficus Allée.

Ficus Tree Allée Future Care Plan. A document describing the best management practices in the care of the Ficus nitida trees. The Future Care Plan is maintained by the Town of Jupiter Island Public Works Department. A copy is on file with the Town Clerk.

Town. The Town of Jupiter Island, a Florida municipal corporation.

(Ord. No. 355, 12-8-15; Ord. No. 372, § 1, 9-12-18)

Sec. 2.02. Maintenance and protection of canopy tree roads.

- A. *Protected trees.* All trees making up the tree canopy within the canopy tree road protection zone are hereby protected, including but not limited to: Ficus nitida, banyan, mangrove, gumbo limbo, strangler fig, red bay, and live oaks.
- B. *Protections afforded.*
1. *Removal or damage prohibited.* Protected trees may not be removed or damaged without prior approval of the Town Manager.
 2. *Replacement.* Any trees removed must be replaced with a tree of the same species, and of a size acceptable to the Town Manager.
 3. *Activities.* Activities within the canopy tree road protection zone(s), other than normal traffic, are limited to low-impact activities, e.g., walking, jogging, bicycling, bird watching, photography, art, etcetera, which will not interfere with or damage the protected trees.
 4. *Construction.* Construction is prohibited except under limited circumstances. Construction shall be limited to necessary road and bridge maintenance, sidewalks, necessary signage, and amenities designed to encourage and appreciate the benefits of canopy tree roads, such as benches and trash receptacles.
 - a. When construction is necessary, barricades must be constructed around the critical protection zone of each tree or cluster of trees. These barricades must be constructed of a minimum of one-fourth-inch diameter rope which is yellow or orange in color and made of nylon or poly. The rope is to be attached to a minimum of two × two wooden poles, iron rebar, two inches or greater PVC

pipe or other material with prior approval of the town manager. The rope must be a minimum of four feet off the ground and may not be attached to any vegetation. All barricades must be maintained intact for the duration of construction. The barricades are to be placed around the entire tree canopy. When that is not practicable, then they should be placed at a minimum of five feet from the tree trunk.

- b. Construction equipment shall be staged from a suitable off-site location. The tree protection zone shall not be used as a staging area for construction activities.
- 5. *Parking.* Parking of unattended vehicles is prohibited within the tree protection zone(s). Temporary or permanent parking is prohibited, except that public safety vehicles may be allowed.
- C. *Criteria for removal.* Any tree removed within the canopy tree road protection zone must be approved in advance by the Town Manager. Protected trees may only be removed under limited conditions. The Town Manager will consider the following criteria in considering a request to remove a tree:
 - 1. Request for removal is submitted in writing to the Town Manager.
 - 2. Reasonable efforts have been made to rejuvenate or otherwise restore the protected tree to good health.
 - 3. The protected tree is diseased or damaged to the degree that it cannot be rejuvenated or restored.
 - 4. Removal of the protected tree will assist in maintaining the overall health of the remaining trees.
 - 5. Removal of the protected tree is necessary to restore emergency public safety access to the island.
 - 6. Adjacent protected trees are protected following the construction procedures described above.
- D. *Periodic and routine maintenance.*
 - 1. The Town shall follow best management practices to maintain the health and long-term viability of the trees.
 - 2. The Town shall maintain a traffic clear zone at a height of 13 feet above the pavement, from pavement edge to pavement edge. The clear zone shall be maintained in such a manner as to promote the overall health and scenic beauty of the tree canopy.
- E. *Replanting requirements.*
 - 1. Replacement plants may be secured commercially if a more suitable specimen is available within reasonable budgetary constraints.
 - 2. Any replacement tree will be planted in the same location as the tree which was removed.
 - 3. Offsite mitigation is prohibited.

(Ord. No. 355, 12-8-15)

Sec. 2.03. Designation of protected canopy tree roads.

- A. *Ficus Allée and South Beach Road/County Road 707.*
 - 1. Ficus Allée and South Beach Road/County Road 707 are beautiful and historic reminders of the special quality of life of Jupiter Island and Martin County.
 - 2. The Ficus Allée and South Beach Road/County Road 707 are important natural landmarks, recognizable to residents and visitors alike.

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3. Ficus Allée and South Beach Road/County Road 707 have important connections to the founders of the town.
 4. Ficus Allée and South Beach Road/County Road 707 are hereby designated as canopy tree roads.
 5. Best management practices are described in the document titled Ficus Tree Allée and South Beach Road/County Road 707 Future Care Plan, which may be amended from time to time.
 6. The Town shall maintain a nursery of Ficus Nitada trees for use when replanting becomes necessary.
 7. Each tree is documented on the Ficus Allée - South Beach Road/County Road 707 tree inventory map maintained by the Town Public Works Department.

B. *Consideration of additional roadways.*

1. The Town may consider requests to designate other roadways as canopy tree roads. The request may be initiated by either the Town or by an abutting property owner. The request should be in writing and should include:
 - a. A description of the proposed section of roadway; and
 - b. A description of the cultural, historic or environmental significance of the section of roadway.
2. The Town Commission shall hold an initial discussion at a regular meeting of the Commission to consider the appropriateness of the designation.
3. If approved initially, the Town Commission shall initiate an amendment to this ordinance adding the section of roadway.
4. The adoption of the ordinance shall follow all the normal procedures for such, including but not limited to, notifying all affected property owners.

(Ord. No. 355, 12-8-15; Ord. No. 372, § 2, 9-12-18)

Sec. 2.04. Administration.

This division shall be administered by the Town Manager of Jupiter Island, or his designee.

(Ord. No. 355, 12-8-15)

ARTICLE IX. NONCONFORMITIES

DIVISION 1. NONCONFORMING LOTS

Sec. 1.00. Nonconforming lots of record.

A single-family dwelling may be developed on a nonconforming lot of record in an A-80, B-40, C-35, D-25, E-12, F-15 and G-35 District, provided that:

- A. The lot is at least 100 feet wide and has an area of at least 12,500 square feet; and
- B. The lot is not owned in common ownership with any land contiguous to the lot, which, if considered to be a part of the nonconforming lot of record, would cause the lot to be conforming.

(Ord. No. 349, § 5, 12-16-14)

DIVISION 2. NONCONFORMING STRUCTURES

Sec. 2.00. Nonconforming entrances and/or gates.

Entrance features and/or gates which are not in compliance with these land development regulations but were lawfully existing on March 14, 2001, may be continued and maintained or repaired notwithstanding such nonconformity.

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 from the Board of Adjustment to make the dock or dune crossover "conforming."

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.

Sec. 2.02, (C). A. Variance for the replacement of a non-conforming building, dock or dune crossover.

The Board of Adjustment may approve a variance to section 2.02, regarding the replacement of a nonconforming building, dock or dune crossover, if the applicant demonstrates that:

- A. All or a material part of the nonconforming building has been destroyed by fire, casualty, or another Act of God; and
- B. The building will be replaced with a building that:
 - 1. Is in either:

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- a. The same location as the building to be replaced, 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 streets or neighboring properties; and either:
 - (1) The extent of the totality of nonconformities of the building to be replaced is reduced in the replacement building, and if an individual nonconformity is increased, the increase is not material; or
 - (2) The extent of the totality of nonconformities of the building to be replaced is unchanged in the replacement building, and a material safety benefit will be realized by the relocation of the building; and
 2. Is of the character and architectural style that previously existed unless such character or architectural styles is impracticable due to state or federal regulations; and
 - C. The replacement building complies with these land development regulations to the maximum extent possible; and
 - D. The replacement building contains no more floor area than the building to be replaced.
 - E. The application for approval is filed within three years of the date on which the destruction occurred.

(Ord. No. 393, § 7, 4-17-24)

DIVISION 3. NONCONFORMING SIGNS

Sec. 3.00. Continuation of nonconforming signs

All signs lawfully erected within the town on or prior to September 30, 1995, that are no longer permitted may be continued in their present location, except as follows:

- A. No nonconforming sign may be enlarged or altered in any way unless it is brought into conformity with Article VI.
- B. If a nonconforming sign is destroyed by any means, so that 60 percent or less of the sign remains at the time of destruction, it shall not be reconstructed except in conformity with Article VI.
- C. If any nonconforming sign is removed for any reason, other than maintenance or name change of occupant, then the sign must be brought into conformity with Article VI.
- D. If an owner of property on which a nonconforming sign is located sells, conveys or otherwise transfers such property, the nonconforming sign shall be removed as of the date of the transfer of title.

DIVISION 4. NONCONFORMING USES

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.

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- 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 the conversion of a nonconforming use to another nonconforming use with fewer external impacts using Sec. 4.00.A below; and
- A. The existing nonconforming use has not been terminated by discontinuance or destruction; and
- B. The proposed use is more compatible with the predominant uses in the zoning district than the existing nonconforming use.

Sec. 4.00. A. Variance for the conversion of one nonconforming use to another nonconforming use.

The Board of Adjustment may approve a variance to section 4.00, C. regarding the conversion of one nonconforming use to another, if the applicant demonstrates that:

- A. The existing nonconforming use has not been terminated by discontinuance or destruction; and
- B. The proposed use is more compatible with the predominant uses in the zoning district than the existing nonconforming use; and
- C. The proposed use will have no greater adverse effect on the surrounding occupants and properties than the existing nonconforming use, in that:
1. It will generate the same or lower level of traffic; and
 2. It will have either no impact or a positive impact on surrounding property values; and
 3. It involves the same or lower level of dust, noise, or odors; and
 4. If the existing nonconforming use also involves a nonconforming sign, the nonconforming sign is removed.

(Ord. No. 393, § 7, 4-17-24)

- 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 each 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.

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

DIVISION 1. ADMINISTRATIVE REVIEW

Sec. 1.00. Applicability.

Approval may be granted administratively for all the following:

- A. Applications for development of floor area if the total floor area on the lot proposed for development, including existing and proposed floor area, will be less than 70 percent of the maximum floor area permitted on the lot by the underlying zoning district regulations.
- B. Ground-level single story additions of less than 600 square feet in floor area, provided that the total floor area on the lot proposed for development, including existing and proposed floor area, does not exceed 100 percent of the maximum floor area permitted in the underlying zoning district.
- C. One-story accessory buildings of less than 600 square feet in floor area, such as garages and golf cart sheds, provided that the total floor area on the lot proposed for development, including existing and proposed floor area, does not exceed 100 percent of the maximum floor area permitted in the underlying zoning district.
- D. Perimeter walls or fences, if the application includes the written consent of adjoining property owners.
- E. Ground-level terraces with or without one-foot maximum height bench walls.
- F. Driveways which are more than eight feet from side and rear lot lines in the A-80, B-40 and G-35 Districts, and more than three feet from side and rear lot lines in all other zoning districts.
- G. Uncovered swimming pools and tennis courts that are located entirely within the building envelope.
- H. Docks and dune crossovers in the middle one-third of property.
- I. ADA Accommodations.
- J. Exterior lighting that is landward of the coastal construction control line and is fully compliant with the exterior lighting regulations contained in Article IV, section 3.17.
- K. Brush bins.
- L. Bulkheads/seawalls.
- M. Demolition of buildings and structures that require permits for construction, except principal buildings and guest houses.

(Ord. No. 349, § 6, 12-16-14; Ord. No. 368, § 2, 7-17-18)

Sec. 1.01. Standards for administrative review.

Except as provided in this division, two Administrative Officials shall approve or approve with conditions an application for development approval if, after review, they determine that the application satisfies all applicable

requirements in Articles II, III, IV, VI, VII and IX and the applicable standards for impact review set forth in Article X, section 2.02 or 2.03.

(Ord. No. 341, § 2, 11-20-12)

Sec. 1.02. Referral to impact review committee.

- A. If the Administrative Officials determine that there is any reasonable likelihood that a particular proposal that is otherwise within the Administrative Official's jurisdiction will have an any adverse impact on adjacent properties, the surrounding area or the Town as a whole, the Administrative Official may require that the application be heard by the Impact Review Committee.
- B. If a written request for a hearing is received from any owner of property within 1,300 feet of the parcel proposed for development within 30 days of the date that notice of the application is mailed, the Administrative Officials shall refer the application to the Impact Review Committee.

(Ord. No. 341, § 2, 11-20-12)

DIVISION 2. IMPACT REVIEW

Sec. 2.00. Purpose.

The purpose of the impact review process is to ensure that proposed development is designed, located, configured, landscaped and developed to avoid negative impacts on neighboring properties or the Town as a whole. In the instances where impact review is applicable, the standards of this division 2 shall be interpreted to operate in concert with the other provisions of these Land Development Regulations to achieve the purpose of this division. Consequently, if the proposed building or buildings cannot be designed, located, configured, landscaped and developed in a manner that satisfies the standards of this division 2, then applicants:

- A. May not be entitled to develop all the floor area and/or building height that are otherwise permitted by the other provisions of these Land Development Regulations; and
- B. May not be entitled to provide only the minimum yards that are otherwise required by the underlying zoning district regulations.

(Ord. No. 302, § 2, 2-15-06)

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 5; or
 - b. Has been referred to the Impact Review Committee pursuant to Article X, section 1.02; or

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- 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.

(Ord. No. 361, §§ 1, 2, 6-14-16)

Sec. 2.02. Standards for Impact Review.

The decision-maker shall approve an application for impact review approval if the applicant demonstrates that:

- A. The proposed development will not adversely affect the public interest; and
- B. The proposed development is consistent with the surrounding neighborhood character; and
- C. The visibility of the proposed development 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
- D. The landscape treatment along the front lot line is comparable to the character and quantity of the streetscape along lot frontage on the same public road for 1,000 feet in both directions; and
- E. The proposed ingress and egress are functionally adequate regarding vehicular and pedestrian safety, separation of automotive traffic, traffic flow and control, provision of services, servicing of utilities, refuse collection, and access in case of fire, catastrophe or emergency; and
- F. Proposed screens and buffers are sufficient to ensure compatibility of uses and buildings with adjacent properties; and
- G. The location, design and character of lighting and sound will not adversely affect adjacent properties; and
- H. The proposed stormwater management system is sufficient to prevent runoff from adversely affecting adjacent properties; and
- I. The proposed development is designed and located so that all buildings are screened from view from adjacent properties and public roads such that the visual character of the proposed development from adjacent properties and public roads is predominantly natural, landscape plant material, and landforms.

(Ord. No. 368, § 3, 7-17-18)

Sec. 2.03. Standards for Impact Review of demolition applications.

The decision-maker shall approve an application for approval of the demolition of an existing structure or building if the applicant demonstrates that:

- A. The proposed demolition will not adversely affect the public interest; and
- B. The proposed demolition will result in the complete removal of all evidence of the former structure or building; and
- C. If the demolition affects all the buildings on the lot, all impermeable surfaces that were accessory to the demolished structures or buildings, including but not limited to driveways, terraces, courts, slabs, and foundations, will also be removed; and

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- D. The landscape treatment along the front lot line will remain comparable to the character and quantity of the streetscape along lot frontage on the same public road for 1,000 feet in both directions, or will be planted such that it is comparable to the character and quantity of said streetscape if its existing condition is that it is not comparable in character or quantity; and
 - E. The building or structure proposed for demolition does not meet the standards for landmark designation set out in Article VIII, section 1.02; and
 - F. The demolition will not unnecessarily affect existing landscape buffers, and landscape buffers that are affected will be restored upon completion of the demolition.
 - G. The demolition will be staged such that:
 - 1. Noise will be minimized in terms of duration and volume; and
 - 2. Demolition equipment will be screened from view from neighboring properties and public rights-of-way to the maximum feasible extent; and
 - 3. No traffic on public streets in the town will be stopped during the period from November 1 to April 15; and
 - 4. Debris will be removed from the site in a manner that minimizes the number and length of additional trips on the public streets in the Town; and
 - 5. Dust will be contained to the maximum practicable extent; and
 - 6. Demolition activities will have a minimal impact on adjacent infrastructure.
 - 7. Buildings proposed for demolition will receive pest control services to control rodents before and after the demolition.
 - H. All exposed soil will be stabilized with plant material within ten days of completion of the demolition.

(Ord. No. 347, § 3, 9-16-14)

Sec. 2.04. Standards for Impact Review of hoisted boats more than 31 feet in length or more than eight feet in height above mean high water.

The decision-maker shall approve an application for a hoisted boat that exceeds the maximum length and/or height if the applicant demonstrates that:

- A. The proposed hoisted boat will not adversely affect the public interest; and
- B. The proposed hoisted boat is consistent with the surrounding neighborhood character; and
- C. The visibility of the proposed hoisted boat from public rights-of-way and adjacent properties is minimized in a manner that is consistent with the surrounding neighborhood character; and
- D. The landscape buffer along the side property lines minimizes the visibility of the proposed hoisted boat; and
- E. The proposed hoisted boat will not cause substantial injury to the value of any other property in the neighborhood where it is to be located; and
- F. The proposed hoisted boat will be compatible with adjoining properties and the intended purpose of the district in which it is to be located; and
- G. The proposed hoisted boat will not result in an obvious departure from the aesthetic character of the neighborhood; and

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- H. The proposed hoisted boat is situated in a manner that does not materially obstruct the waterfront views from neighboring property; and
 - I. The proposed hoisted boat will be associated with a dock which is conforming to Town regulations; and
 - J. The proposed hoisted boat does not exceed 41 feet in length or contain more than two levels.

(Ord. No. 342, § 2, 9-17-13)

Sec. 2.05. Duration of approval.

Approvals granted either administratively or because 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.

(Ord. No. 323, § 2, 5-5-09; Ord. No. 342, § 3, 9-17-13)

DIVISION 5. VARIANCES

Sec. 5.00. Standards for approval of variances.

Except as provided in article V, section 5.09 (variances related to subdivision standards), the Board of Adjustment shall grant a variance from the terms of these Land Development Regulations if the applicant demonstrates that:

- A. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district; and
- B. The special conditions and circumstances do not result from the actions of the applicant; and
- C. The variance requested will not confer on the applicant any special privilege that is denied by these Land Development Regulations to other lands, buildings or structures in the same zoning district; and
- D. Literal interpretation of the provisions of these Land Development Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant; and
- E. The variance is the minimum variance that will make possible the reasonable use of the land, building or structure; and
- F. The variance will be in harmony with the general intent and purpose of these Land Development Regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- G. The variance does not authorize a use of land that is prohibited in the underlying zoning district.

Sec. 5.01. Factors to be excluded from consideration.

The following shall not be considered by the Board of Adjustment in its evaluation of an application for a variance:

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- A. Any nonconforming use or structures in any zoning district; and
 - B. Any permitted use of lands, structures or buildings in other zoning districts.

Sec. 5.02. Duration of approval.

If the Board of Adjustment does not specify otherwise, development pursuant to a variance must commence within 12 months of the date of the approval and shall be completed within 12 months of the date of commencement. If development does not commence within the required period, the variance approval shall expire.

DIVISION 6. DISTRICT BOUNDARY CHANGES

Sec. 6.00. Standards for approval of district boundary change.

No application for amendment to the Official Zoning Map shall be approved unless the Town Commission, after review and recommendation by the Local Planning Agency, finds that such amendment complies with all the following standards:

- A. The proposed amendment is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan and furthers the purposes of these Land Development Regulations and other Town ordinances and actions designed to implement the Comprehensive Plan.
- B. The available uses to which the property may be put are appropriate to the property, which is subject to the proposed amendment, and compatible with existing and planned uses in the area.
- C. The amendment does not conflict with the needs and character of the neighborhood and the Town.
- D. The amendment will not adversely or unreasonably affect the use of other property in the area.
- E. The amendment will not adversely burden public facilities, including the traffic carrying capacities of streets, in an unreasonably or disproportionate manner.
- F. The district boundaries are appropriately drawn with due regard to locations and classifications of streets, ownership lines, existing improvements and the natural environment.

DIVISION 7. UNIFORM DEVELOPMENT REVIEW PROCEDURE

Sec. 7.00. Application.

Except as otherwise provided in these Land Development Regulations, all applications for development approval and appeals shall be filed with the Administrative Official by the fee simple owner or a designee, agent, or representative who is authorized to file an application by power of attorney which is also filed with the Administrative Official. Applications shall be on a form and in provided in a number that is approved by the Administrative Official from time to time and shall be accompanied by an application fee as set forth in the Town of Jupiter Island Fee Schedule. Applications shall include competent and appropriate supporting materials and exhibits that support the application.

Sec. 7.01. Determination of sufficiency.

The Administrative Official shall review the application and determine whether it is competent and complete.

- A. If the Administrative Official determines that the application is not competent or complete, the Administrative Official shall notify the applicant as to the nature of the deficiency. No further action shall be taken on the application until the deficiency is remedied.
- B. If the Administrative Official determines that the application is competent and complete, the Administrative Official shall process the application.

Sec. 7.02. Determination of required review.

The Administrative Official shall review the application and determine which level of review (Administrative, Impact Review Committee, Board of Adjustment, or Town Commission) is required by these Land Development Regulations.

- A. *Administrative review.* If administrative review is required, the Administrative Official shall process the application according to the standards set forth in these Land Development Regulations.
- B. *Impact Review Committee, Board of Adjustment, or Town Commission review.* If Impact Review Committee, Board of Adjustment, or Town Commission review is required, the Administrative Official shall prepare a report and recommendations regarding the application, summarizing the application, describing whether it complies with these Land Development Regulations, and recommending approval, approval with conditions, or denial.

Sec. 7.03. Notice of Administrative Review application.

- A. Notice of an application for Administrative Review pursuant to Article X, section 1.00(A), (B), or (C) shall be provided as follows at least 30 days before a final decision to approve, approve with conditions, or deny the application is made by the Administrative Official:
 - 1. Mail to all owners of the property within 1320 feet from any part of the parcel proposed for development at the address shown on the Martin County tax records. The notice shall include the date and time of the public hearing on the application; and
 - 2. Posting notice in at least three conspicuous places within the Town, including the Town Hall, which notice shall provide a summary of such application along with the date, time and place of the public hearing.
- B. The notice shall:
 - 1. Generally, describe the application; and
 - 2. Advise the property owners that additional information on the application is available at Town Hall upon request; and
 - 3. Advise the property owners that they have a right to request a hearing on the application before the Impact Review Committee; and
 - 4. Provide a schedule of Impact Review Committee meeting dates.

Sec. 7.04. Notice of public hearing.

- A. Notice of a public hearing on an application for development approval shall include a summary of the application and the date, time and place of the public hearing, and shall be provided as follows:
 - 1. A copy of the notice of hearing shall be mailed to each property owner within 1,000 feet of the parcel proposed for development at the addresses shown on the Martin County tax records.
 - 2. A copy of the notice of hearing shall be posted in at least three conspicuous places within the Town, including the Town Hall.
- B. Notice of a public hearing on an application for development approval shall be posted and mailed not less than:
 - 1. Fourteen days prior to the public hearing if the hearing is held in the months of December, January, February, March, April, and May: or
 - 2. Twenty-one days prior to the public hearing if the hearing is held in the months of June, July, August, September, October, or November, except that:
- C. Notice of Impact Review Committee hearings which are held at the request of a property owner pursuant to Article X, section 1.02(B) shall be posted and mailed not less than ten days prior to the hearing of the Impact Review Committee.

Sec. 7.05. Review and recommendations at quasi-judicial public hearing.

If the application requires review and recommendations by quasi-judicial public hearing, the reviewing body shall hear the application as follows:

- A. The members of the Board of Adjustment or Local Planning Agency shall disclose any ex parte communication pursuant to Article I, section 4.01.
- B. The Administrative Official shall present its report and recommendations.
- C. The applicant shall have the opportunity to present evidence and/or argument in support of the application.
- D. Any substantially affected person shall have the opportunity to present evidence and/or argument in support of or in opposition to the application.
- E. Any other person in attendance shall have the opportunity to present evidence and/or argument in support of or in opposition to the application.
- F. The Town, the applicant, and any substantially affected person shall have the opportunity for cross-examination.
- G. After the public hearing is closed, the Board of Adjustment or Local Planning Agency shall determine whether to recommend approval, approval with conditions, or denial based on the standards that are applicable to the application.

Sec. 7.06. Review and decision at quasi-judicial public hearing.

If the application requires review and decision by quasi-judicial public hearing, the decision-making body shall hear the application as follows:

- A. The members of the decision-making body shall disclose any ex parte communication pursuant to Article I, section 4.01.

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- B. The Administrative Official shall present its report and recommendations.
 - C. The applicant shall have the opportunity to present evidence and/or argument in support of the application.
 - D. Any substantially affected person shall have the opportunity to present evidence and/or argument in support of or in opposition to the application.
 - E. Any other person in attendance shall have the opportunity to present evidence and/or argument in support of or in opposition to the application.
 - F. The Town, the applicant, and any substantially affected person shall have the opportunity for cross-examination.
 - G. After the public hearing is closed, the decision-making body shall determine whether to approve, approve with conditions, or deny the application based on the standards that are applicable to the application.
 - H. Any decision that requires immediate or ongoing actions shall be recorded in the records of Martin County by the property owner or an authorized representative as a designated restriction on the designated property. Proof of such recording shall be presented to the Town Clerk in the form approved by the Town Attorney prior to issuance of any land clearing or development permits.

Sec. 7.07. Conditions of approval.

- A. The decision-maker may condition approval of an application upon adequate safeguards to ensure compliance with these Land Development Regulations.
- B. The decision-maker may require the landowner to provide a restrictive covenant, agreement, or "declaration of use" agreement to be recorded in the public records of Martin County to ensure continuing compliance with the conditions of the approval. The applicant shall promptly record the required document upon approval and shall provide proof of recording to the Administrative Official.
- C. The decision-maker may require a bond or letter of credit to ensure performance of conditions of approval.

Sec. 7.08. Consultant review.

A reviewing or decision-making body may defer or postpone consideration of an application to obtain reasonable additional professional analysis and recommendations from consultants. The person, firm or corporation to render or give such additional professional advice shall be selected by mutual agreement of the Administrative Official and applicant. The expense of obtaining such additional professional advice shall be borne by the applicant.

Sec. 7.09. Subsequent applications.

Except as otherwise provided in these Land Development Regulations, no application will be accepted for review which seeks substantially the same approval as an application which was either:

- A. Denied after public hearing within the preceding 12 months (unless the application was specifically denied without prejudice); or
- B. Withdrawn by the applicant within the preceding 12 months.

DIVISION 8. APPEALS

Sec. 8.00. Authority and purpose.

- A. The Board of Adjustment is authorized to hear appeals from any requirement, decision or determination made by the Administrative Official, including interpretations, approval or denial of applications, conditions of development approval, and decisions made regarding the enforcement of these regulations.
- B. The town commission is authorized to:
 - 1. Hear appeals from decisions of the Board of Adjustment; and
 - 2. Hear appeals from decisions of the Impact Review Committee.

Sec. 8.01. By whom taken.

Any person aggrieved by a decision or interpretation by the Administrative Official, or a decision of the Impact Review Committee or Board of Adjustment, may seek review of such decision or interpretation pursuant to this division. An aggrieved person shall mean the applicant, or any person noticed of the application pursuant to code who made an appearance in person or in writing regarding the initial application.

(Ord. No. 347, § 4, 9-16-14)

Sec. 8.02. Appeal period.

All appeals shall be filed in writing within 30 days after rendition of the order, requirement, decision, or determination from which such appeal is taken, or the right to appeal shall be barred. An order shall be considered rendered for purposes of an appeal from the Administrative Official on the date the Administrative Official makes a determination in writing relating to the matter under appeal and, in the case of an appeal from the Impact Review Committee or Board of Adjustment, the order shall be considered rendered on the date on which the decision or determination is made and approved by motion by the Impact Review Committee or Board of Adjustment.

(Ord. No. 347, § 4, 9-16-14)

Sec. 8.03. Review.

Appeals filed pursuant to this section shall set forth the alleged inconsistency or non-conformity with procedures or criteria set forth in this chapter. Appeals shall be filed on forms provided by the town. The Board of Adjustment and the Town Commission shall decide an appeal within 60 days of the filing of such appeal, unless an extension of time is consented to by the applicant. The concurring vote of three-fifths of the fully constituted members of the Board of Adjustment or the Town Commission, whichever shall be the appellate body, shall be necessary to reverse any order, requirement, decision or determination. Appeals filed pursuant to this section shall be based on the record of the proceedings below and shall be presented de novo. The time allotted for presentation of an appeal shall be determined by the chairperson. The Commission shall have the authority to render a final decision regarding the matter being heard or in its sole discretion remand the matter back to the body from which the appeal was taken with direction from the Commission.

(Ord. No. 309, § 1, 2-22-07; Ord. No. 347, § 4, 9-16-14)

Sec. 8.04. Suspension of work until appeal resolved.

When an appeal has been filed, all proceedings and work on the premises that is related to the subject of the appeal shall cease until the appeal is resolved pursuant to this division unless the Building Official certifies to the

Town Commission that, because of facts stated in the certificate, a stay would cause imminent peril to life and property, in which case proceedings or work shall not be stayed except by a restraining order which may be granted by the Town Commission or by a court of competent jurisdiction based upon due cause shown of imminent peril to life and property.

(Ord. No. 347, § 4, 9-16-14)

DIVISION 9. LAND CLEARING PERMITS

Sec. 9.00. Applicability.

No person shall engage in land clearing without first obtaining a Land Clearing Permit from the Town.

Sec. 9.01. Exceptions.

No land clearing permit is required for:

- A. Removal of dead or undesirable plants; or
- B. Hand clearing of underbrush for survey purposes.

Sec. 9.02. Land clearing permit approval.

The Administrative Official shall approve an application for a land clearing permit if the applicant provides an approved site plan for the land described in the application and a building permit for all improvements indicated on the approved site plan. The Administrative Official shall place reasonable conditions upon land clearing permits to protect significant trees.

Sec. 9.03. Avoidance of nuisance.

Once land has been cleared pursuant to a Land Clearing Permit, the applicant shall prevent windblown dust or dirt from creating a nuisance to other properties by sodding or planting the cleared area or periodically sprinkling the bare ground.

DIVISION 10. DEVELOPMENT PERMITS

Sec. 10.00. Applicability.

To ensure compliance with the provisions of these Land Development Regulations, no person shall erect, alter, move or convert any building, structure, dock or dune crossover, brush bin, or part thereof, nor alter the use of any land, until a Development Permit has been issued by the Administrative Official.

Sec. 10.01. Effect of zoning in progress.

When the Town Commission declares zoning in progress, no Development Permits shall be issued by the Administrative Official which are in contravention of proposed amendments to provisions of the Town Zoning Code.

Sec. 10.02. Staging plan required, standards.

All applications for a Development Permit must include a staging plan that demonstrates compliance with the following standards:

- A. Trailers, for purposes of storage or office during development:
 - 1. Are screened from view from contiguous lots and public rights-of-way, and
 - 2. Do not exceed 200 square feet; and
 - 3. Will be removed immediately upon completion of the project or any storm watch condition as issued by the National Weather Service (NWS).
- B. Off-street parking is provided for all vehicles used by any person, firm or corporation involved or engaged in development work on the parcel proposed for development at any given time, and said off-street parking is screened from view from contiguous lots and public rights-of-way.
- C. Materials that are stored on-site are screened from view from contiguous lots and public rights-of-way and are safely stored and reasonably secured.
- D. Dumpsters and trash receptacles are adequate to prevent trash piles or debris from gathering during construction and are screened from view from contiguous lots and public rights-of-way, are located to minimize the impact of their associated noise, dust, and odors on contiguous lots.
- E. Fencing. On all construction sites where work is being performed, the owner shall be responsible for installing a minimum six-foot high chain link fence with an eight-foot gate and screening along the frontage at the road and along neighboring property lines as needed, to shield the work from public view. The fence and screen shall be maintained throughout construction. Signage on the fence is prohibited.
- F. Vehicle wheel cleaning blanket. The owner shall be responsible for installing a vehicle wheel cleaning blanket on all unpaved driveways where construction vehicles enter the road. The blanket shall be maintained in good condition throughout construction.
- G. Construction gate keeper. Where deemed necessary by the building official to control access to a site, the owner of a property shall be responsible for retaining a gatekeeper to direct construction traffic on and off the public roads.
- H. Pest control. Commencing with the clearing of a property, the owner shall be responsible for retaining and maintaining monthly pest control service to prevent disturbance to adjacent properties throughout construction.
- I. Port-a-let placement. The owner shall be responsible for placing a port-a-let on the property during construction, in a location approved by the Building Official. The port-a-let shall be screened to prevent public view.

(Ord. No. 393, § 8, 4-17-24)

Sec. 10.03. Application for Development Permits.

All applications shall be submitted on a form approved by the Administrative Official from time to time and shall be accompanied by the application fee set forth in the Town of Jupiter Island Fee Schedule.

Sec. 10.04. Development Permit review.

- A. If the Administrative Official determines that the development that is the subject of the permit application meets the requirements of these Land Development Regulations and the plans and specifications approved by the Town, the Administrative Official shall approve the application and issue the Development Permit.
- B. If the Administrative Official determines that the development that is the subject of the permit application does not meet the requirements of these Land Development Regulations or the plans or specifications approved by the Town, the Administrative Official shall deny the application and shall not issue the Development Permit.

Sec. 10.05. Appeal of permit denial.

If the Administrative Official denies a permit application, the applicant may appeal the Administrative Official's decision pursuant to Article X, division 8.

Sec. 10.06. Duration of permit.

A Development Permit shall be valid for a period of 18 months from the date of issuance.

Sec. 10.07. Permit display.

All Development Permits, after issuance, shall be kept conspicuously on the premises affected and protected from the weather whenever construction work is being performed thereon. No owner, contractor, workman or other person shall perform any building operation of any kind unless a development permit covering such operation has been displayed as required by these Land Development Regulations, nor shall they perform building operations of any kind after notification of the revocation of said Development Permit.

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.

Sec. 10.09. Development Permits for new irrigation water supply wells.

Development Permits for new surficial aquifer irrigation water supply wells shall comply with the requirements of the Town of Jupiter Island Code of Ordinances, Chapter 15, section 15-94.

(Ord. No. 337, § 15, 12-13-11)

Editor's note(s)—Ord. No. 337, § 15, adopted Dec. 13, 2011, set out provisions intended for use as Art. X, § 10.08.

At the editor's discretion, to prevent duplication of section numbers, these provisions have been included as § 10.09.

DIVISION 11. CERTIFICATE OF OCCUPANCY

Sec. 11.00. Certificate of Occupancy.

- A. No new construction shall be occupied or used for residential purposes, nor shall any furniture or personal effects be moved into a newly constructed building, until it is substantially completed, including finished driveway and parking area, and total yard graded, seeded, sodded or planted, and a Certificate of Occupancy has been issued by the Administrative Official.
- B. Prior to the issuance of a Certificate of Occupancy or Certificate of Completion, the Town shall be satisfied that all work is in compliance with the requirements of these Land Development Regulations and the plans and specifications approved by the Town.
- C. For new residential buildings and substantial improvements or reconstruction to existing buildings, the permittee shall supply the following where applicable:
 - 1. Proof of septic tank approval from the State Department of Health and Rehabilitation.
 - 2. A letter certifying the total project costs.
 - 3. A Certificate of Elevation, issued by a registered surveyor, showing the elevations of:
 - a. The initial grade at the front building line; and
 - b. All fill placed on the property; and
 - c. All finished floors (including basement), and
 - d. Roof height, including chimneys.
 - 4. An as-built survey certified by a registered surveyor, that shows the exact location of all buildings and structures, with new contours, grading elevations, and distances to lot lines from the buildings and structures.
 - 5. Other information required by the Administrative Official as may be needed or required for reporting purposes and requested on a final document checklist provided to the permit holder.

ARTICLE XI. CONCURRENCY MANAGEMENT

Sec. 1.00. Consistency with Comprehensive Plan.

- A. *Development permits consistent with Comprehensive Plan.* No development permit shall be issued unless the proposed development is consistent with the Comprehensive Plan.
- B. *Determining consistency with the Comprehensive Plan.* Prior to the issuance of any development permit, the Administrative Official shall decide that the proposed development is consistent the Comprehensive Plan.

Sec. 1.01. Adopted level of service standards and procedures.

No development shall be approved unless there are adequate public facilities available to maintain the following levels of service:

- A. The level-of-service standard for streets shall be level-of-service "A", except as otherwise as required by the comprehensive plan.
- B. The level-of-service standard for sewage disposal shall be at those levels required by regulatory agencies and in quantities not exceeding 100 gallons/capita/day.

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- C. The level-of-service standards for drainage shall be the detention of storm water runoff from a five-year, 24-hour storm, as set forth in the South Florida Water Management District Environmental Resource Permits ("ERP") Information Manual. The stormwater management structures and devices shall be designed with a safety factor of 20 percent more than the level of service standards. The stormwater structures and devices shall also include a plan and program for future ongoing maintenance.
 - D. The level-of-service standard for potable water shall meet or exceed levels required by regulatory agencies and in quantities at 600 gallons/capita/day, inclusive of irrigation.
 - E. The level-of-service standard for solid waste shall be nine pounds per capita per day.

(Ord. No. 371, § 4, 3-12-18)

Sec. 1.02. Determination of capacity availability.

- A. For purposes of this article, available capacity means:
 - 1. The sum of:
 - a. The total design capacity of existing facilities operating at the prescribed level of service; and
 - b. The total design capacity of new facilities which are assured of being available prior to the completion of proposed development.
 - 2. Minus the sum of:
 - a. The service demand of existing development; and
 - b. The projected service demand of approved development which has not yet been completed.
- B. The capacity of new facilities shall be considered available only if:
 - 1. Construction of the new facilities is underway at the time of approval; or
 - 2. The new facilities are the subject of a binding executed contract for the construction of the facilities; or
 - 3. The new facilities are included in a funded capital improvement program annual budget which assures the availability of the facilities prior to the completion of construction of the proposed development; or
 - 4. The applicant has contributed funds to the Town, Martin County, or other governmental entity authorized to provide new facilities consistent with the Capital Improvements Element of the Comprehensive Plan. Commitment that the facilities will be built must be evidenced by an appropriate budget amendment and appropriation by the Town, county or other governmental entity.

Sec. 1.03. Capacity reservations.

- A. The availability of public facilities capacity shall be determined on a first come first serve basis.
- B. Issuance of a development permit shall constitute a reservation of public facilities capacity for as long as the development permit is valid.

Sec. 1.04. Concurrency monitoring system.

The Administrative Official shall be responsible for monitoring the adequacy of available public facilities. The Administrative Official shall prepare:

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- A. An annual report of all new or amended Land Development Regulations, including changes in zoning districts.
 - B. An annual summary of all Development Permits.
 - C. An annual summary of all permits issued for demolition of buildings.
 - D. An annual summary of all Certificates of Occupancy.

Sec. 1.05. Proportionate fair-share program.

- (a) *Purpose and intent.* The purpose of this section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the proportionate fair-share program, as required by and in a manner consistent with § 163.3180(16), F.S.
- (b) *Applicability.* The proportionate fair-share program shall apply to all developments that fail to meet the standards of this chapter and the Town's Comprehensive Plan on a roadway within the Town that is not the responsibility of Martin County, the Florida Department of Transportation (FDOT) or another agency. The proportionate fair-share program does not apply to the following:
 - 1. Collector and arterial roads which are not the responsibility of the Town. However, if applicable, a traffic concurrency letter from the county is required to be submitted by the applicant certifying compliance with the county-wide traffic performance standards.
 - 2. Developments of regional impact (DRIs) using proportionate fair-share under § 163.3180(12), F.S.
 - 3. Projects exempted from this chapter by state law.
 - 4. Projects that received traffic concurrency approval prior to December 1, 2006.
 - 5. Individual single-family homes.
 - 6. Vested projects.
- (c) *General requirements.* An applicant may choose to satisfy the LOS for transportation by making a proportionate fair-share contribution, so long as each of the following requirements are met:
 - 1. The proposed development is consistent with the Comprehensive Plan and applicable Land Development Regulations.
 - 2. The road improvement necessary to maintain the LOS for transportation is identified in the five-year schedule of capital improvements in the CIE.
 - 3. Any improvement project proposed to meet the developer's fair-share obligation shall meet the Town's design standards for locally maintained roadways.
- (d) *Intergovernmental coordination.* Pursuant to policies in the Intergovernmental Coordination Element of the Comprehensive Plan, the Town shall coordinate with Martin County and other affected jurisdictions such as FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair-share mitigation.
- (e) *Application process.*
 - 1. In the event of a lack of capacity, to maintain the LOS for transportation, the applicant shall have the opportunity to satisfy LOS for transportation requirements through the proportionate fair-share program subject to the requirements of subsection (c).
 - 2. Prior to the submittal of an application, eligible applicants shall schedule a pre-application meeting with town staff. After the pre-application meeting, eligible applicants shall submit a completed

development application, and all documentation requested by the Town. The applicant shall be required to pay a reasonable fee for the cost of reviewing the application, said fee to be set by resolution of the town commission. If the impacted facility is on the Strategic Intermodal System (SIS), then FDOT will be notified and invited to participate in the pre-application meeting. The Town shall also have the option of notifying and inviting Martin County.

3. Town staff shall review the application and certify that the application is sufficient and complete within 14 working days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the proportionate fair-share program as indicated in subsection (c), then the applicant will be notified in writing of the reasons for such deficiencies. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed withdrawn and all fees forfeited to the Town, unless the town determines that the applicant is working toward a remedy of the stated deficiencies in good faith, in which case the Town may extend the deadline as deemed appropriate by the Town.
4. Pursuant to § 163.3180(16)(e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrency of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.
5. When an application is deemed sufficient and complete in accordance with subparagraph 3, above, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement prepared by the Town shall be executed by the applicant and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, no later than 60 days from the date at which the applicant received the notification of a sufficient and complete application. If the agreement is not received by the Town within these 60 days, then the application will be deemed withdrawn and all fees forfeited to the Town, unless the Town determines that the applicant is working toward a remedy of the stated deficiencies in good faith, in which case the town may extend the deadline as deemed appropriate by the Town.
6. No proportionate fair-share agreement will be effective until approved by the Town through an administrative approval.

(f) *Determining proportionate fair-share obligation.*

1. Proportionate fair-share mitigation for transportation LOS impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.
2. A development eligible for participation under the proportionate fair-share program shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
3. The methodology used to calculate a development's proportionate fair-share obligation shall be as provided for in § 163.3180(12), F.S., as follows:

The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS.

OR

Proportionate Fair-Share = $\sum [((\text{Development Trips } i) / (\text{SV increase } i)) \times \text{Cost } i]$

Where:

Development Trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the Town's Concurrency Management System.

SV Increase_i = Service volume increase provided by the eligible improvement to roadway segment "i" per subsection (c).

Cost_i = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering review, inspection, administration, and physical development costs directly associated with construction at the anticipated cost, including contingencies, in the year it will be incurred.

4. For the purposes of determining proportionate fair-share obligations, the Town's engineer shall determine improvement costs based upon the actual and/or anticipated cost of the improvement in the year that construction will occur.
5. If an improvement is proposed by the applicant, then the value of the improvement shall be based on an engineer's certified cost estimate provided by the applicant and approved by the Town's Engineer or by some other method approved by the Town's Engineer.

(g) *Impact fee credit for proportionate fair-share mitigation.*

1. Proportionate fair-share contributions shall be applied as a credit against road impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by road impact fees which may hereafter be established by the Town.
2. The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed project. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed project cannot be transferred to any other project.

(h) *Proportionate fair-share agreements.*

1. Upon execution of a proportionate fair-share agreement ("agreement"), the applicant shall receive a Certification of Concurrency Reservation for capital road facilities. Should the applicant fail to apply for a development permit within 12 months, then the agreement shall be considered null and void, and the applicant shall be required to reapply, unless the Town and the applicant mutually agree to an extension.
2. Payment of the proportionate fair-share contribution is due in full no later than issuance of the first building permit and shall be non-refundable. If the payment is submitted more than 90 days from the date of execution of the agreement, then the proportionate fair-share cost shall be recalculated at the time of payment, pursuant to subsection (f) and adjusted accordingly.
3. In the event an agreement requires the applicant to pay or build 100 percent of one or more road improvements, all such improvements shall be commenced prior to issuance of a building permit and assured by a binding agreement that is accompanied by a performance security, as determined by the Town, which is sufficient to ensure the completion of all required improvements.
4. Dedication of necessary rights-of-way for facility improvements pursuant to a proportionate fair-share agreement shall be completed prior to issuance of the first Building Permit.
5. Any requested change to a development after the issuance of a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require additional mitigation.

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6. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs paid to the Town will be non-refundable.
- (i) *Appropriation of fair-share revenues.*
1. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the CIE, or as otherwise established in the terms of the proportionate fair-share agreement. Proportionate fair-share revenues may be used as the 50 percent local match for funding under the FDOT TRIP, or any other matching requirement for state and federal grant programs as may be allowed by law.
 2. In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within the Town that would mitigate the impacts of development pursuant to the requirements of subsection (c).
- (Ord. No. 308, § 2, 12-6-06)

ARTICLE XII. ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 1.00. Purpose.

The purpose of this article is to set forth penalties for failure to comply with these Land Development Regulations. The provisions of this article are supplemental to any other remedies available to the Town. Nothing contained in this article prohibits the Town from enforcing its codes or ordinances by the code enforcement provisions of the Town of Jupiter Island Code of Ordinances or other available laws.

DIVISION 2. VIOLATIONS AND PENALTIES

Sec. 2.00. Violations and penalties.

- A. Failure to comply with any of the provisions of these Land Development Regulations shall constitute a violation. Each day such violation continues shall be considered a separate violation.
- B. Failure to comply with any conditions and/or safeguard established in connection with a grant of development approval, including, but not limited to subdivisions, rezonings, special exception, approvals using alternative development standards, variance, impact review, increase in floor area, including the installation and continued maintenance of landscape buffers shall constitute a violation. Each day such violation continues shall be considered a separate violation.
- C. The owner or tenant of the building, structure, premises, or part thereof and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found in violation.
- D. It is a violation of these Land Development Regulations for any person to destroy, move, remove or deface or obscure any sign or notice erected or posted by town officials pursuant to the requirements of the Land Development Regulations.

-
- E. A violator found in violation of any land development regulations shall comply with any order entered by the town's special magistrate.
 - F. Noting herein shall prevent the town from taking any lawful action in a court of law necessary to prevent or remedy any violation of, or failure to comply with the regulations contained in these Land Development Regulations.

(Ord. No. 386, § 3, 8-16-23)

Sec. 2.01. Removal of structures and signs.

- A. *Grounds for removal of towers and antennas.* The following shall be grounds for a court of competent jurisdiction or the Code Enforcement Magistrate to order removal of a tower and/or antenna at the expense of the owner of the lot on which the structure is located:
 - 1. Failure to bring towers and antennas into compliance with applicable regulations within the time set forth in Article IV, section 3.12(D)(1) or (2).
 - 2. Failure to remove an abandoned tower or antenna within 90 days of receipt of written notice from the Town.
- B. *Grounds for removal of signs.* The following shall be grounds for the Administrative Official to immediately remove a sign at the expense of the owner of the lot on which the sign is located, or the owner of the sign, if it is not placed within a lot:
 - 1. Placement of signs in the public right-of-way without approval.
 - 2. Signs constructed, located, or maintained in a manner that creates an immediate danger to the public health or safety.

(Ord. No. 386, § 3, 8-16-23)

Sec. 2.02. Administrative revocation of permits.

- A. The Administrative Official may revoke a development permit if at any time it shall appear to the Administrative Official that:
 - 1. The property for which an approval was granted is not in compliance with the plans upon which the approval relied; or
 - 2. Work is being done upon the premises which does not comply with existing ordinances or codes; or
 - 3. The premises have been occupied or furniture or personal effects have been moved in before a Certificate of Occupancy is issued.
- B. After a development permit has been revoked, the Administrative Official may condition the approval of a new development permit upon an indemnity bond in favor of the Town with sufficient surety to ensure compliance with these Land Development Regulations and all other applicable laws and codes, and in a sum sufficient to cover the cost of removing the building or structure if it does not so comply.

(Ord. No. 386, § 3, 8-16-23)

Sec. 2.03. Administrative stop-work orders.

- A. If the Town's Administrative Official determines that development is being undertaken in a manner that is inconsistent with a development approval, the Administrative Official may issue a stop-work order to prohibit the continuation of further work on the site except that which is required to correct a violation or preserve the public safety.
- B. The stop-work order may be issued in conjunction with a Notice of Violation.
- C. If the stop-work order is issued in conjunction with a notice of violation, the Administrative Official may request a hearing of the Code Enforcement Magistrate.
- D. The stop-work order shall remain effective:
 - 1. Until the Administrative Official verifies that full compliance with these Land Development Regulations has been accomplished; or
 - 2. Until a hearing before a court, or Code Enforcement Magistrate; or
 - 3. Until such other reasonable time established by the Administrative Official or Code Enforcement Magistrate; whichever period is the shortest.

(Ord. No. 386, § 3, 8-16-23)

Sec. 2.04. Stay of development approvals.

Upon the entry of an order of violation by the Code Enforcement Magistrate, no further development approvals shall be processed or granted regarding the property, which is the subject of the violation, except for permits necessary to correct the violation, or to preserve the public's safety until the violation is corrected and any fines which have been imposed are paid.

(Ord. No. 386, § 3, 8-16-23)

DIVISION 3. ENFORCEMENT PROCEDURES

Sec. 3.00. Complaints of violations.

Any person may file a complaint with the Town if there is any reason to believe a violation of these regulations exists. All such complaints must be in writing and shall be filed with the Administrative Official charged with investigating the complaints of violations of these Land Development Regulations.

(Ord. No. 386, § 3, 8-16-23)

Sec. 3.01. Procedures for abatement of violations.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of these Land Development Regulations, the Town Commission, may institute any appropriate legal action or proceedings to prevent such unlawful erection, it deems necessary to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use about such premises.

(Ord. No. 386, § 3, 8-16-23)

ARTICLE XIII. COASTAL AND WETLANDS MANAGEMENT

Sec. 1.00. Consistency with the comprehensive plan.

- A. No development permit shall be issued unless the proposed development meets the objectives and policies of the Coastal Zone Element and the Conservation Element of the Comprehensive Plan.
- B. Prior to the issuance of any Development Permit, the Administrative Official shall determine that the proposed development is consistent with objectives and policies of the Coastal Zone Element and the Conservation Element of the Comprehensive Plan.

(Ord. No. 331, § 3, 4-13-11)

Sec. 2.00. Specific findings required.

- A. Improvements to the beaches of the Town of Jupiter Island shall be implemented in a manner that does not damage or destroy beach wildlife habitats.
- B. Beach activities, including recreation, beach cleaning and lighting of beach structures shall be regulated in a manner that protects sea turtle nesting areas from unreasonable disturbance.
- C. Estuarine fauna, including the Florida manatee, shall be protected from damage or destruction by cooperating with State and County officials in enforcing boating speed limits in any designated manatee habitats, and in waters containing sea grass beds.
- D. The Town shall implement where feasible the objectives of the Indian River Lagoon Aquatic Preserves Management Plan as adopted and amended.
- E. No new point-sources of pollution shall be permitted which discharge directly into the Indian River Lagoon, or into canals leading into the lagoon
- F. Future development on any unfortified areas of the estuarine shoreline that lack wetland vegetation shall be planted with native vegetation to stabilize the shoreline, limit stormwater run-off and soil erosion, and trap sediments and other non-point source pollutants. See section 3.02, Waterfront Setback Lines.
- G. Development projects shall be found consistent with the SFWMD's Surface Water Improvement and Management Plan (SWIM) and future modifications.
- H. To protect wildlife habitats and wildlife species, which are endangered and threatened species, and species of special concern, as set forth in the Coastal Management goals, objectives and policies large scale projects having ten acres or more shall be required to submit an environmental assessment for review and approval.
- I. Development and redevelopment projects shall be reviewed to eliminate inappropriate and unsafe buildings and structures in coastal areas, and:
 - 1. Include development and redevelopment principles, strategies; and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.

-
2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
 3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

(Ord. No. 331, § 3, 4-13-11; Ord. No. 371, § 5, 3-12-18)

EXHIBIT A. ILLUSTRATIONS

Illustration 1: Basement

Illustration 2: Building Envelope

Illustration 3: Building Stories, Flat Roof

Illustration 4: Building Stories, Pitched Roof 3:12 or less

Illustration 5: Building Stores, Pitched Roof Greater than 3:12

Illustration 6: Yards

Illustration 7: One- and Two-Story Setback Lines

Illustration 8: Floor Area Ratio

Illustration 9: Front Building Line

Illustration 10: Lot Width, Lot Depth, and Frontage

Illustration 11: One-Story Porch or Portico

Illustration 12: Sign Area

Illustration 13: Single Buildings

Illustration 14: Floor Area Measurement, Buildings

Illustration 15: Floor Area Measurement, Balconies

Illustration 16: Floor Area Measurement, Overhangs

PART II - CODE OF ORDINANCES
APPENDIX A - LAND DEVELOPMENT REGULATIONS
EXHIBIT A. ILLUSTRATIONS

Illustration 17: Floor Area Measurement, Walled-in Areas

Illustration 18: Floor Area Measurement, Decks

Illustration 19: Floor Area Measurement, Basements

Illustration 20: Location of Dock

Illustration 21: Dock Dimensions

EXHIBIT B. OFFICIAL ZONING MAP

The Town's Official Zoning Map, as amended, is hereby adopted by reference as fully and to the same extent as if set out in length herein. A copy of the Official Zoning Map is on file with the Town Clerk.

EXHIBIT C. WATERFRONT SETBACK LINE

The Town's Waterfront Setback Line, as amended, is hereby adopted by reference as fully and to the same extent as if set out in length herein. The original of this document is on file in Town Hall.

ORDINANCE NO. 400

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING ARTICLE I, DIVISION III, SECTION 3.00 B 1 "LOCAL PLANNING AGENCY" TO AMEND THE AUTHORITY AND DUTY OF THE LOCAL PLANNING AGENCY; 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, in accordance with Fla. Stat. Section 163.3174, the Town Commission has established a Local Planning Agency (LPA) for the Town; and

WHEREAS, the Town Commission has previously adopted Division III of the Town's Land Development Regulations pertaining to the Local Planning Agency.

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

Section 1. Section 3.00 B (1) of the Town's Land Development Regulations is hereby amended to read as follows:

Sec. 3.00 Local Planning Agency

B. Authority; functions: Powers and Duties in General.

1. The Local Planning Agency has the authority and duty, to the extent required by law to:
 - a. Propose, or review applications for, amendments to the Comprehensive Plan, including the annual monitoring and evaluation of the plan in accordance with State statute and rule:
 - b. To consider, ~~upon request of the Town Commission~~, applications or proposals for district boundary changes (rezoning); and

- c. ~~To consider, upon request of the Town Commission, applications or proposals for amendment to these regulations.~~

Section 2. Repeal of ordinances in conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. 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 4. Codification.

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

Section 5. Effective Date.

This Ordinance shall become effective immediately upon passage.

PASSED UPON FIRST READING THE ____ DAY OF _____, 2024.

**PASSED AND ADOPTED UPON THE SECOND READING FOLLOWING
PUBLIC HEARING THE ____ DAY OF _____, 2024.**

(SEAL)

TOWN OF JUPITER ISLAND, FLORIDA

Mayor

Vice Mayor

Commissioner

Commissioner

Commissioner

ATTEST:

CLERK

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town of Jupiter Island's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

Proposed Ordinance 400 – Restoring Local Planning Agency (LPA) Authority

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING ARTICLE I, DIVISION III, SECTION 3.00 B 1 “LOCAL PLANNING AGENCY” TO AMEND THE AUTHORITY AND DUTY OF THE LOCAL PLANNING AGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Town of Jupiter Island is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the Town of Jupiter Island is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;

¹ See Section 166.041(4)(c), Florida Statutes.

- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town of Jupiter Island hereby publishes the following information:

1. Summary of the proposed ordinance *(must include a statement of the public purpose, such as serving the public health, safety, morals and welfare)*:

Proposed Ordinance 400 changes the authority and duties of the Town's Local Planning Agency (LPA).

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the [City/Town/Village], if any: **N/A**

(a) An estimate of direct compliance costs that businesses may reasonably incur;

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

(c) An estimate of the [City's/Town's/Village's] regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **N/A**

4. Additional information the governing body deems useful (if any): **N/A**

TOWN OF JUPITER ISLAND

MEMORANDUM

TO: Mayor & Town Commission

THROUGH: Robert Garlo, Town Manager *RG*

CC: Kimberly Kogos, Town Clerk

FROM: John Duchock, Asst. Town Manager/Beach District Director

RE: Agenda Item 10.: Comprehensive Plan and LDR Revision
(RFP#2024-09)

DATE: 8/29/2024

Background:

Under the direction of the Town Commission, a Request for Proposals (RFP) for Comprehensive Planning Services and Land Development Regulation Revisions was publicly advertised on July 12, 2024. The focus of the RFP is to conduct the mandatory Evaluation and Appraisal Report (EAR), including a complete assessment of all elements contained within the Comprehensive Plan, the existing Vision Statement, and Future Land Use Map. The comprehensive planning scope of services also includes the preparation of EAR-based amendments to the Plan, leading a public participation process, as well as presentations to the Town's Local Planning Agency (LPA) and Commission at public meetings. Lastly, as part of the work and pending adoption of the comprehensive plan by the Town Commission, the Land Development Regulations (LDR) are to be evaluated for revisions to implement the amendments to the Plan, and to address ancillary development issues such as board and committee review and approval processes and the alternative development standards currently contained in the Town's code.

Six proposals were received and opened on August 2, 2024. The six respondents were:

- Bonnie Landry & Associates
- Chen Moore & Associates
- Inspire Placemaking Collective
- Kimley Horn
- Morton Planning L.A.
- The Corradino Group

The Selection Committee members met on August 15, 2024 and provided initial scoring and ranking of the six submittals. After discussion amongst committee members, the initial rankings were as follows:

1. The Corradino Group
2. Kimley Horn
3. Inspire Placemaking Collective
4. Chen Moore & Associates
5. Bonnie Landry & Associates
6. Morton Planning L.A.

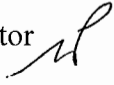
The Selection Committee agreed to conduct short-list interviews of the top three ranked firms and completed those interviews on August 29, 2024. After discussion of each firm's presentation and responses to questions, the Selection Committee collectively agreed that the most qualified and responsive firm is Kimley Horn. All three firms provided high-quality proposals and presentations, however, Kimley Horn was the top-ranked firm, providing clear qualifications/experience and a superior understanding of the challenges and needs of the Town for this effort.

Recommendation:

Town staff recommends entering into a contract negotiation with Kimley Horn, based on their response to the Town's RFP. Subject to legal sufficiency, a contract agreement, including detailed work tasks and fee descriptions, will be presented to the Town Commission during the October 3, 2024 meeting.



MEMORANDUM

TO: The Mayor and Town Commissioners
THRU: Robert Garlo, Town Manager
FROM: Matthew Pazanski, Finance/HR Director 
DATE: August 27, 2024
SUBJECT: Approval of 2024-2025 Property, Liability, Workers' Compensation, Automobile and Ancillary Insurance Coverage

Background

The Town each year solicits renewal proposals for the Town's and SMRU's property, liability, workers' compensation, automobile (P&C/WC) and ancillary insurances and with the Florida Municipal Insurance Trust (FMIT) and other carriers. The Gehring Group is assisting again this year with ancillary insurance coverages.

Our current provider of P&C/WC, FMIT, is administered by the Florida League of Cities and exists solely to serve cities, they insure 63% of Florida cities. The FMIT has consistently provided the Town with excellent value for insurance coverage over the many years of continued service. During this past year, FMIT, Gehring Group and town staff completed a comprehensive asset survey of all property to ensure proper coverage and valuation limits. This year the commercial insurance carriers are again facing the challenges of high inflation, lower insurance capacity and the rising risk of catastrophic events.

Insurance renewal quotes (attached) from FMIT reflect an approximate 27.3% increase over last year, the lines of coverage are summarized below and FMIT is attached for your review.

	<u>Proposed Renewal</u>	<u>Prior Year Premium</u>	<u>Difference</u>	<u>% Change</u>
Property	\$404,343	\$279,766	\$124,577	44.5%
General Liability	176,351	147,610	28,741	19.5%
Workers Compensation	129,177	119,961	9,216	7.7%
Auto Liab./Physical Damage	48,967	44,171	4,796	10.9%
<u>Ancillary Lines of Coverage</u>	<u>29,776</u>	<u>28,091</u>	<u>1,685</u>	<u>6.0%</u>
Total	<u>\$788,614</u>	<u>\$619,599</u>	<u>\$169,015</u>	<u>27.3%</u>

Historically, the Town has maintained a 5% wind deductible, this year the FMIT is providing deductible/limit options on property-wind coverage for named storms. Staff recommends a 10% deductible as the breakeven would be a \$1,200,000 wind claim on a named storm. Deductible/Limit options are as follows:

	<u>Deductible</u>	<u>Annual Premium</u>	<u>Savings from Option 1</u>
Option 1	5%	\$404,343	\$0
Option 2	7.5%	\$372,217	\$32,126
Option 3	10%	\$343,896	\$60,447

Recommendation

Staff recommends the Town Commission consider a motion to approve the property, liability, workers' compensation and auto insurance coverage with the Florida Municipal Insurance Trust and, authorize a deductible/limit options on property-wind coverage for named storms, and, approve the ancillary insurance policies with Chubb, Crum & Forester, Travelers and RLI Marine for statutory accidental death and dismemberment, pollution liability, storage tank, fiduciary liability, and marine hull policies.



Protecting the **Communities** We Call Home

RENEWAL QUOTE FOR 2024-2025

Town of Jupiter Island

FMIT 0296

<u>Coverage</u>	<u>Deductible</u>	<u>Limit</u>	<u>Premium</u>
General/Professional Liability	\$25,000	\$5,000,000	\$176,351
Deductible Stoploss Amount	\$182,948		
Cyber Liability	\$25,000	\$1,000,000	\$2,537
Automobile Liability	\$2,500	\$5,000,000	\$34,394
Automobile Physical Damage	Per Schedule		\$14,573
Deductible Stoploss Amount	\$15,000		
Property	\$25,000	\$31,849,464	\$404,343
Workers' Compensation	\$0	Total Payroll	
Experience Modification 1.00 10/1/24		\$7,067,800	\$129,177
TOTAL NET PREMIUM			\$761,374

*Includes: Drug Free Credit: Yes
Safety Credit: Yes

Please Note: All descriptions of coverage provided herein are intended for illustration and general discussion purpose. Do not rely upon this communication for coverage. Refer to the FMIT Coverage Agreement(s) for applicable coverage terms, conditions, limits and obligations.

The premiums quoted above are priced according to the coverage lines presented. Any change or deletion of coverages may result in re-pricing of remaining coverage lines.

*Please see next page for options if applicable.



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RENEWAL QUOTE FOR 2024-2025

Town of Jupiter Island

FMIT 0296

DEDUCTIBLE / LIMIT OPTIONS

	<i>Named Storm Deductible</i>	<i>Annual Premium</i>	<i>Check Option</i>	
<i>Property - Wind Coverage</i>			<i>Accepted</i>	<i>Rejected</i>
Option 1	5%	\$404,343	☐	☐
Option 2	7.5%	\$372,217	☐	☐
Option 3	10%	\$343,896	☐	☐

Please note: All descriptions of coverage provided herein are intended for illustration and general discussion purpose. Do not rely upon this communication for coverage. Refer to the FMIT Property Coverage Agreement for applicable coverage terms, conditions, limits, and obligations.

Special Note: The Named Storm Deductible option will default to the expiring selection unless FMIT is notified otherwise by completing and returning this form to your Account Executive.



MEMORANDUM

TO: TOWN OF JUPITER ISLAND, COMMISSION
THRU: ROBERT GARLO, TOWN MANAGER *RG*
FROM: MATTHEW PAZANSKI, FINANCE/HR DIRECTOR *MP*
DATE: AUGUST 27, 2024
SUBJECT: APPROVAL OF 2024-2025 EMPLOYEE HEALTH BENEFIT PACKAGE

Background

Each year, the Town works with our agent of record, Gehring Group, to obtain bids for the Employee's Health and Wellness benefit package for the Town/SMRU employees. The Gehring Group negotiates the annual rates with the providers on the Town's behalf. Over the past several weeks, Town staff has worked with Gehring Group representatives on these benefit renewals.

This year, Florida Blue our current medical provider, was the only company to provide a quote for our group. Gehring stated that recent federal legislative changes have sidelined many health insurance companies from being competitive as they navigate new rules that limit the deductible for some Medicare related coverages thereby deterring their desire to add new business at this time.

The Gehring Group was successful in negotiating an 8% increase, down from the initial 15.1%, in the medical insurance coverage by bundling our dental coverage with Florida Blue. The total increase for medical and dental with the change amounts to 8.4%. Staff is recommending the change in dental coverage and to maintain the Florida Blue-Blue Options 05770 PPO Plan.

All other insurance plan premiums will remain the same as the current year, no increase. The Standard – Vision, Short Term Disability, Long Term Disability, and Basic Life AD&D, and New Directions (EAP).

The total annual increase in premium costs to the Town is approximately \$129,600 for all health and wellness plan benefits.

The employees will see a percentage increase in monthly premiums similar to the employer increase in premium costs. Staff also recommends that employees continue to receive the Town funded \$152.08 per month in Cafeteria Plan in-kind dollars for each benefit eligible employee.

Florida Blue and Standard have excellent medical, dental, and vision networks in Martin County.

Recommendation

Staff recommends the Town Commission consider a motion to approve the following employee benefit providers for fiscal year 2024-2025: Florida Blue – Medical, Dental; The Standard – Vision, Short- and Long-Term Disability, Basic Life AD&D, and Voluntary Supplemental Life and New Directions – EAP and, the Cafeteria Plan contribution.

Attachments: Employee/Employer Contribution Scenarios
 Medical Evaluation – Current, Renewal, Renewal-Bundle

Town of Jupiter Island
Employee/Employer Contribution Scenarios
Effective Date: October 1, 2024

FINAL SOLD

		CURRENT Employees Pay 12.5% of Plan 05770 Cost			RENEWAL Employees Pay 12.5% of Plan 05770 Cost			
		ER/Month	EE/Month	Total/ Month	ER/Month	EE/Month	EE \$ Inc/Month	Total/ Month
Medical Insurance		Florida Blue Plan 05770			Florida Blue Plan 05770			
Employee	29	\$808.20	\$115.46	\$923.66	\$872.88	\$124.70	\$9.24	\$997.58
Employee + Spouse	11	\$1,842.70	\$263.24	\$2,105.94	\$1,990.18	\$284.31	\$21.07	\$2,274.49
Employee + Children	8	\$1,616.40	\$230.91	\$1,847.31	\$1,745.77	\$249.40	\$18.49	\$1,995.17
Employee + Family	29	\$2,586.25	\$369.46	\$2,955.71	\$2,793.24	\$399.03	\$29.57	\$3,192.27
Annual Total	77	\$1,579,679	\$225,667	\$1,805,347	\$1,706,107	\$243,729		\$1,949,837
\$ Increase/(Decrease)		N/A	N/A	N/A	\$126,428	\$18,062		\$144,490
% Increase/(Decrease)		N/A	N/A	N/A	8.0%	8.0%		8.0%
Dental Insurance		The Standard			Florida Blue			
Employee	29	\$29.58	\$0.00	\$29.58	\$32.88	\$0.00	\$0.00	\$32.88
Employee + 1	27	\$29.58	\$31.37	\$60.95	\$32.88	\$34.87	\$3.50	\$67.75
Employee + Family	25	\$29.58	\$78.83	\$108.41	\$32.88	\$87.63	\$8.80	\$120.51
Annual Total	81	\$28,752	\$33,813	\$62,565	\$31,959	\$37,587		\$69,546
\$ Increase/(Decrease)		N/A	N/A	N/A	\$3,208	\$3,774		\$6,982
% Increase/(Decrease)		N/A	N/A	N/A	11.2%	11.2%		11.2%
Vision Insurance		The Standard			The Standard			
Employee	23	\$0.00	\$5.68	\$5.68	\$0.00	\$5.68	\$0.00	\$5.68
Employee + Spouse	19	\$0.00	\$11.30	\$11.30	\$0.00	\$11.30	\$0.00	\$11.30
Employee + Children	7	\$0.00	\$10.39	\$10.39	\$0.00	\$10.39	\$0.00	\$10.39
Employee + Family	17	\$0.00	\$16.01	\$16.01	\$0.00	\$16.01	\$0.00	\$16.01
Annual Total	66	\$0	\$8,283	\$8,283	\$0	\$8,283		\$8,283
\$ Increase/(Decrease)		N/A	N/A	N/A	\$0	\$0		\$0
% Increase/(Decrease)		N/A	N/A	N/A	0.0%	0.0%		0.0%
Basic Life & AD&D		The Standard			The Standard			
Estimated Volume:		\$15,867,200	\$0	\$15,867,200	\$15,867,200	\$0	N/A	\$15,867,200
Rate/\$1,000		\$0.165	\$0.000	\$0.165	\$0.165	\$0.000	N/A	\$0.165
Annual Total		\$31,417	\$0	\$31,417	\$31,417	\$0		\$31,417
\$ Increase/(Decrease)		N/A	N/A	N/A	\$0	\$0		\$0
% Increase/(Decrease)		N/A	N/A	N/A	0.0%	0.0%		0.0%
Short Term Disability		The Standard			The Standard			
Estimated Volume:		\$66,453	\$0	\$66,453	\$66,453	\$0	N/A	\$66,453
Rate/\$10		\$0.235	\$0.000	\$0.235	\$0.235	\$0.000	N/A	\$0.235
Annual Total		\$18,740	\$0	\$18,740	\$18,740	\$0		\$18,740
\$ Increase/(Decrease)		N/A	N/A	N/A	\$0	\$0		\$0
% Increase/(Decrease)		N/A	N/A	N/A	0.0%	0.0%		0.0%
Long Term Disability		The Standard			The Standard			
Estimated Volume:		\$488,838	\$0	\$488,838	\$488,838	\$0	N/A	\$488,838
Rate/\$100		\$0.390	\$0.000	\$0.390	\$0.390	\$0.000	N/A	\$0.390
Annual Total		\$22,878	\$0	\$22,878	\$22,878	\$0		\$22,878
\$ Increase/(Decrease)		N/A	N/A	N/A	\$0	\$0		\$0
% Increase/(Decrease)		N/A	N/A	N/A	0.0%	0%		0.0%
EAP		EAP - New Directions			EAP - New Directions			
EAP Rate	72	\$3.09	\$0.00	\$3.09	\$3.09	\$0.00	N/A	\$3.09
Annual Total		\$2,670	\$0	\$2,670	\$2,670	\$0		\$2,670
\$ Increase/(Decrease)		N/A	N/A	N/A	\$0	\$0		\$0
% Increase/(Decrease)		N/A	N/A	N/A	0.0%	0%		0.0%
Combined ANNUAL TOTAL		\$1,684,135	\$267,763	\$1,951,898	\$1,813,771	\$289,599		\$2,103,370
\$ Increase/(Decrease)		N/A	N/A	N/A	\$129,636	\$21,836		\$151,472
% Increase/(Decrease)		N/A	N/A	N/A	7.7%	8.2%		7.8%

		CURRENT		RENEWAL		RENEWAL - BUNDLE	
Schedule of Benefits		Florida Blue - BlueOptions 05770		Florida Blue - BlueOptions 05770		Florida Blue - BlueOptions 05770	
Plan Year	Deductible (PYD)	In Network	Out of Network	In Network	Out of Network	In Network	Out of Network
Individual Deductible		\$1,000	\$3,000	\$1,000	\$3,000	\$1,000	\$3,000
Family Deductible		\$1,000/\$3,000	\$3,000/\$6,000	\$1,000/\$3,000	\$3,000/\$6,000	\$1,000/\$3,000	\$3,000/\$6,000
Out of Pocket Maximum							
Single		\$3,500	\$7,000	\$3,500	\$7,000	\$3,500	\$7,000
Family		\$3,500/\$7,000	\$7,000/\$14,000	\$3,500/\$7,000	\$7,000/\$14,000	\$3,500/\$7,000	\$7,000/\$14,000
Member Coinsurance		20%	50%	20%	50%	20%	50%
Non-Hospital Services							
Physician Office Visit Copay		\$25 Copay	50% after PYD	\$25 Copay	50% after PYD	\$25 Copay	50% after PYD
Specialist Office Visit Copay		\$45 Copay	50% after PYD	\$45 Copay	50% after PYD	\$45 Copay	50% after PYD
Virtual Visit Copay (PCP/Specialist)		No Charge/\$45	Not Covered	No Charge/\$45	Not Covered	No Charge/\$45	Not Covered
Preventive Services		No Charge	50%	No Charge	50%	No Charge	50%
Laboratory Services		No Charge	50% after PYD	No Charge	50% after PYD	No Charge	50% after PYD
Advanced Imaging (MRI, PET, CT)		\$200 Copay	50% after PYD	\$200 Copay	50% after PYD	\$200 Copay	50% after PYD
Urgent Care Center		\$50 Copay	\$50 Copay after PYD	\$50 Copay	\$50 Copay after PYD	\$50 Copay	\$50 Copay after PYD
Hospital Services							
Inpatient Hospital Services		20% after PYD	\$3,500 Copay	20% after PYD	\$3,500 Copay	20% after PYD	\$3,500 Copay
Outpatient Hospital Services		20% after PYD	50% after PYD	20% after PYD	50% after PYD	20% after PYD	50% after PYD
Physician Services at Hospital		\$100 Copay	\$100 Copay	\$100 Copay	\$100 Copay	\$100 Copay	\$100 Copay
Emergency Room (Per Visit)		\$200 Copay	\$200 Copay	\$200 Copay	\$200 Copay	\$200 Copay	\$200 Copay
Mental Health/Substance Abuse							
Inpatient Hospital		No Charge	\$500 Copay	No Charge	\$500 Copay	No Charge	\$500 Copay
Outpatient Services (OV/Other)		No Charge	50%	No Charge	50%	No Charge	50%
Prescription Drugs							
Generic Drugs		\$10		\$10		\$10	
Formulary Drugs		\$50		\$50		\$50	
Non-Formulary Drugs		\$80	50%	\$80	50%	\$80	50%
Specialty Drugs		20%		20%		20%	
Mail Order - 90 Day Supply		2.5x Retail		2.5x Retail		2.5x Retail	
Rates							
Employee Only	29	\$923.66		\$1,063.50		\$1,000.32	
Employee + Spouse	11	\$2,105.94		\$2,424.78		\$2,280.73	
Employee + Child(ren)	8	\$1,847.31		\$2,127.00		\$2,000.64	
Employee + Family	29	\$2,955.71		\$3,403.21		\$3,201.03	
Monthly Premium	77	\$150,446		\$173,223		\$162,932	
Annual Premium		\$1,805,347		\$2,078,678		\$1,955,188	
Increase/(Decrease)		N/A		\$273,331		\$149,841	
Increase/(Decrease)		N/A		15.1%		8.3%	

*Initial Renewal came in at 20%

*Contingent on bundling another line of coverage.



MEMORANDUM

TO: The Mayor and Town Commissioners
THRU: Robert Garlo, Town Manager *RG*
FROM: Matthew Pazanski, Finance/HR Director *MP*
DATE: August 27, 2024
SUBJECT: Approval of Resolution No. 923 – General Fund Budget Amendment

Background

Staff has prepared the attached budget amendment for items that have come before the Town Commission at previous meetings or are on-going business that arise during the year that affect departmental budgets. These items will require a budget amendment to add additional appropriations to the budget.

The budget amendment includes the following appropriation/expense items including department, description and date presented to the Town Commission.

ADMINISTRATION

- | | |
|--|-----------|
| 1. Tornado – Debris removal and Tree setting
(Town Hall, Right of Ways, Bridge Road, Ficus Allee) | \$211,880 |
| 2. Vulnerability Study (4/17/2024, 5/14/2024) (Grant-\$160,000) | \$184,000 |
| 3. Legal Fees - General | \$ 75,000 |
| 4. Building Improvements-Repair and Maintenance
(2- A/C unit replacements, Roof repair, Doors mechanism repairs, Security access) | \$ 49,950 |
| 5. Computer Network Switch - Emergency Replacement | \$ 7,200 |

BUILDING

- | | |
|---|------------------|
| 1. <u>Legal Fees – Lawsuits Defense</u> | <u>\$300,000</u> |
|---|------------------|

<u>Total Budget Amendment</u>	<u>\$828,030</u>
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The increase to the appropriation/expense items will be offset from Revenue sources that include Interest Income, State Grant Revenue and Unassigned Fund Balance Reserves.

Recommendation

Staff recommends the Town Commission consider a motion to approve Resolution No. 923 Amending the General Fund Budget for Fiscal Year 2023/24 and providing for an effective date.

RESOLUTION NO. 923

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING THE GENERAL FUND BUDGET FOR FISCAL YEAR 2023/24; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Jupiter Island, Martin County, Florida on September 21, 2023, held a public hearing as required by Florida Statute 200.065; and in adopting Resolution No. 907 set forth the appropriations and revenue estimate for the General Fund Budget of the Town of Jupiter Island for Fiscal Year 2023/24; and

WHEREAS, the Town Commission of the Town of Jupiter Island, Martin County, Florida finds that it is in the best interest of the Town to amend the Budget for Fiscal Year 2023/24, to reflect amended revenues and expenditures as reflected on Exhibit "A" attached hereto; and

WHEREAS, the Town Commission must take action to put in place a resolution to amend the budget.

NOW, THEREFORE, be it resolved by the Town Commission of the Town of Jupiter Island, Martin County, Florida, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The Town of Jupiter Island General Fund Budget for the fiscal year commencing October 1, 2023, is hereby amended and adopted pursuant to Exhibit "A" attached hereto and made a part of this resolution.

Section 3. This Resolution shall take effect immediately upon passage and approval by law.

DULY ADOPTED and PASSED on this 9th day of September 2024.

TOWN OF JUPITER ISLAND

Mayor

Vice Mayor

Commissioner

Commissioner

Commissioner

ATTEST:

Town Clerk

Exhibit "A"

**TOWN OF JUPITER ISLAND
FISCAL YEAR 2023/24
GENERAL FUND BUDGET AMENDMENT
SEPTEMBER 9, 2024**

<u>ADMINISTRATION:</u>	<u>Debit</u>	<u>Credit</u>
<u>Tornado-Debris Removal and Tree Setting (Ficus Allee)</u>		
Incident Management	\$211,880	
Unassigned Fund Balance		\$168,030
Interest Income		\$43,850
<u>Vulnerability Study</u>		
Professional Services-Engineering/Consulting	\$184,000	
Grant		\$160,000
Interest Income		\$24,000
<u>Legal Fees</u>		
Professional Services-Legal/General	\$75,000	
Interest Income		\$75,000
<u>Town Hall-Building Repair and Maintenance-(2- A/C unit replacements, Roof repair, Doors mechanism repairs, Security access)</u>		
Improvements	\$49,950	
Interest Income		\$49,950
<u>Computer Network Switch - Emergency Replacement</u>		
Equipment	\$7,200	
Interest Income		\$7,200
<u>BUILDING:</u>		
<u>Legal Fees – Lawsuits Defense</u>		
Professional Services-Legal/Lawsuits	\$300,000	
<u>Interest Income</u>		\$300,000
TOTAL	<u>\$828,030</u>	<u>\$828,030</u>

**Town of Jupiter Island
2023-2024 Revenues
9/9/2024 Amended Budget Update**

Account Description	Adopted Budget 2023-2024	Amended Budget 3/21/2024 2023-2024	Amended Budget 9/9/2024 2023-2024	Difference
Ad Valorem	\$9,056,872	\$9,056,872	\$9,056,872	\$0
Total Other Taxes and Fees	\$318,500	\$318,500	\$318,500	\$0
Total Licenses and Permits	\$850,500	\$850,500	\$850,500	\$0
Total Intergovernmental Revenue	\$164,700	\$164,700	\$164,700	\$0
Total State Grant	\$0	\$0	\$160,000	\$160,000
Total Charges for Services	\$136,000	\$136,000	\$136,000	\$0
Total Fines and Forfeits	\$2,000	\$2,000	\$2,000	\$0
Total Miscellaneous Revenues	\$196,613	\$196,613	\$696,613	\$500,000
Transfers from Interfunds	\$681,365	\$681,365	\$681,365	\$0
Subtotal Revenues	\$11,406,550	\$11,406,550	\$12,066,550	\$660,000
Transfer-Building Department Reserves	\$0	\$179,785	\$179,785	\$0
Transfer from Unassigned Reserves	\$335,000	\$1,377,585	\$1,545,615	\$168,030
Total General Fund Revenues	\$11,741,550	\$12,963,920	\$13,791,950	\$828,030

**Town of Jupiter Island
2023-2024 Expenditures
9/9/2024 Amended Budget Update**

Account Description	Adopted Budget Fiscal Year	Amended Budget 3/21/2024 Fiscal Year	Amended Budget 9/9/2024 Fiscal Year	Difference
	2023-2024	2023-2024	2023-2024	
Total Administration - Payroll	\$1,099,645	\$1,167,345	\$1,167,345	\$0
Total Administration - Benefits	\$793,419	\$814,719	\$814,719	\$0
Total Administration - Operating	\$1,003,023	\$1,317,023	\$1,787,903	\$470,880
Subtotal	\$2,896,087	\$3,299,087	\$3,769,967	\$470,880
Total Administration - Capital	\$20,000	\$20,000	\$77,150	\$57,150
Total Administration	\$2,916,087	\$3,319,087	\$3,847,117	\$528,030
Total Public Safety - Payroll	\$2,882,824	\$2,882,824	\$2,882,824	\$0
Total Public Safety - Benefits	\$1,027,797	\$1,027,797	\$1,027,797	\$0
Total Public Safety - Operating	\$1,372,932	\$1,382,932	\$1,382,932	\$0
Subtotal	\$5,283,553	\$5,293,553	\$5,293,553	\$0
Total Public Safety - Capital	\$353,181	\$518,616	\$518,616	\$0
Total Public Safety	\$5,636,734	\$5,812,169	\$5,812,169	\$0
Total Building - Payroll	\$374,354	\$516,154	\$516,154	\$0
Total Building - Benefits	\$145,582	\$193,282	\$193,282	\$0
Total Building - Operating	\$233,554	\$657,989	\$957,989	\$300,000
Subtotal	\$753,490	\$1,367,425	\$1,667,425	\$300,000
Total Building - Capital	\$10,000	\$40,000	\$40,000	\$0
Total Building Department	\$763,490	\$1,407,425	\$1,707,425	\$300,000
Total Public Works - Payroll	\$718,564	\$718,564	\$718,564	\$0
Total Public Works - Benefits	\$437,068	\$437,068	\$437,068	\$0
Total Public Works - Operating	\$779,607	\$779,607	\$779,607	\$0
Subtotal	\$1,935,239	\$1,935,239	\$1,935,239	\$0
Total Public Works - Capital	\$490,000	\$490,000	\$490,000	\$0
Total Public Works	\$2,425,239	\$2,425,239	\$2,425,239	\$0
Total General Fund Expenditures	\$11,741,550	\$12,963,920	\$13,791,950	\$828,030



MEMORANDUM

TO: TOWN OF JUPITER ISLAND, COMMISSION
THRU: ROBERT GARLO, TOWN MANAGER
FROM: MATTHEW PAZANSKI, FINANCE/HR DIRECTOR *[Signature]*
DATE: AUGUST 27, 2024
SUBJECT: FY 2024-2025 BUDGET DISCUSSION-9/9/2024 COMMISSION MEETING

Background

At the June 12 and July 17, 2024, Town Commission Meetings, the Commission approved setting the proposed (maximum) ad valorem millage tax rates for FY 2024-2025 at:

- 2.8086 mills for the General Fund, this millage rate represents a 9.31% increase over the rolled back rate of 2.5693.
- .9593 mills for the Beach Protection District, this millage rate represents a 8.57% increase over the rolled back rate of .8836 and is the same millage rate as the current year's rate.
- .2273 mills for the Electric Underground Debt Service, this millage rate is 8.05% less than the current year's rate of .2472.
- The total aggregate of the millage rates is 3.9952, which is the same as last year's.

Discussion

The goal of the September 9 Town Commission meeting agenda item is to review the FY 2024-2025 Proposed Annual Budget to provide updates on projected revenue and expenditure lines and to discuss outstanding and pending items. Some of the outstanding/discussion items are as follows:

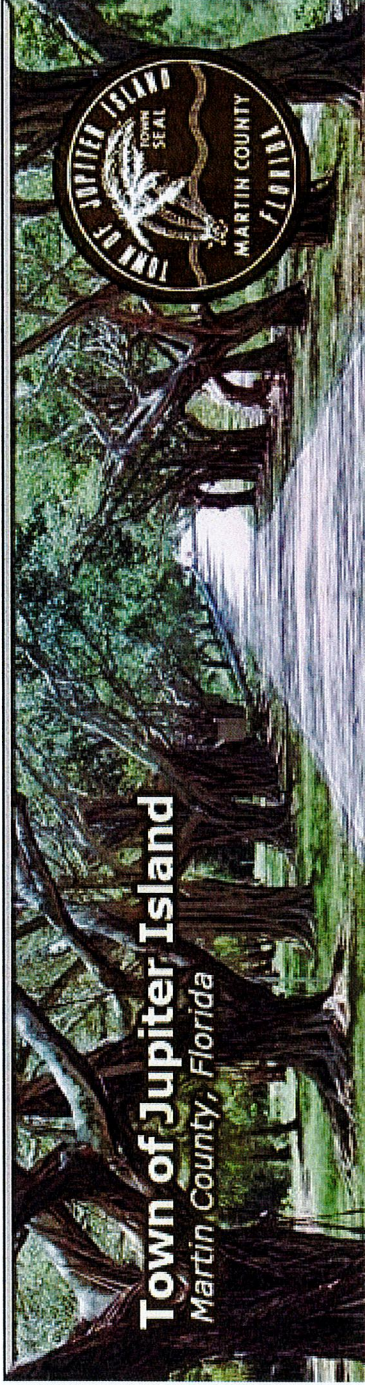
- Insurance Renewals - Property, Liability, Auto, Work Comp
- Insurance Renewals - Employee Health and Wellness Benefit program
- Operating Costs - Rollover items and projections
- Capital Expenditures and Projects

Remaining Budget Meeting Schedule

1. The first public hearing is scheduled for Monday, September 9, 2024, at 5:01pm. At this meeting staff will present the FY 2024-2025 Tentative Ad Valorem Millage Tax Rates and Annual Budgets.
2. The final public hearing is scheduled for Thursday, September 12, 2024, at 5:01pm. Staff will be prepared to review and discuss the Final Millage Rates and Annual Budgets at that meeting.

Recommendation

Review and discuss the FY 2024-2025 Annual Budget and obtain input and consensus for outstanding items to prepare for the public hearings.



Fiscal Year 2025 Proposed Annual Budget

Town Commission Meeting
September 9, 2024

GENERAL FUND

FY 2025 Budget Calendar

Description	April	May	June	July	August	September	October
Kick off departmental budget meetings are scheduled and conducted.	5/1/2024						
Estimated Preliminary Taxable Values received from Property Appraiser's Office		5/22/2024					
Draft departmental budget submitted to Town Manager		5/30/2024					
Budget review meeting with departments		5/31/2024					
Proposed budget presentation to Town Commission (Revenues, Expenses, and Capital). Staff to propose millage rate & 1st public hearing date for approval.			6/12/2024				
Budget review meeting with departments based upon Commission comments			6/18/2024				
Preliminary Taxable Values due from Property Appraiser's Office				7/1/2024			
Budget review based upon taxable values received from Property Appraiser's Office				7/3/2024			
Budget review & Commission approves proposed millage rate and 1st public hearing date, if not already approved				7/17/2024			
Budget review meeting with departments based upon Commission comments				7/24/2024			
Commission Meeting budget review, if scheduled					x		
Commission Meeting budget review						9/9/2024	
Public hearing for the tentative millage rates and budget - (Must be between September 3-18.)						9/9/2024	
Public hearing for the final millage rates and adopted budget - (Must be within 15 days of first public hearing date; can be as soon as 3 days after.)						9/12/2024	
Adopted budget scheduled to begin							10/1/2024

Town of Jupiter Island 2024-2025 General Fund Budget

Account Description	Adopted Budget 2023-2024	Proposed Budget 2024-2025	% Change
Total General Fund Revenues	\$ 11,406,550	\$ 12,530,781	9.86%
Transfers from Reserves	\$ 335,000	\$ 510,000	52.24%
Total Revenues	\$ 11,741,550	\$ 13,040,781	11.07%
Total Administration	\$ 2,916,086	\$ 3,480,425	19.35%
Total Public Safety	\$ 5,636,736	\$ 6,055,175	7.42%
Total Building Department	\$ 763,489	\$ 1,352,285	77.12%
Total Public Works	\$ 2,425,239	\$ 2,152,895	-11.23%
Total General Fund Expenditures	\$ 11,741,550	\$ 13,040,781	11.07%

Town of Jupiter Island FY 2025 General Fund Revenue				
Account Description	Adopted Budget 2023-2024	Proposed Budget 2024-2025	Difference	% Change
Ad Valorem taxes	\$ 9,056,872	\$ 9,927,402	\$ 870,530	9.61%
Other Taxes and Fees	\$ 318,500	\$ 333,000	\$ 14,500	4.55%
Total Licenses and Permits	\$ 850,500	\$ 850,500	\$ -	0.00%
Total Intergovernmental Revenue	\$ 164,700	\$ 325,100	\$ 160,400	97.39%
Total Charges for Services	\$ 136,000	\$ 131,000	\$ (5,000)	-3.68%
Total Fines and Forfeits	\$ 2,000	\$ 2,000	\$ -	0.00%
Total Miscellaneous Revenues	\$ 196,613	\$ 257,700	\$ 61,087	31.07%
Transfers from Interfunds	\$ 681,365	\$ 704,079	\$ 22,714	3.33%
Total General Fund Revenues	\$ 11,406,550	\$ 12,530,781	\$ 1,124,231	9.86%
Transfers from Reserves (Donations)	\$ -	\$ 115,000	\$ 115,000	0.00%
Transfers from Prior Year (Rollover)	\$ 335,000	\$ 395,000	\$ 60,000	17.91%
Total	\$ 11,741,550	\$ 13,040,781	\$ 1,299,231	11.07%

FY 2025 Ad Valorem Revenue

- FY 2024 Final Taxable Value \$3.376 Billion
- FY 2025 Preliminary Value \$3.682 Billion, a 9.1% Increase
- Taxable Values – Increased Projection \$306 Million
- New Construction – Approximately \$17.9 Million
- Based on this Estimate: Rolled-Back Rate is 2.5693
- Proposed 2.8086 millage rate, the revenue increase would be 9.31%
- FY 2025 Estimated Ad Valorem Revenue from New Construction \$48,300
- FY 2025 Estimated Total Ad Valorem Increase \$870,530 – Including New Construction and after Estimated Discount
- 301 Single Family Homes Homesteaded – Taxable Value - \$1.6 Billion
- Save our Homes Increase 3.0% (Approximate Increase \$83 per \$1 Million in Value)
- 2023 - 526 Single Family Parcels
- 48.4% Homestead; 44% Non-Homestead; 6.4% Vacant Lots; 1% Commercial, Institutional and Tangible

FY 2025 Projected Expense Changes

- Proposed payroll adjustments – 5% COLA
 - Payroll taxes, Pension are affected by 5% COLA and other staff related proposals
- Proposed staffing additions: 1- Public Safety Administrative Employee
(w/associated Benefit/Operating Costs) 1 - Assistant Town Clerk
1 - Information Technology
- Benefits-Health Care Insurance, Pension, Work Comp – 6.2% Increase
- Operating Cost – 18.6% Increase related to the following:
 - P&C Insurance-Property, General Liability, Auto, Work Comp, Cyber, Etc. – Property increase 22%; all other lines are projected at 2-7%
 - Advanced Life Support Contract
 - Professional Service Fees(Waterfront Set Back Study, Comprehensive Plan Study, Vulnerability Study, Legal, Public Relations, Lobbyist)
 - Equipment Maintenance
 - Information Technology
- Capital Expenditures and Projects

Town of Jupiter Island

Compensation Adjustments due to Market and Economic Conditions

The employee handbook refers to compensation adjustments due largely to performance but also considers economic conditions. Compensation adjustments due to economic conditions commonly referred to as Cost-of-Living Adjustments (COLA) shall be determined by a 12-Month Percent change of the Consumer Price Index-All Urban Consumers for the South Urban Area determined by all items as of July prior to new fiscal year. The table below illustrates the CPI history. If the index falls below 0.00 for the preceding year there shall be no adjustments to compensation until the succeeding indexes surpass the current year deficit. All Cost-of-Living Adjustments (COLA) are subject to Town Commission approval.

	CPI South Urban Area 12 Month Percent Change July to July	Budget Year	Cola/Merit Adjustment
July '19	1.40%	2019/2020	3.00%
July '20	0.60%	2020/2021	2.00%
July '21	5.80%	2021/2022	5.00%
July '22	9.40%	2022/2023	8.00%
July '23	3.40%	2023/2024	5.00%
June '24*	3.50%	2024/2025	5.00%
	24.10%		28.00%
*2024 COLA-South Florida		Compounded	28.85%

Town of Jupiter Island FY 2025 General Fund Expenses Grouped by Department				
Account Description	Adopted Budget 2023-2024	Proposed Budget 2024-2025	Changes	% Diff
Total Administration - Payroll	\$1,099,645	\$1,395,679	\$296,034	26.92%
Total Administration - Benefits	\$793,418	\$892,571	\$99,153	12.50%
Total Administration - Operating	\$1,003,023	\$1,160,175	\$157,152	15.67%
Subtotal	\$2,896,086	\$3,448,425	\$552,339	19.07%
Total Administration - Capital	\$20,000	\$32,000	\$12,000	60.00%
Total Administration	\$2,916,086	\$3,480,425	\$564,339	19.35%
Total Public Safety - Payroll	\$2,882,824	\$3,033,324	\$150,500	5.22%
Total Public Safety - Benefits	\$1,027,797	\$1,031,813	\$4,015	0.39%
Total Public Safety - Operating	\$1,372,933	\$1,433,908	\$60,976	4.44%
Subtotal	\$5,283,554	\$5,499,045	\$215,491	4.08%
Total Public Safety - Capital	\$353,181	\$556,131	\$202,950	57.46%
Total Public Safety	\$5,636,736	\$6,055,175	\$418,441	7.42%
Total Building - Payroll	\$374,353	\$524,794	\$150,441	40.19%
Total Building - Benefits	\$145,583	\$171,337	\$25,755	17.69%
Total Building - Operating	\$233,554	\$646,154	\$412,600	176.66%
Subtotal	\$753,489	\$1,342,285	\$588,796	78.14%
Total Building - Capital	\$10,000	\$10,000	\$0	0.00%
Total Building Department	\$763,489	\$1,352,285	\$588,796	77.12%
Total Public Works - Payroll	\$718,564	\$729,867	\$11,303	1.57%
Total Public Works-Benefits	\$437,068	\$457,029	\$19,961	4.57%
Total Public Works - Operating	\$779,608	\$779,999	\$392	0.05%
Subtotal	\$1,935,239	\$1,966,895	\$31,656	1.64%
Total Public Works - Capital	\$490,000	\$186,000	(\$304,000)	-62.04%
Total Public Works	\$2,425,239	\$2,152,895	(\$272,344)	-11.23%
Total General Fund Expenditures	\$11,741,550	\$13,040,781	\$1,299,232	11.07%

Town of Jupiter Island				
FY 2025 General Fund Expenses Grouped by Type				
Account Description	Adopted Budget 2023-2024	Proposed Budget 2024-2025	Difference	% Change
Total Administration - Payroll	\$1,099,645	\$1,395,679	\$ 296,034	26.92%
Total Public Safety - Payroll	\$2,882,824	\$3,033,324	\$ 150,500	5.22%
Total Building - Payroll	\$374,353	\$524,794	\$ 150,441	40.19%
Total Public Works - Payroll	\$718,564	\$729,867	\$ 11,303	1.57%
Total	\$5,075,385	\$5,683,664	\$ 608,279	11.98%
Total Administration - Benefits	\$793,418	\$892,571	\$ 99,153	12.50%
Total Public Safety - Benefits	\$1,027,797	\$1,031,813	\$ 4,015	0.39%
Total Building - Benefits	\$145,583	\$171,337	\$ 25,755	17.69%
Total Public Works - Benefits	\$437,068	\$457,029	\$ 19,961	4.57%
Total	\$ 2,403,866	\$2,552,750	\$ 148,884	6.19%
Total Administration - Operating	\$1,003,023	\$1,160,175	\$ 157,152	15.67%
Total Public Safety - Operating	\$1,372,933	\$1,433,908	\$ 60,976	4.44%
Total Building - Operating	\$233,554	\$646,154	\$ 412,600	176.66%
Total Public Works - Operating	\$779,608	\$779,999	\$ 392	0.05%
Total	\$3,389,117	\$4,020,236	\$ 631,119	18.62%
Total Administration - Capital	\$20,000	\$32,000	\$ 12,000	60.00%
Total Public Safety - Capital	\$353,182	\$556,131	\$ 202,949	57.46%
Total Building - Capital	\$10,000	\$10,000	\$ -	0.00%
Total Public Works - Capital	\$490,000	\$186,000	\$ (304,000)	-62.04%
Total	\$ 873,182	\$784,131	\$ (89,051)	-10.20%
Total General Fund Expenditures	\$ 11,741,550	\$ 13,040,781	\$ 1,299,231	11.07%

2025 Capital by Department

<u>Administration</u>		<u>Amount</u>
Computer Equipment	Various IT Needs	\$ 10,000.00
Software	Document Management Software	\$ 22,000.00
Department Total		\$ 32,000.00
<u>Building Department</u>		
Computer Equipment	Various IT Needs	\$ 5,000.00
Archive Management	Digitizing-Plans, Permits, Etc.	\$ 5,000.00
Department Total		\$ 10,000.00
<u>Public Safety</u>		
Marine Vessel	Marine Patrol Boat(\$115,000/Donation)	\$ 250,000.00
(2) Vehicles	Patrol	\$ 132,300.00
Axon	In-Car Cameras	\$ 38,702.86
Mirasys-Hardware/Software	Town Wide Camera Management	\$ 33,577.50
Axon	Body Cameras	\$ 20,526.37
Police Equipment	Radios-Portable, Vehicle	\$ 21,035.00
Building Improvements	Sanitary Sewer Connection	\$ 20,000.00
Police Equipment	Tasers	\$ 13,799.99
Police Equipment	ATV	\$ 10,189.00
Marine Equipment	Capital Maintenance	\$ 10,000.00
Simulator Training	Officer Training Equipment	\$ 6,000.00
Department Total		\$ 556,130.72
<u>Public Works</u>		
Road Resurfacing	Capital Maintenance	\$ 100,000.00
(2) Vehicles	Sanitation/Grounds	\$ 81,000.00
Equipment	Grounds	\$ 5,000.00
Department Total		\$ 186,000.00
Grand Total		\$ 784,130.72
Prior Year Rollover		\$ -
Current Year CIP		\$ 784,130.72

Jupiter Island 5 Year Capital Plan

Description	2025	2026	2027	2028	2028
Building Maintenance / Capital Repair Initiatives					
Public Safety Department Security		\$25,000	\$25,000	\$25,000	\$25,000
Emergency Generator Replacement		\$25,000		\$25,000	
Public Safety Department Building Improvements	\$20,000	\$5,000		\$10,000	\$10,000
Equipment / Software					
Public Safety Fire Equipment-EMS		\$5,000	\$5,000	\$10,000	\$10,000
Public Safety Marine Equipment	\$10,000	\$15,000	\$10,000	\$5,000	\$5,000
Public Safety Equipment	\$94,064	\$96,370	\$96,709	\$106,794	\$106,794
Town Wide Camera Management-Mirasys	\$33,578				
Officer Training Simulator Equipment	\$6,000				
Computer, Security & Office Equipment (All Departments)	\$15,000	\$30,000	\$30,000	\$30,000	\$30,000
Software-Document Management Software	\$22,000				
Town Hall / Athena St			\$15,000		
Public Works Equipment	\$5,000	\$5,000	\$7,500	\$5,000	\$5,000
Building Permit Software and Archive Management	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Vehicle & Heavy Equipment Replacements					
Public Safety Department Marine Unit Boat	\$250,000				
Public Safety Department Marine Unit Boat Motors					\$60,000
Public Safety Department Police Vehicles	\$132,300	\$135,000	\$138,000	\$141,000	\$141,000
Public Works Truck(s)	\$81,000		\$81,000		
Public Works Brush Truck					\$50,000
Public Works Heavy Equipment		\$100,000			
IT Vehicle					\$25,000
ATV-Public Safety	\$10,189				
Public Works Drainage & Paving Initiatives					
Drainage Improvements		\$25,000		\$25,000	
Road Resurfacing	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Sidewalk Replacement			\$10,000		
Total	\$784,131	\$571,370	\$523,209	\$487,794	\$547,794

General Fund Reserves

Assigned and Unassigned Fund Balance

Account Description	Audited YE 2020	Audited YE 2021	Audited YE 2022	Audited YE 2023	Adopted Budget FY 2024*
Beginning Fund Balance (Reserves)	9,095,126	8,095,873	9,033,098	6,237,564	9,298,494
Transfer from / to General Fund Reserves	509,951	1,610,431	2,247,916	3,060,930	-
Amount Budgeted From Reserves	(988,604)	(548,206)	(793,404)	-	(335,000)
Budget Amendment From Reserves	(520,600)	(125,000)	(385,000)	-	-
Total Available Fund Balance	8,095,873	9,033,098	10,102,610	9,298,494	8,963,494
Assigned to Uninsured Losses	80,000	80,000	80,000	80,000	80,000
Assigned to Compensated Absences	115,000	115,000	115,000	115,000	115,000
Assigned to Beautification, Scholarship, Public Safety				176,170	176,170
Assigned to Conservation Projects				431,989	431,989
Assigned to Emergencies	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Assigned to ARPA			312,393		
Restricted-Enforcement of FL Building Code				3,865,046	3,865,046
Unassigned Fund Balance (Reserves)	6,900,873	7,838,098	8,595,217	7,495,335	7,160,335
Total Fund Balance (Reserves)	8,095,873	9,033,098	10,102,610	13,163,540	12,828,540

*Estimated/Unaudited at time of this Report

Electric Debt Service Fund 2025 Budget

2025 Electric Debt Budget

Electric Underground Revenue		
Account Description	Adopted Budget 2024	Proposed Budget 2025
Ad Valorem Taxes	\$802,512	\$802,512
(Proposed at .2273 Mills)		
Total Revenue	\$802,512	\$802,512
Electric Underground Expenditures		
Account Description	Adopted Budget 2024	Proposed Budget 2025
Debt-Principal	\$649,383	\$674,313
Interest	\$153,129	\$128,199
Total Debt Expenditures	\$802,512	\$802,512

Beach Protection District 2025 Proposed Budget

2025 Beach Protection District Revenues

Account Description	Adopted Budget 2023-2024	Proposed Budget 2024-2025	Difference	% Change
Ad Valorem Taxes (Proposed .9593 Mills)	\$ 3,105,398	\$ 3,380,769	\$ 275,371	8.9%
FEMA Reimbursement	\$ 25,116,353	\$ 23,666,698	\$ (1,449,655)	-5.8%
State Grant-Beach Renourishment	\$ 145,224	\$ -	\$ (145,224)	-100.0%
State Disaster Relief	\$ 1,519,010	\$ 3,380,957	\$ 1,861,947	122.6%
Interest Income	\$ -	\$ 200,000	\$ 200,000	0.0%
County Cost Share	\$ -	\$ -	\$ -	0.0%
Transfer-Design for Beach Renourishment	\$ -	\$ 807,539	\$ 807,539	0.0%
Total Revenues	\$ 29,885,985	\$ 31,435,963	\$ 1,549,978	5.2%

2025 Beach Protection District Operating Expenditures				
Account Description	Adopted Budget 2023-2024	Proposed Budget 2024-2025	Difference	% Change
Salaries & Wages	\$ 242,025	\$ 321,000	\$ 78,975	32.6%
Auto Allowance	\$ 6,000	\$ 6,000	\$ -	0.0%
FICA	\$ 16,795	\$ 22,470	\$ 5,675	33.8%
Medicare	\$ 3,136	\$ 4,173	\$ 1,037	33.1%
Pension Contribution	\$ 25,463	\$ 37,000	\$ 11,538	45.3%
Health / Dental Insurance	\$ 39,621	\$ 43,583	\$ 3,962	10.0%
Cafeteria	\$ 1,825	\$ 1,825	\$ -	0.0%
Short-Term Disability	\$ 200	\$ 200	\$ -	0.0%
Long Term Disability/Life	\$ 1,850	\$ 1,850	\$ -	0.0%
Employee Assistance	\$ 100	\$ 100	\$ -	0.0%
Workers Comp	\$ 4,242	\$ 4,242	\$ -	0.0%
Personnel Cost	\$ 341,257	\$ 442,443	\$ 101,186	29.7%
Prof Svcs-Legal/General	\$ 25,000	\$ 25,000	\$ -	0.0%
Finance/ Accounting	\$ 7,500	\$ 7,500	\$ -	0.0%
Prof Svcs-Eng Consultants	\$ 100,000	\$ 100,000	\$ -	0.0%
Prof Svcs-Lobbying	\$ 25,000	\$ 25,000	\$ -	0.0%
Contracted Services - IT	\$ -	\$ -	\$ -	0.0%
Travel & Per Diem	\$ 3,000	\$ 3,000	\$ -	0.0%
Telephone	\$ 1,020	\$ 1,020	\$ -	0.0%
Equipment Maintenance	\$ 5,000	\$ 7,500	\$ 2,500	50.0%
Prof Svcs-Public Relations	\$ -	\$ -	\$ -	0.0%
Other Misc Chgs & Obligations	\$ 6,000	\$ 6,000	\$ -	0.0%
Bank Charges	\$ 500	\$ 500	\$ -	0.0%
Beach Cleaning	\$ 31,200	\$ 30,000	\$ (1,200)	-3.8%
Books, Pubs, Subs & Memberships	\$ 1,000	\$ 1,000	\$ -	0.0%
Personnel Training	\$ 3,000	\$ 3,000	\$ -	0.0%
Machinery & Equipment	\$ 9,000	\$ 9,000	\$ -	0.0%
Transfer to General Fund	\$ 75,000	\$ 75,000	\$ -	0.0%
Debt Service	\$ -	\$ -	\$ -	0.0%
Total General Government	\$ 292,220	\$ 293,520	\$ 1,300	0.4%

2025 Beach Project Expenditures

Account Description	Adopted Budget 2023-2024	Proposed Budget 2024-2025	Difference	% Change
Prof Svcs-Eng Consultants	\$ 55,000	\$ 310,000	\$ 255,000	463.6%
Turtle Monitoring/Shorebird Monitoring	\$ -	\$ -	\$ -	0.0%
Reef Monitoring	\$ 200,000	\$ 175,000	\$ (25,000)	-12.5%
Beach Surveys	\$ 100,000	\$ 250,000	\$ 150,000	150.0%
Beach Maintenance	\$ 12,000	\$ -	\$ (12,000)	-100.0%
Dune Restoration	\$ -	\$ 400,000	\$ 400,000	0.0%
Beach Renourishment Project	\$ 25,520,352	\$ 28,565,000	\$ 3,044,648	0.0%
Beach Renourishment Project (MC Cost Share)	\$ -	\$ -	\$ -	0.0%
Debt Service	\$ -	\$ -	\$ -	0.0%
Transfer to Designated for Beach Renourishment	\$ -	\$ -	\$ -	0.0%
Transfer to Undesignated Reserves	\$ -	\$ -	\$ -	0.0%
Contingency	\$ 1,000,000	\$ 1,000,000	\$ -	0.0%
Total Beach Protection Project Expenditures	\$ 26,887,352	\$ 30,700,000	\$ 3,812,648	14.2%
Total Beach Protection District Expenditures	\$ 27,520,829	\$ 31,435,963	\$ 3,915,134	14.2%
Transfer to Reserves for Future Beach Projects	\$ 2,365,157	\$ (0)	\$ (2,365,157)	-100.0%
Total Reserves and Expenditures	\$ 29,885,985	\$ 31,435,963	\$ 1,549,978	5.2%

Millage Rates

2024 General Fund - 2.7887 mills

2025 General Fund Proposed - 2.8086

2025 GF Rolled Back Rate - 2.5693

2024 Beach Erosion District - .9593 mills

2025 Beach Erosion District Proposed - .9593 mills

2025 Beach ED Rolled Back Rate - .8836 mills

2024 Electric Debt Service - .2472 mills

2025 Electric Debt Service Proposed - .2273 mills

2025 Electric DS Rolled Back Rate - .2273 mills

Total Aggregate 2024 Millage Rate = 3.9952

Total 2025 Proposed Millage Rate = 3.9952



MEMORANDUM

TO: TOWN OF JUPITER ISLAND, COMMISSION
THRU: ROBERT GARLO, TOWN MANAGER
FROM: MATTHEW PAZANSKI, FINANCE/HR DIRECTOR 
DATE: AUGUST 29, 2024
SUBJECT: RESOLUTION NO. 924 APPROVING AND ADOPTING THE AMENDED INVESTMENT POLICY STATEMENT TO THE GROUP RETIREMENT PLAN

Background

The Town created and administers the Group Retirement Plan for Employees of the Town of Jupiter Island (Plan), which is a defined benefit plan covering 66 past and current Town employees. The Plan was frozen as of October 1, 2009.

In administering the Plan, prior Town Commissions established an investment account (Portfolio) held in trustee capacity; they also created the Pension Plan Committee (Committee) and delegated certain management and investment functions related to the Portfolio. In turn, the Committee developed and recommended this Investment Policy Statement (IPS), which has been adopted by the Town for the collective oversight and investment of the Portfolio.

Discussion

Resolution No. 924 proposes to amend the Asset Allocation Strategy and Targets and the Investment Guidelines and Restrictions sections of the IPS for the Group Retirement Plan for Employees of the Town of Jupiter Island.

The Committee met at a regular quarterly meeting on August 15, 2024. The Committee and our Investment Consultant, P.J. Gardner with AGW Capital Advisors, discussed and recommend the proposed changes to allow for additional flexibility in rebalancing the plan's assets in an ever-changing market.

Mr. Gardner will attend the September 9 Town Commission meeting to review the proposed changes and answer any questions.

In addition to the above substantive changes, staff is proposing to update the Executive Summary and other sections for administrative purposes as appropriate.

Recommendations

Staff recommends the Town Commission consider a motion to approve Resolution No. 924 Approving and Adopting the Amended Investment Policy Statement for the Group Retirement Plan for Employees of the Town of Jupiter Island.

RESOLUTION NO. 924

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, FLORIDA, APPROVING AND ADOPTING THE AMENDED INVESTMENT POLICY STATEMENT TO THE GROUP RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF JUPITER ISLAND (THE "PLAN"); AUTHORIZING THE PROPER TOWN OFFICIALS OF THE TOWN OF JUPITER ISLAND TO EXECUTE SUCH INVESTMENT POLICY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The Town of Jupiter Island, Florida, maintains the Group Retirement Plan for Employees of the Town of Jupiter Island (the "Plan"), and such Plan is currently in effect; and

WHEREAS, the Town Commission has the authority to amend the Investment Policy Statement from time to time.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION:

Section 1. That the Amended Investment Policy Statement, as reflected in the document attached as Exhibit A, is hereby approved and adopted.

Section 2. This resolution shall take effect immediately upon its adoption.

[THIS SPACE INTENTIONALLY LEFT BLANK]

DULY PASSED AND ADOPTED THIS 9th day of September, 2024.

TOWN OF JUPITER ISLAND

Mayor

Vice Mayor

Commissioner

Commissioner

Commissioner

ATTEST:

Town Clerk

**Town of Jupiter Island Group Retirement Plan
for Employees of the Town of Jupiter Island**
Investment Policy Statement

Effective: ~~March 16, 2022~~ September 9, 2024

This Investment Policy Statement should be reviewed by an attorney knowledgeable in this specific area of the law. Any change to this policy should be communicated in writing and on a timely basis to all interested parties.

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I. EXECUTIVE SUMMARY

Name	Town of Jupiter Island Group Retirement Plan for Employees of the Town of Jupiter Island.		
Actuarial Status, and Assumptions	Plan status: Underfunded Remaining amortization period: 26 years Asset valuation method: 5 year smoothed market Assumed rate of return on investments: 5.5%		
Market Value- (as of 9/30/2021)	\$11,392,812		
Investment Return Objective	Annualized total rate of return (net of investment fees and expenses) equal to or greater than 5.5%.		
Town Commission	Whitney Pidot Penelope D. Townsend Mayor Joe McChristian Jr. Joe Taddeo Commissioner	Maura Collins Marshall Field VI Vice Mayor	Penelope Townsend Anne Scott Commissioner Patsy Warner Commissioner
Pension Plan Committee	Robert Geddes Chair Craig Donaldson Member Robert Garlo Deputy-Town Manager/ Director of Public Safety	J. Geddes Parsons Member John Duchock Asstistant Town Manager/Beach District Director	Michael Ventura Town Manager Matthew Pazanski Finance/HR Director
Investment Consultant	AGW Capital Advisors (813) 254-4700	P. J. Gardner, CFA, CFP. pj@agwcapital.com	
Actuary/ Recordkeeper	Newport Group (844) 749 9981	Brian West Senior Client Executive (727) 395 1578 brian.west@newportgroup.com	

II. INTRODUCTION

A. BACKGROUND

The Town of Jupiter Island (“Town”) created the Town of Jupiter Island Group Retirement Plan for Employees of the Town of Jupiter Island (“Plan”), which is a single employer defined benefit plan covering a substantial number of past and current Town employees. The Plan was frozen as of October 1, 2009.

In administering the Plan, the Town Commission (“Commission”) established an investment account held in trustee capacity for the retirement pensions of Town employees (“Portfolio”). The Commission also created the Pension Plan Committee (“Committee”) and delegated certain management and investment functions related to the Portfolio. In turn, the Committee developed and recommended this Investment Policy Statement (“IPS”), which has been adopted by the Commission for the collective oversight and investment of the Portfolio.

B. PURPOSE OF INVESTMENT POLICY STATEMENT

The purpose of this document is to:

- Set forth the investment policies, objectives and guidelines which the Commission and Committee judges to be appropriate and prudent;
- Establish the roles and responsibilities of the Commission, Committee, and staff of the Town (“Staff”), as well as external investment consultants (“Consultants”), investment advisors/brokers (“Advisors/Brokers”), investment managers (“Managers”) and custodial institutions (“Custodians”).
- Encourage effective communication between all parties;
- Serve as a review document to guide the Commission, Committee and Staff in their ongoing supervision of the Plan’s investments to ensure that such investments remain in accordance with the Town’s goals and objectives for the Plan and this IPS;
- Establish the investment performance measurement criteria against which the various accounts will be evaluated;
- Establish formal criteria to select, monitor, evaluate and compare the performance results achieved by each Manager on a regular basis; and
- Require compliance with all applicable fiduciary, prudence and due diligence requirements, and with all applicable laws, rules, and regulations from various local, state, and federal entities that may impact the Portfolio.

This IPS has been arrived at after careful consideration by the Commission and Committee and describes the prudent investment process deemed to be appropriate. This process includes offering various asset classes and investment strategies that, in total, are expected to offer the opportunity to diversify the Portfolio in a manner consistent with the risk and return requirements of the Portfolio.

Should any term or condition of this Investment Policy Statement conflict with any trust and/or plan document, the document shall control, as long as such term or condition is consistent with the law.

C. INVESTMENT POLICY STATEMENT REVIEW

The effective date of this Investment Policy Statement is [~~March 16, 2022~~ September 9, 2024]. To assure continued relevance of the guidelines and objectives established through this IPS given the funded status of the Plan as well as the expectations for the capital markets, the Committee will formally review this IPS at least annually.

The Committee will notify and obtain approval from the Commission for any changes to the IPS. Such change(s) should then be communicated in writing and on a timely basis to all interested parties.

D. FIDUCIARY RESPONSIBILITY

As representatives of the Town and as fiduciaries, the Commission and the Committee shall discharge duties with respect to the Plan:

- Solely in the interest of its participants and beneficiaries;
- For the exclusive purpose of providing benefits to participants and beneficiaries and paying reasonable expenses of administering the Plan;
- With the care, skill, prudence, and caution under the circumstances then prevailing which a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an activity of a like character and with like aims;
- Impartially, taking into account any differing interest of participants and beneficiaries;
- Incurring only costs that are appropriate and reasonable; and
- In accordance with a good-faith interpretation of the law governing the Plan.¹

In keeping with their obligation, the Commission and Committee intend to also follow the general “safe harbor” guidelines listed below in managing their fiduciary responsibility:

- Utilize the services of qualified, professional Consultants, Managers, and Custodians;
- Demonstrate that all of the aforementioned professionals were selected by following an appropriate due diligence process;
- Give the selected Managers discretion over the respective assets apportioned to them;
- Have each professional retained by the Town, where appropriate, acknowledge their co-fiduciary status; and
- Monitor the activities of the professionals to ensure that they are performing their agreed upon tasks.²

¹ Uniform Management of Public Employee Retirement Systems Act

² Foundation for Fiduciary Studies, *Prudent Investment Practices, A Handbook for Investment Fiduciaries*

III. ROLES AND RESPONSIBILITIES

A. TOWN COMMISSION

The Town operates in a manager-council form of government, with the Town's day-to-day administration managed by the Town Manager. The Commission is responsible for the legislative function of the Town such as establishing policy, passing local ordinances, and voting appropriations for all aspects of the Town's operation, including the prudent utilization of the Plan's assets. Specifically with regard to the Plan, the Commission, in fulfilling its duties, delegates to the Committee the management and oversight of the Town's Portfolio.

B. INVESTMENT COMMITTEE

The Committee is responsible for the governance of the Portfolio and related activities including compliance with policies, rules and regulations, and delegation to Staff as well as qualified professional Consultants, Managers and Custodians. At each regularly scheduled meeting, the Committee monitors the Portfolio by reviewing reports provided by the Consultant and Staff. A summary is then reported to the Commission at the next scheduled Commission meeting. Additional responsibilities of the Committee are to:

1. Diversify prudently the Portfolio in a manner consistent with their risk and return requirements;
2. Select and monitor all Consultants, Managers, and Custodians;
3. Control and account for all expenses associated with managing the Portfolio;
4. Avoid prohibited transactions and conflicts of interest; and
5. Review and recommend, as needed, revisions to the IPS.

C. TOWN STAFF

Staff performs several functions to facilitate decision making by the Commission and the Committee and to carry out their intentions. Staff's responsibilities are to:

1. Serve as a liaison between the Commission and the Committee;
2. Receive and review, or compile as requested and distribute to the Committee all reports from the Consultant, Managers and/or outside professionals regarding the Portfolio;
3. Inform the Committee and Consultant of near-term spending needs and disbursement requirements and cash held in the Town's operating account so that, in conjunction with the Portfolio, prudent levels of liquidity can be maintained;
4. Deliver, in a timely manner, any cash and marketable securities that are received and designated for the Portfolio to the appropriate account;
5. Implement, in a timely manner, the decisions of the Committee; and
6. Monitor the Town's investments, custodial, and brokerage activity.

D. INVESTMENT CONSULTANT

The Committee will recommend, select and terminate a Consultant as appropriate. This Consultant serves as an objective, third-party professional retained to assist the Committee in managing the overall investment process, and regularly reviews the investment program with the Committee and provides information, analysis, and recommendations on an as-needed basis. The frequency and content of the reports the Consultant provides to the Committee are dictated by the requirements of this Investment Policy as well as directives from the Committee.

The Consultant's responsibilities are to:

1. Determine that the suitability of each Manager's strategy is consistent with this IPS;
2. Provide performance measurement reports that compare actual asset and Manager allocations versus IPS targets and total fund and Manager performance relative to appropriate benchmarks and peer groups on a quarterly basis;
3. Attend meetings with the Committee on a regular basis to provide an independent perspective on the Portfolio's objectives, structure, and performance, and to inform and advise the Committee on financial and economic developments that may affect the Portfolio;
4. Review investment policy, asset allocations, Manager structure, individual Managers, and performance, and make recommendations to the Committee as appropriate;
5. Serve as the primary liaison between the Committee and the Managers;
6. Identify and monitoring the activities of the Custodian(s); and
7. Provide general research and educational services to the Committee and Staff, as appropriate.

E. INVESTMENT MANAGERS

The Committee, with the advice of the Consultant, will recommend, select, and terminate Managers as appropriate. Each Manager is responsible for managing the assets under its supervision in accordance with this IPS and/or their respective service agreements, subscription agreement, prospectus, or trust agreement, as applicable. Each Manager exercises full discretion with regards to buying, managing, and selling Plan assets assigned to them, subject, where possible, to this IPS and any other written investment guidelines that the Committee may establish for that particular Manager.

The Town's investment program may be implemented, in part or in whole, through the use of mutual funds or other commingled vehicles (e.g., Delaware business trust, limited partnership). In such cases, the Commission recognizes that they cannot govern these individual funds and that the guidelines of this IPS will be superseded by those funds' respective governing agreements. Otherwise, all Managers maintain the following additional responsibilities:

1. Disclose all direct and indirect expenses incurred by the portfolio attributable to services rendered by the Manager in a clear and understandable format.
2. Effect all transactions for the portfolio subject to "best price and execution." If a Manager utilizes brokerage from the portfolio assets to effect "soft dollar" transactions, detailed records must be kept and communicated to the Committee upon request;
3. Vote promptly all proxies and related actions in a manner consistent with the long-term interests and objectives of the Portfolio as described in this IPS. Each Manager shall keep detailed records of the voting of proxies and related actions and will comply with all applicable regulatory obligations;
4. Communicate to the Consultant and Committee all significant changes pertaining to the strategy it manages or the firm itself in a timely manner; and
5. Use the same care, skill, prudence, and due diligence under the circumstances then prevailing that experienced investment professionals, acting in a like capacity and fully familiar with such matters, would use in like activities for like Portfolio with like aims in accordance and compliance with all applicable laws, rules, and regulations.

F. CUSTODIANS

The Committee, with the advice of the Consultant, will recommend, select and terminate a custodian bank(s) or brokerage company(ies) as appropriate. Custodians are responsible for the safekeeping of the portfolio's assets. The specific duties and responsibilities of the Custodians are to:

1. Value the holdings;
2. Collect all income and dividends owed to the account(s);
3. Settle all transactions; and
4. Provide monthly reports that detail transactions, cash flows, securities held and their current value, and changes in the value of each security and account(s) since the previous report.

IV. DESCRIPTION AND DESCRIPTION OF ASSET ALLOCATION CATEGORIES

The Commission recognizes the need for diversification within its Portfolio given the volatility of financial markets and ever-changing macroeconomic conditions. Accordingly, the Commission has chosen to diversify and allocate its Portfolio among and within the following five categories:

- **Growth** – strategies investing in public equity securities with the long-term objective of achieving higher rates of return in order to grow the assets, thereby helping maintain purchasing power and, perhaps, expand the mission of the Town. Such strategies may include, but are not limited to domestic, international, and emerging market securities representing a range of market capitalizations.
- **Absolute return** – active strategies that are more “absolute-return” focused and, thus, seek to mitigate risk by taking proactive action to protect capital during periods of economic and capital market distress. Such strategies may include, but are not limited to diversified hedge fund-of-funds, long/short hedge funds, as well as liquid, registered mutual funds that are engaged in similar activities.
- **Real return** – strategies investing in securities that have the potential to perform relatively well in an inflationary environment. Such strategies may include, but are not limited to Treasury Inflation Protected Securities (TIPS), floating-rate debt, commodities and natural resource focused companies (energy, material and mining stocks), and real estate (both private and REITs).
- **Income** – strategies that investment in income-paying securities that provide relatively predictable streams of income with lower volatility, therefore reducing the need to liquidate more volatile assets at inopportune times. Such strategies may include, but are not limited to investment and non-investment-grade fixed, floating-rate, and convertible bonds of corporations, governments, and government-related issuers, as well as other income paying securities such as common and preferred stocks, master limited partnerships (MLPs), and real estate investment trusts (REITs).
- **Reserves** – strategies investing in primarily shorter-term, investment-grade fixed income of corporations, governments, and government-related issuers, short-term commercial paper, certificates of deposit, and money market securities that can likely be converted to cash with a relatively low chance of principal loss in order to supply liquidity to meet near-term distribution requirements.

V. GOALS, OBJECTIVES AND ASSET ALLOCATION

A. INVESTMENT GOALS

The primary investment goals for the Pooled Accounts are to:

1. Maintain prudent levels of liquidity to meet benefit and expense obligations when due;
2. Achieve and then maintain a fully funded status with regard to current pension liabilities;
3. Balance expected return within reasonable and prudent levels of risk to achieve the Investment Return Objective (see below); and
4. Produce a competitive rate of return.

B. INVESTMENT RETURN OBJECTIVE

The investment return objective ("Investment Return Objective") shall be measured by a comparison of the Portfolio's return (measured on a dollar-weighted basis net of fees and expenses) to the rate of return that must be achieved in order for the Town to meet its goals. Accordingly, the Town's long-term investment objective is to achieve an annualized total rate of return to or greater than 5.5%.

This Investment Return Objective is to be achieved over the long-term, defined as five years or longer. Shorter term performance will also be evaluated relative to the Investment Return Objective; however, the Commission acknowledges that market volatility in the short-term may create meaningful total fund performance deviations from this benchmark.

C. ASSET ALLOCATION STRATEGY AND TARGETS

The asset allocation strategy set by the Commission governs the relative amount invested in each asset category. Asset allocation targets are established in a variety of asset categories to achieve the desired investment objectives. In conjunction with the asset allocation targets, a range is established to provide flexibility in order to reduce rebalancing costs and to adapt to changing market conditions. To control risk, each asset category should be maintained within the range for that class.

Consistent with the direction of the Commission, as a matter of policy, the following asset allocation targets have been established to frame the long-term structure for the Portfolio. These asset class weightings will be maintained until explicitly amended.

Asset Category	Lower Limit	Target	Upper Limit
Growth	20 40%	35 50%	50 60%
• Domestic Equity	20%	33%	50%
• International Equity	0%	17%	25%
Absolute Return	0%	10 15%	20%
Real Return	0%	10 5%	20 10%
Income	10%	25 20%	40 30%
Reserves	5%	20 10%	30 15%

While the Commission recognizes that other Portfolios are managed differently than the Town to meet their own unique objectives, the Portfolio will also be compared against a universe of Plans of a similar size and type from time to time. This is intended to keep the Committee educated on the practices of similar funds with long-term investment horizons.

D. ASSET CLASS OBJECTIVES

The competitiveness of the returns of the Portfolio (measured on a time-weighted basis) will be determined in relation to the return of the asset allocation policy benchmark, which is a composite of indices relating to each asset category. It is understood that this objective is to be achieved over the long-term, defined as five years or longer.

Consistent with the strategic asset allocation target outlined above, the following policy benchmarks apply to the broad asset categories:

Asset Category	Index
Growth	
Broad Domestic Public Equity	Russell 3000*
Broad International Public Equity	MSCI ACWI ex US*
Absolute Return	HFRI Fund of Funds: Composite*
Liquid Alternatives	
Real Return	50% Bloomberg Commodity/50% CPI-U*
Treasury Inflation Protected Securities	
Bank Loan	
Private Real Estate and REITs	
Natural Resource Equities	

Income

Bloomberg Barclays U.S. Aggregate Bond*

Domestic Investment Grade Fixed

Global Fixed

Multi-Sector Fixed

Broad Income

Reserves

Citigroup 3-Month U.S. Treasury Bill*

Short-Term Fixed Income

Cash & Equivalents

*Or a more suitable substitute approved by the Committee.

E. STRATEGIC REBALANCING

The allocation to each asset class may vary from the target asset allocation depending upon market conditions. The allocation will be reviewed by the Committee on a regular basis. If the Committee judges cash flows to be insufficient to bring the strategic allocation with the targeted ranges, the Committee shall decide to effect transactions to bring the strategic allocation to a weighting within the minimum and maximum threshold ranges defined above.

VI. INVESTMENT GUIDELINES AND RESTRICTIONS

The Commission authorizes that investments be made using the guidelines stated in F.S.

215.47 (1)-(8), (10-11), (15-16), and (20) which provides for a list of permissible investments and for how much of the total fund may be invested in certain investments. Some of the key applicable guidelines include:

- No more than 80% of assets should be invested in domestic common stocks;
- No more than 3% of equity assets should be invested in the equity securities of any one corporation, except to the extent a higher percentage of the same issue is included in a nationally recognized market index, based on market values, at least as broad as the Standard and Poor's Composite Index of 500 Companies and, in such case, no more than 10% of equity assets can be invested in the equity securities of any one corporation;
- No more than 80% of assets should be placed in corporate fixed income securities;
- No more than ~~25~~20% of assets should be invested in foreign corporate or commercial securities or obligations;
- No more than ~~40~~35% of Growth assets class allocation should be invested in foreign securities; and
- No more than 20% of assets should be invested in alternative investments, alternative investment vehicles, and other non publicly-traded investments.

Additional restrictions apply to Managers of Plan assets. The following transactions and securities are prohibited investments unless approved by the Commission and included in Appendix A to this document:

- Private placements, letter stock and other unregistered securities;
- Commodities or other commodity contracts;
- Short sales or margin transactions; and,
- Securities lending, pledging or hypothecating securities.

A. DOMESTIC EQUITY MANAGERS

- No individual holdings shall constitute more than 3% of the securities of any single issuer; and
- Non-equity investments are restricted to money market instruments (or funds) conforming to the guidelines established for cash investments.

B. INTERNATIONAL/GLOBAL EQUITY MANAGERS

- No individual holdings shall constitute more than 3% of the securities of any single issuer;
- Currency hedging should be used for defensive purposes only; and
- Non-equity investments are restricted to money market instruments (or funds) conforming to the guidelines established for Cash Investments.

C. DOMESTIC/GLOBAL FIXED-INCOME MANAGERS

- No more than 3% of the Manager's assets shall be invested in the securities of any single issuer, with the exception of the U.S. Government and its Agencies or in issues collateralized by U.S. Government securities;
- Total portfolio quality (capitalization weighted) shall maintain an A (Standard & Poor's) or A2 (Moody's) minimum, weighted-average rating; and
- Money market instruments (or funds) shall conform to the guidelines established for cash investments.

D. CASH INVESTMENT MANAGERS

- No single issue shall have a maturity greater than two years;
- The cash portfolio shall have an average maturity of less than one year; and
- All commercial paper will be rated as high as or higher than A-1 (Standard & Poor's) or P-1 (Moody's).

VII. GENERAL INVESTMENT CONSIDERATIONS

Investment and management decisions must be evaluated not in isolation but in the context of the Portfolio as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the Portfolio and to the Plan, as appropriate.¹

In investing and managing the Plan, the Commission and Committee shall consider among other circumstances the following factors, if relevant:

- General economic conditions;
- Possible effect of inflation or deflation;
- Role that each investment or course of action plays within the overall portfolio of the Plan;
- Expected total return from income and the appreciation of capital;
- Needs for liquidity, regularity of income, and preservation or appreciation of capital; and
- Adequacy of funding for the Plan based on reasonable actuarial factors.²

A. INVESTMENT MANAGER SELECTION

A variety of management styles and investment vehicles (e.g., separate account, mutual fund, commingled fund or private partnership) may be utilized as appropriate. With the advice from the Consultant, the Committee will select Managers that have demonstrated skill in a particular asset class or style. Unless expressly permitted by the Committee, Managers must be a regulated bank, insurance company, or registered under the Investment Advisers Act of 1940 or the Investment Company Act of 1940.

All investment products will be compared to an appropriate benchmark index and median peer group results. The quantitative and qualitative factors to be considered for selecting Managers may include, but are not necessarily limited to:

- Total firm assets under management and assets specific to the product of interest;
- Stability and quality of the investment firm and its personnel;
- Portfolio manager's tenure with the specific product of interest;
- Historical performance of the Manager's specific product of interest;
- Risk-adjusted performance of the product as measured by the Alpha and Sharpe Ratio;
- Consistency and correlation of the product's investment style;
- Overlap of investment style and/or fund holdings with other Managers; and
- Expense ratios and fees.

¹ Source: Uniform Management of Public Employee Retirement Systems Act

² Source: Uniform Management of Public Employee Retirement Systems Act

B. INVESTMENT MANAGER REVIEW AND EVALUATION

The performance of each Manager will be reviewed regularly and compared to appropriate market index benchmarks. The performance of the Managers will be evaluated on a time-weighted basis, net of fees and with consideration of risk, in comparison to appropriate benchmarks. The Committee will also review the Manager's performance versus peer groups from time to time.

If violated, criteria that may prompt additional review, analysis, and potential termination may include, but are not necessarily limited to the following:

Quantitative Criteria

1. Performance below an appropriate index or peer group median over a 3, 5, and/or 7-year cumulative period;
2. Risk-adjusted performance (Alpha and/or Sharpe) below an appropriate index or peer group median over a 3, 5, and/or 7-year cumulative period; and
3. An increase in the strategy's fees or expenses.

Qualitative Criteria

1. Significant changes to the Manager's organization affecting areas such as firm ownership, organizational structure, and professional staffing;
2. Substantive deviation from stated style or strategy as evidenced by the portfolio's characteristics;
3. Extraordinary events that may interfere with the Manager's ability to fulfill their role in the future; and
4. Failure to adhere to any aspect of this IPS.

Ultimately, the decision to retain or terminate an investment option cannot be made by a formula. It is the Committee's confidence in the Manager's ability to perform in the future that ultimately determines the retention of a Manager.

C. MONITORING OF COSTS

The Committee will review at least annually all costs associated with the management of the Portfolio, including:

1. Consultant and Manager fees and expenses;
2. Costs of the Custodians to administer the Portfolio, including record keeping, trading, custody and trust services; and
3. Proper identification and accounting of all parties receiving soft dollars and/or 12b-1 fees generated by the Portfolio.

VIII. ACKNOWLEDGEMENT & ACCEPTANCE

The undersigned acknowledges that this Investment Policy Statement was approved and adopted by the Town Commission of Jupiter Island on ~~March 16, 2022~~ September 9, 2024.

1. Signed: _____

Printed Name/Date: _____ / _____

2. Signed: _____

Printed Name/Date: _____ / _____

3. Signed: _____

Printed Name/Date: _____ / _____

4. Signed: _____

Printed Name/Date: _____ / _____

5. Signed: _____

Printed Name/Date: _____ / _____

Data Analysis and Assessment of Setback Criteria
Task 2 Technical Report

Town of Jupiter Island
Waterfront Setback Line

*Town of Jupiter Island,
Martin County, Florida*

September 4, 2024

Prepared for:
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EXECUTIVE SUMMARY

Cummins Cederberg was retained by the Town of Jupiter Island (Town) in Martin County, Florida to perform due diligence and engineering analyses, and prepare recommendations related to the Town's Waterfront Setback Line (WFSBL) along the oceanfront shoreline. Critical WFSBL concerns previously indicated by the Town relate to two key issues – protection from storms and preservation of views. The Town's WFSBL is a line of prohibition based on the landward-most of the following five oceanfront setback criteria:

1. 50 ft landward of the mean high water (MHW)
2. 50 ft landward of the dune (+14')
3. 50 ft landward of existing seawall/coastal structure
4. Line of sight between closest habitable conforming buildings within 1,000 feet
5. Average setback from MHW of closest conforming buildings within 1,000 feet

Multiple land and water conditions and determining criteria have led to a lack of clarity in applying the WFSBL during proposed development or redevelopment of oceanfront parcels. The Town therefore has the desire to reevaluate the location of the WFSBL to be more aligned with the State's Coastal Construction Control Line (CCCL) Program. Considerations such as the longstanding nourishment project in the Town and the line of construction established by existing buildings - regardless of conformity with local or state regulations - were included.

The objective of Task 2 is to develop the technical criteria and basis for potential modification of the WFSBL through a scientifically sound and reasoned methodology. Existing background data and documents were reviewed to evaluate their applicability to the WFSBL, including historical beach profiles, physical monitoring reports, and historical aerial photographs. Engineering analyses of sea level rise, short-term (i.e., storm-induced) and long-term (i.e., chronic) erosion, and dune slopes were completed.

A total of 12 range or 'R' monuments were selected for detailed analysis from the north end of the Town at the Hobe Sound National Wildlife Refuge to the south end past Blowing Rock Preserve near the 600 block and county line. Selected R-monuments are: R-78, R-82, R-86, R-90, R-94, R-98, R-102, R-106, R-110, R-114, R-118, and R-126.

The Town has a total of about 710 acres across 261 parcels of oceanfront land. Undeveloped private oceanfront property totals close to 32 acres. What constitutes "oceanfront" varies, as about 15 percent are dual waterfront, and in some cases, parcels are inland and/or on the Intracoastal Waterway, but they also have a narrow strip of property that provides oceanfront access.

Key criteria in the CCCL permitting program and consequently in this Task 2 analyses are how a Primary Frontal Dune (PFD) is defined and delineated, and how 30-year erosion projections (30-YEP) are calculated. Both PFD and 30-YEP and their associated metrics were analyzed in detail including: minimum and maximum historic shoreline positions, shoreline erosion rates, beach nourishment projects, a delineation of restored/nourishment versus non-restored beach, dune

construction projects, coastal armoring, shoreline change rates, nourishment project credit years, and distance from seasonal high-water line (SHWL) to mean high water line (MHWL). This body of knowledge was then correlated to the National Oceanic and Atmospheric Administration (NOAA) Intermediate sea level rise (SLR) projections for 2050 and 2080 and then factored into a storm erosion model analysis. The projected upland limits of erosion from the storm erosion model analysis are:

- **25-Year Storm**. Initial analysis indicates that the upland limits of erosion will mainly fall seaward of the PFD crest in all scenarios including 2024, 2050 and 2080. Areas where projected storm erosion is expected to be more acute are at R-82, R-94, and R-126, where it extended landward of the PFD crest in the model simulations.
- **100-Year Storm**. Initial analysis indicates that upland limits of erosion will be significantly landward of the PFD, beyond the current WFSBL and near the CCCL. This is not surprising as the CCCL was based on the landward limits of a 100-year storm at the time the CCCL was established.

Consideration of using an erosion projection line in the WFSBL criteria would represent a proactive step in aligning with the FDEP's CCCL program, and because it is based on scientific analysis, provides a forward-looking approach to managing the Town's shoreline. The 30-YEP calculations have been influenced by a recent legal challenge to a CCCL Permit, specifically how credit years are determined based on the sand availability in the offshore borrow area. The nourishment project credit years proposed in consultation with the Florida Department of Environmental Protection (FDEP) and determined by Cummins Cederberg's engineering analyses specific to this study is 13 years, which includes a temporal buffer of five years in the calculation.

This study also highlights the significance, or drawbacks, of using the PFD as a WFSBL criteria because the dune is not uniform throughout the Town and is also subject to regular changes due to dynamic coastal beach-dune processes. Furthermore, seawalls and other hardened coastal structures are subject to deterioration and storm damage, indicating that they are not a reliable criterion to establish a WFSBL. Cummins Cederberg is considering using the uniform construction line for major habitable buildings in relation to the Mean High Water Line (MHWL) to replace both criteria related to the preservation of views. The uniform construction line, also known as the Line of Construction, will be mapped and evaluated further in Task 3.

To ensure the WFSBL remains effective and relevant, Cummins Cederberg recommends that the Town implement a regular review process, incorporating the best available data and science, with periodic updates to the WFSBL. This ongoing reassessment will allow the Town to incorporate new data, adapt to changing coastal conditions, and align with evolving regulatory requirements.

Future WFSBL tasks include Task 3: Preliminary Mapping and Field Verifications and Task 4: Final Mapping and Summary Report.

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ACRONYMS AND ABBREVIATIONS

30-YEP	Thirty-year Erosion Projection
ACOE	Army Corps of Engineers
CCCL	Coastal Construction Control Line
ECL	Erosion Control Line
F.A.C.	Florida Administrative Code
FBC	Florida Building Code
FDEM	Florida Division of Emergency Management
FDEP	Florida Department of Environmental Protection
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
F.S.	Florida Statutes
JCP	Joint Coastal Permit
LiDAR	Light Detection and Ranging
LOF	Laws of Florida
MHWL	Mean High Water Line
NFIP	National Flood Insurance Program
NOAA	National Oceanic and Atmospheric Administration
PFD	Primary Frontal Dune
RSM	Regional Sediment Management
SCR	Shoreline Change Rate
SF	Square Feet or Square Foot
SHWL	Seasonal High Water Line
SLR	Sea Level Rise
SPP	Shore Protection Project
TOJI	Town of Jupiter Island
USACE	United States Army Corps of Engineers
WSL	Waterfront Setback Line
WFSBL	Town of Jupiter Island's Waterfront Setback Line

1 INTRODUCTION

1.1 General

Cummins Cederberg, Inc. (Cummins Cederberg) was retained by the Town of Jupiter Island (Town) in Martin County, Florida, to perform engineering consulting and surveying services for the historical data review, analysis, and potential update related to the Town's Waterfront Setback Line (WFSBL) along the oceanfront shoreline within the Town's incorporated limits (Project). The overall Project scope of services includes:

Task 1 - Due Diligence / Background Data Collection

Task 2 - Data Analysis and Assessment of Setback Criteria

Task 3 - Preliminary Mapping and Field Verifications

Task 4 - Final Mapping and Summary Report

Task 5 - Public Outreach

Task 6 - Project Management

The Task 1 Due Diligence report was provided to the Town in June 2024 to provide a comprehensive background and context for the WFSBL. Task 2 focuses on data analysis, review of the current WFSBL criteria, and potential alternatives. This report serves as the deliverable for Task 2, Data Analysis and Assessment of Setback Criteria.

1.2 Objective

The Town's oceanfront setbacks were first defined in their land development code over thirty years ago in 1993 and republished in 2000 with a WFSBL Map adopted by the Town Commission in Ordinance 252.¹ The WFSBL and map was updated in 2019 using new survey data. The dynamic nature of the oceanfront, multiple land and water conditions, and determining criteria can lead to a lack of clarity in applying the WFSBL to proposed development projects. Also, the defining criteria is subject to change over time with the dynamics of beach and dune systems, the effects of coastal storms and sea level rise (SLR), and a diminishing amount of vacant land for development. Under this Project, the Town has a desire to reevaluate the location of the WFSBL and the five criteria that support the line.

In Florida, coastal development and the protection of the beach-dune system is governed by local, state, and federal regulatory agencies, most notably the Florida Department of Environmental Protection (FDEP) Coastal Construction Control Line (CCCL) permitting program. The objective of Task 2 is to analyze and examine relevant elements and criteria impacting the delineation of the WFSBL, to assess the overall value or effectiveness of these elements and criteria, and to better align the WFSBL with the FDEP CCCL program including reconsidering of the frontal dune

¹ Town Memorandum dated May 3, 2021. Gahagan & Bryant Associates, Inc., supported the 2000 WFSBL mapping effort. Applied Technology & Management supported the 2019 WFSBL update.

delineation and incorporation of a townwide 30-Year Erosion Projection (30-YEP) Line. Potential updates to the WFSBL criteria were developed through a technically sound engineering analysis and assessment of existing setback criteria.

1.3 Scope

The goal of Task 2 is to dive deeper into the data, reconsider setback line data and methods, and review potential alternatives to the Town's five setback criteria. The production of draft maps depicting the lines and setbacks of interest will be prepared for discussion with the Town under subsequent tasks. The river² waterfront setback line is not included in this scope of work.

The Town's WFSBL is a line of prohibition limiting the encroachment of upland development seaward into the beach-dune system, and is based on the landward-most of the following five oceanfront setback criteria:

1. 50 ft landward of the mean high water (MHW)
2. 50 ft landward of the dune (+14')
3. 50 ft landward of existing seawall/coastal structure
4. Line of sight between closest habitable conforming buildings within 1,000 feet
5. Average setback from MHW of closest conforming buildings within 1,000 feet

At the start of this study, the Town provided a map depicting the application of the first three setback criteria above. In many locations throughout the Town, the WFSBL appears to be landward of the first three criteria. In a 2021 Memorandum³ to Commission, the Town staff states: *"In general, the majority of setback lines on the ocean and lagoon follow either line of sight or the average setback from the MHW line."* Yet no methodology was provided by the Town as to how criteria four and five were applied.

The contracted Task 2 scope of work includes the following tasks:

Engineering and Environmental Analyses

- Sensitivity and impacts of beach erosion based on historical erosion data.
- Review of shoreline erosion rates based on available past monitoring reports.
- Beach nourishment history in the location of the WFSBL.
- Development of conceptual Townwide 30-YEP.
- Sea level rise scenarios to today, 2050 and 2080 (NOAA Intermediate).⁴
- Potential 100-year storm impacts, and past extreme water level data.

² Intracoastal Waterway / Indian River Lagoon, as noted in Town Memorandum dated May 3, 2021.

³ Memorandum to the Mayor and Town Commission, dated May 3, 2021, Re: Waterfront Setback Line (Rear Yard Setback) Review Findings.

⁴ At the time of contracting, section 380.093, F.S., required Vulnerability Assessments of a community's flood risk from sea level rise to be projected to 2040 and 2070. As of July 1, 2024, the required horizon is 2050 and 2080. While compliance with s. 380.093, F.S. is not required for this study, the 2050 and 2080 planning horizons were specifically considered for this study to align with the Vulnerability Assessment currently underway in the Town.

- Storm Erosion Model analysis on a subsection of up to nine FDEP Range⁵ monuments within the Town limits. This analysis will include three different water levels: 2024, 2050 and 2080.
- Reconsideration of the frontal dune delineation.

Property and Future Town Development

- Overlays of surveys (if provided by the Client in CAD).
- Developed vs. undeveloped parcel inventory, including approximate age of major habitable structures.

Assessment of Setback Criteria

- Review potential alternatives to the Town's five setback criteria.

⁵ Cummins Cederberg increased this to twelve R-monuments to better represent the Town's conditions.

2 DUE DILIGENCE UPDATES

2.1 Town Setting and Range Monuments

The Town is a narrow barrier island of approximately 1,643 acres between the Atlantic Ocean and the Intracoastal Waterway (ICW). The Town's coastal range or reference monuments start at the northern end at around R-73 by the Hobe Sound Wildlife Refuge preserve and extend south to R-127 near the Palm Beach County line (**Figure 1**). R-monuments are fixed positions approximately every 1,000 feet along the shoreline established by the State of Florida on a county-wide basis to allow for consistent analysis and management of the State's beaches. The R-monument system for Martin County was established in 1972.

Range Monument Selections

Based on the Task 1 findings and additional data collected during Task 2, Cummins Cederberg has selected twelve R-monuments for detailed engineering analysis. The selected R-monuments are identified in **Figure 1** and **Table 1**. The selected R-monuments are representative of the Town's varying shoreline conditions, including areas that have experienced past beach nourishment projects or dune projects, and varying degrees of upland development.

TABLE 1. R-MONUMENT SELECTIONS AND LOCATIONS

R-Monument	Location, Nearby Address, or Landmark
R-78	North end of Town at Hobe Sound National Wildlife Refuge
R-82	100 North Beach Road
R-86	Public Beach and intersection with SE Beach Road (A1A)
R-90	North of Beach Club/100 South Beach Road
R-94	South of Beach Club/100 South Beach Road
R-98	200 South Beach Road
R-102	Midway between 200 and 300 South Beach Road
R-106	300 South Beach Road
R-110	400 South Beach Road
R-114	Midway between 400 and 500 South Beach Road
R-118	500 South Beach Road
R-126	600 South Beach Road near South end of Town

Cummins Cederberg was originally scoped to conduct further analysis on nine R-monuments within the Town limits. The original R-monuments were R-78, R-82, R-86, R-90, R-94, R-98, R-102, R-106, and R-110. R-78 is located south of the Hobe Sound Wildlife Refuge and marks the north end of development in the Town. Moving south from R-78, every fourth R-monument was selected to encompass the majority of the developed beachfront properties in the Town.

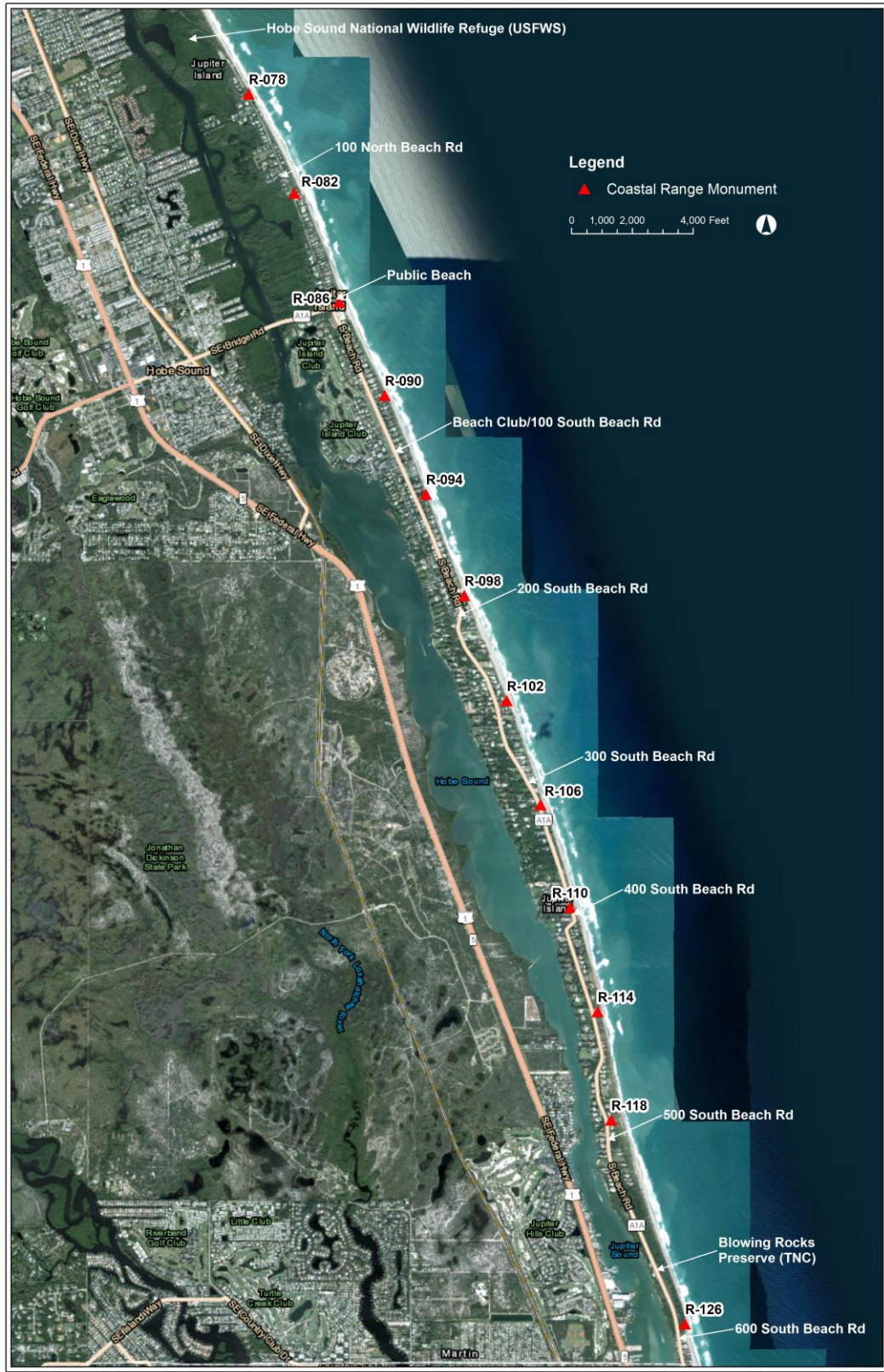


FIGURE 1. TOWN OF JUPITER ISLAND SELECTED R-MONUMENT LOCATIONS

R-monuments R-114, R-118, and R-126 were incorporated into the original selected R-monuments to better characterize the coastal processes in the Town. Monument R-126 was added to include an analysis of the residential area south of the Blowing Rocks Preserve where no beach nourishment project exists, but numerous dune construction projects have been constructed to address erosion. Monuments R-114 and R-118 were added to close the geographic gap in analysis between R-110 and R-126.

2.2 Surveys and Mapping Data

To support this study, the Town provided Cummins Cederberg with various forms of past survey data including XYZ data, CAD files, and PDF documents. Additionally, Cummins Cederberg collected public data from the FDEP, Federal Emergency Management Agency (FEMA), and Martin County to assist in the data analysis. The data was processed and converted into CAD files and/or GIS shapefiles, as needed, to perform a comprehensive review of historic beach erosion and shoreline positions including the mean high water line (MHWL) position, erosion modeling using the FDEP CCCLa and CCCLr models, 30-YEP, and dune delineations.

This data will continue to be utilized as the project progresses to Task 3 Preliminary Mapping. In Task 3 of this study, field survey data will be collected to verify desktop analyses and to continue refinement of the WFSBL criteria recommendations.

2.3 Parcel Data and Town Development

The Town's WFSBL criteria relate to two key community issues of concern – protection from storms / erosion and preservation of views. The current WFSBL was developed based on the application of the landward-most of five oceanfront setback criteria, including the following two that require consideration of 'conforming buildings' and 'habitable conforming buildings':

- Line of sight between closest **habitable conforming buildings** within 1,000 feet
- Average setback from MHW of closest **conforming buildings** within 1,000 feet

Conforming buildings are those that conform to all applicable code and regulatory requirements. Code compliance can be related to:

- Age of structure or year built as codes are updated
- Local zoning or land use and setback requirements
- Finish floor elevations, which can impact a structure's flood resilience
- Other local or state regulatory constraints

In May 2021, a Town Memorandum⁶ summarized conforming and non-conforming structures and new development potential for all waterfront properties (i.e., Atlantic Oceanfront, ICW, Indian River Lagoon) within the Town as follows:

⁶ Memorandum to the Mayor and Town Commission, dated May 3, 2021, Re: Waterfront Setback Line (Rear Yard Setback) Review Findings.

- The number of non-conforming structures in 2000 was 65, and through the 2019 WFSBL update, that number was reduced to 47 non-conforming structures.
- Due to the seaward shift in the WFSBL between the 2000 and 2019 maps related to adopting the +14ft NAVD88 dune contour location, the potential for new development at undeveloped properties was identified.

The specific location of the non-conforming structures was not differentiated between oceanfront and riverfront. Explanations given by the Town for changes in the number of non-conforming structures included redevelopment, changes in the WFSBL, demolition and removal of existing structures, and new construction. Changes in the WFSBL accounted for seven residential structures converting from non-conforming to conforming. From previous data and analysis are two observations:

1. What constitutes conforming and non-conforming buildings or structures is subject to change over time, and therefore lacks in consistency as a scientific metric to evaluate and determine the location of a WFSBL, and,
2. New development potential can occur with new construction on undeveloped properties but also on currently developed properties through redevelopment, additions or modifications, demolition and removal, and possibly through changes in local zoning or land use and setback requirements.

An inventory of developed versus undeveloped oceanfront parcels, including approximate age of major habitable structures, was generated with 2022 Martin County Property Appraiser data in Task 1. In June 2024, a new Property Appraiser query was conducted, and further processing was done with FEMA Elevation Certificates and other Town elevation certificate data. Notable findings specific to oceanfront parcels are summarized below and in **Table 2**.

TABLE 2. GENERAL LOCATION AND ACREAGE OF OCEANFRONT PROPERTIES

Road Location	Developed Acres			Undeveloped Acres			TOTAL ACRES
	Public	Private	Total Developed	Public	Private	Undeveloped	
ESTRADA RD		129.3	129.3				129.3
NORTH BEACH RD		39.6	39.6	1.1	1.5	2.7	42.3
SOUTH BEACH RD	0.8	392.7	393.5	88.4	21.8	110.3	503.8
UNASSIGNED				26.3	8.2	34.5	34.5
Grand Total	0.8	561.6	562.4	115.9	31.6	147.5	709.8

1. About 79 percent of all 261 parcels and 79 percent of all 710 acres are developed. The Estrada Drive private golf club is one property totaling about 129 acres.
2. Most undeveloped acreage is along South Beach Road or “unassigned” with no address. Undeveloped acreage includes public conservation lands.

3. Private undeveloped lands total 31.6 acres. About 69 percent or close to 22 acres of undeveloped private parcels are along South Beach Road.
4. Undeveloped private properties occur across nearly half of all subdivisions identified in the Property Appraiser database, although most have only one or a few undeveloped parcels. About 44 percent of undeveloped parcels are in the Bon Air Beach neighborhood (**Figure 2**).

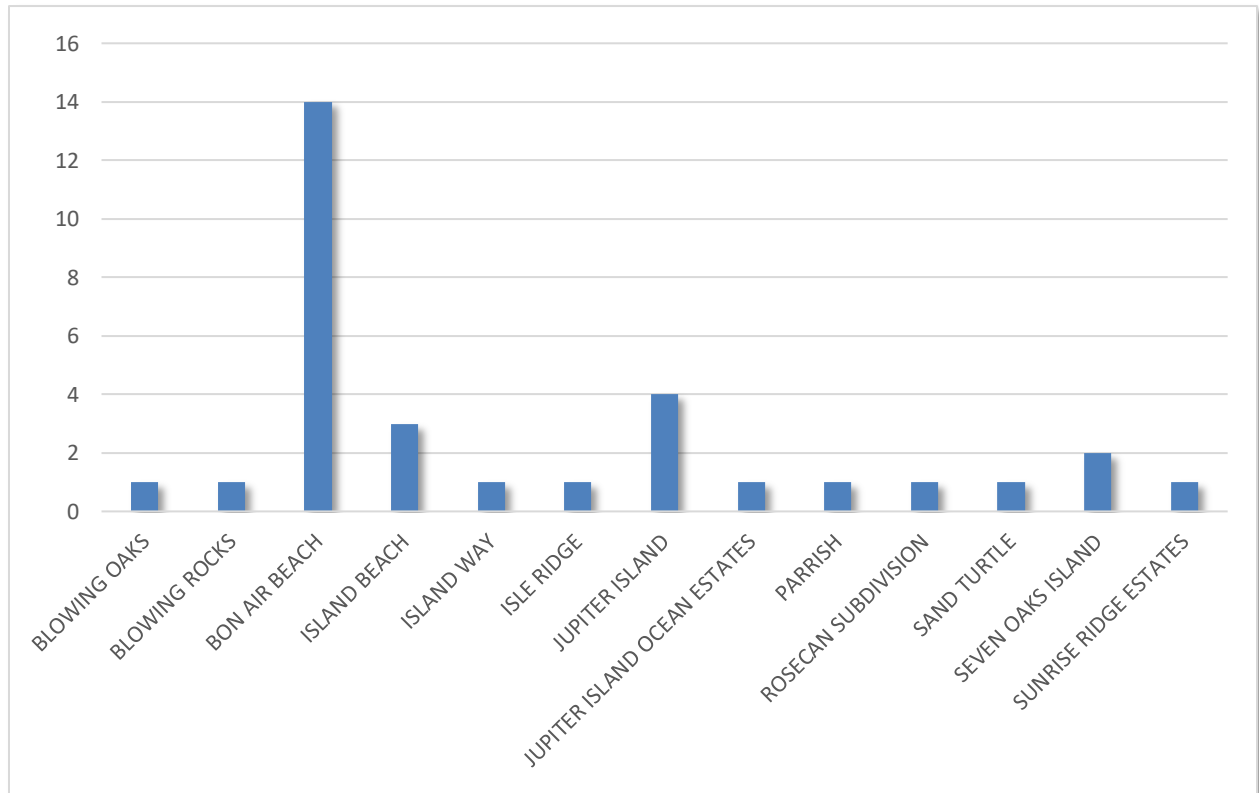


FIGURE 2. NUMBER OF UNDEVELOPED PRIVATE PARCELS BY SUBDIVISION

5. Fifteen percent of oceanfront properties have dual water frontage (both ocean and ICW) or are inland, and/or ICW properties that also have narrow strips of property providing access to the ocean (**Figure 3**).
6. With the Town's elevation certificate data, the number of structures with lowest finish floor elevation (FFE) or lowest adjacent grade (LAG) below the base flood elevation (BFE) were identified by North and South Beach Road addresses. **Figure 4** illustrates that the number of structures with FFE and LAG below the BFE appear to be concentrated at the northern and southern ends of the Town.

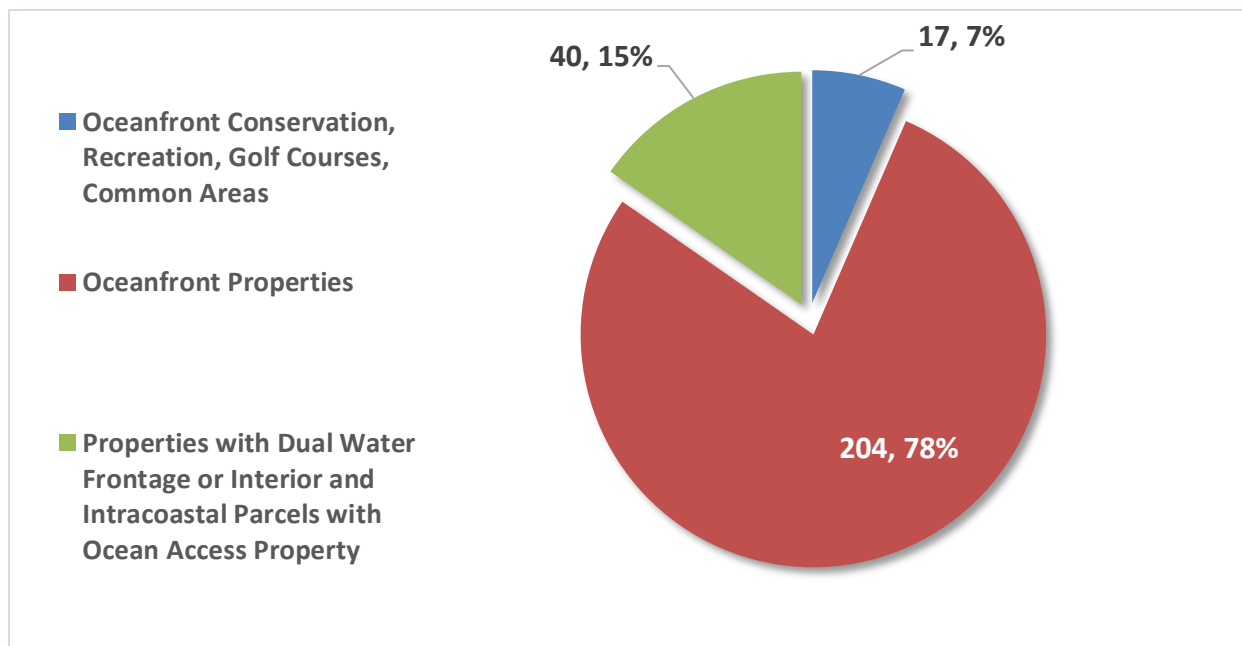


FIGURE 3. TYPES OF PUBLIC AND PRIVATE OCEANFRONT PROPERTIES

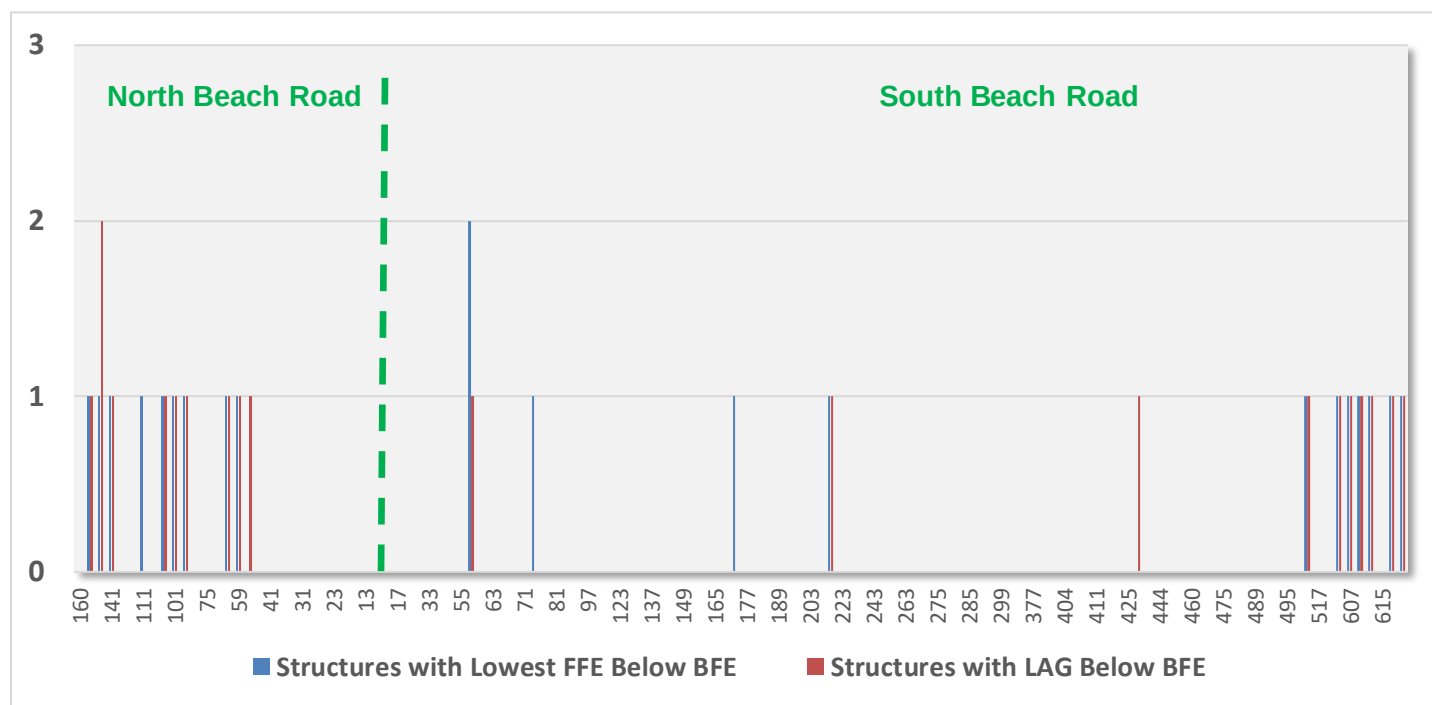


FIGURE 4. NUMBER OF STRUCTURES (1 OR 2) BELOW BFE FROM CERTIFICATE DATA

In consideration of previous and current data and analysis regarding conforming and non-conforming buildings, developed versus undeveloped parcels, and age and condition of habitable structures as they relate to supporting a scientifically sound and reasoned WFSBL, the following is presented for further consideration during mapping:

1. Age and condition of buildings, conforming or non-conforming buildings, and the development or redevelopment of parcels are all subject to change over time. If they have been instrumental in identifying line of sight or preservation of views in the past, the lack of consistency may lead to further uncertainty and complications.
2. Determining the best WFSBL position through coastal science and engineering analyses will provide the most scientifically sound, reasoned, fair, and equitable WFSBL recommendation. Further, the WFSBL can be updated periodically using the same methodology. Line of site and preservation of views, if they arise, may be better addressed in the local site plan approval process, building permit review, and/or through WFSBL variance requests.
3. Land with dual water frontage, narrow strips of oceanfront access, and other complex property features may present unique constraints. These parcels may require site-specific considerations by the Town in the implementation of the WFSBL.
4. Certain conditions and data noted above may help inform appropriate locations/parcels for field verification surveys to support preliminary findings. These include, for example:
 - a. Areas with large numbers or acreage of undeveloped parcels.
 - b. Properties with dual water frontage or interior and ICW parcels with ocean access property.
 - c. Areas with higher number of structures with finish floor elevations or lowest adjacent grade below the base flood elevation.

3 ENGINEERING AND ENVIRONMENTAL ANALYSES

3.1 Historic Beach Conditions

Historic beach conditions were analyzed using mean high water line (MHWL) positions at the selected R-monuments using the FDEP Historic Shorelines Database, which includes data back to 1883. Only a subset of the available data (from 1976 to 2023) was reviewed to exclude any data points prior to the initial beach restoration (i.e., nourishment) in 1973. Maximum (i.e., widest beach) and minimum (i.e., narrowest beach) shoreline positions were identified for R-78 to R-126. The minimum and maximum distances at each R-monument represent the minimum/maximum distance of the MHWL from the R-monument, as summarized in **Table 3** and **Figure 5**.

TABLE 3. SUMMARY OF MAXIMUM AND MINIMUM SHORELINE POSITIONS (1976-2023)

Range Monument	MHWL Max. Distance from R-Mon (Widest Shoreline in feet)	MHWL Min. Distance from R-Mon (Narrowest Shoreline in feet)
R-78	310	73
R-82	375	215
R-86	385	85
R-90	295	53
R-94	210	25
R-98	238	6
R-102	259	50
R-106	335	87
R-110	396	107
R-114	371	98
R-118	584	179
R-122	346	75
R-126	168	142

The section of the Town with the largest fluctuation in MHWL position from 1976 to 2023 is near R-118, which is north of the Blowing Rocks Preserve and south of the Town's beach nourishment footprint. The section of the Town with the smallest fluctuation in MHWL position from 1976 to 2023 is near R-126, which is at the south end of the Blowing Rocks Preserve where the shoreline has an accretional trend, yet dune erosion on the back beach has triggered multiple dune construction projects between R-126 and R-127. The variability in MHWL position is influenced by nourishment/dune projects and the natural movement of sand through chronic and storm-induced erosion.

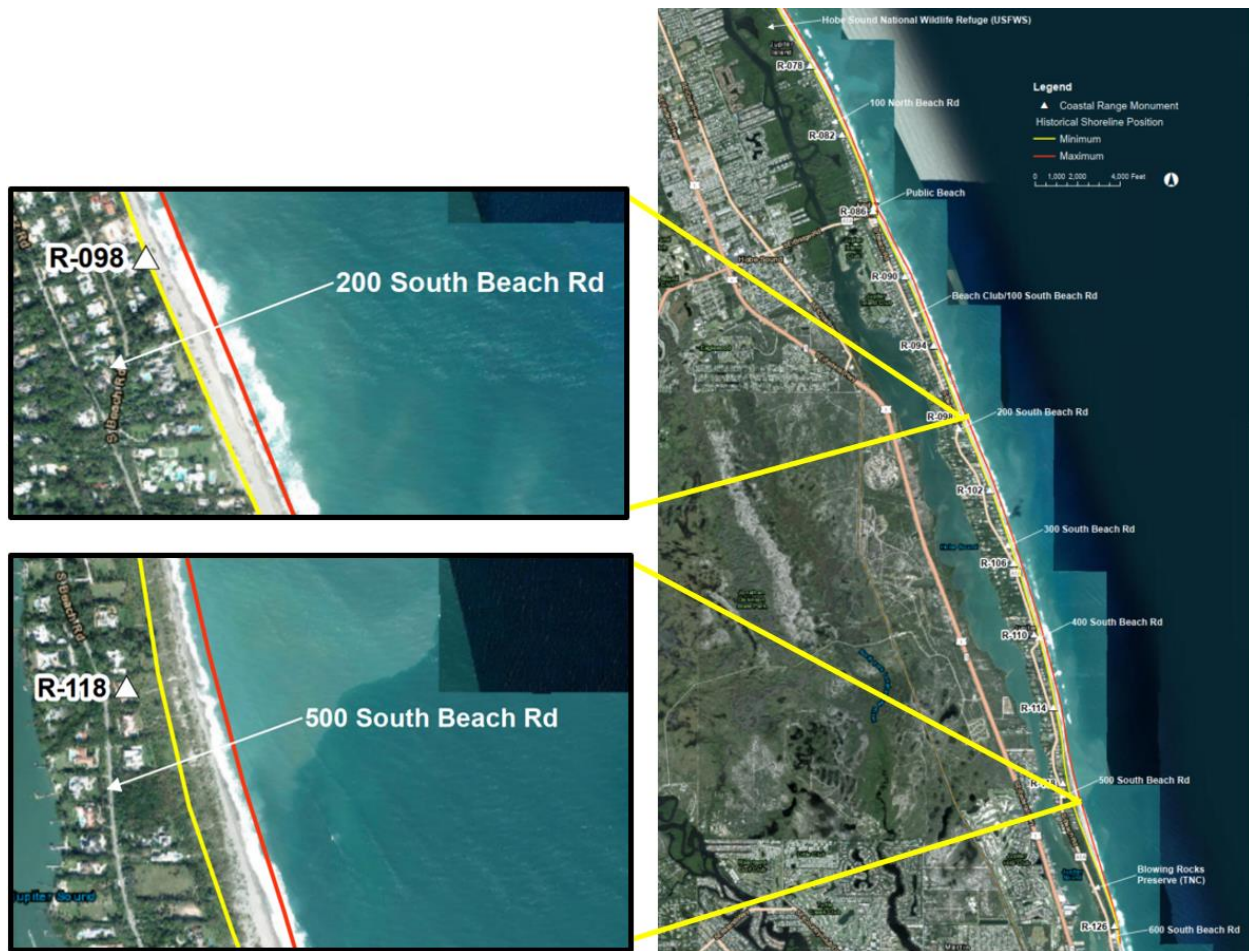


FIGURE 5. MAP OF MAXIMUM AND MINIMUM SHORELINE POSITIONS (1976 - 2023)

3.2 Shoreline Erosion Rate Review

In reports published by the U.S. Army Corps of Engineers (USACE)⁷ in 1968 and 1986, the early history of erosion prevention measures by local interests in Martin County and the Town is described, beginning in 1945 with vertical seawalls, then in the early 1960s with concrete-block revetments, followed by multiple sand placement events (ACOE, 1968 and ACOE, 1986). USACE described this as the largest non-federal erosion control effort on Florida's east coast.⁸ Since the early 1970s, sand placement has been the preferred erosion control measure over hard structures such as walls and revetments. The Town has conducted over 15 beach nourishment projects ranging in project length and volume of placed material. **Figure 6** identifies the past nourishment events within the Town's limits for which data is readily available. Each line represents a discrete project and depicts the geographic limits of where the sand was placed along the shoreline with reference to the R-monuments. **Table 4** provides the year, location and volume of sand placed for each event depicted in **Figure 6**.

⁷ Also known as Army Corps of Engineers (ACOE).

⁸ 1986 USACE (ACOE) Report.

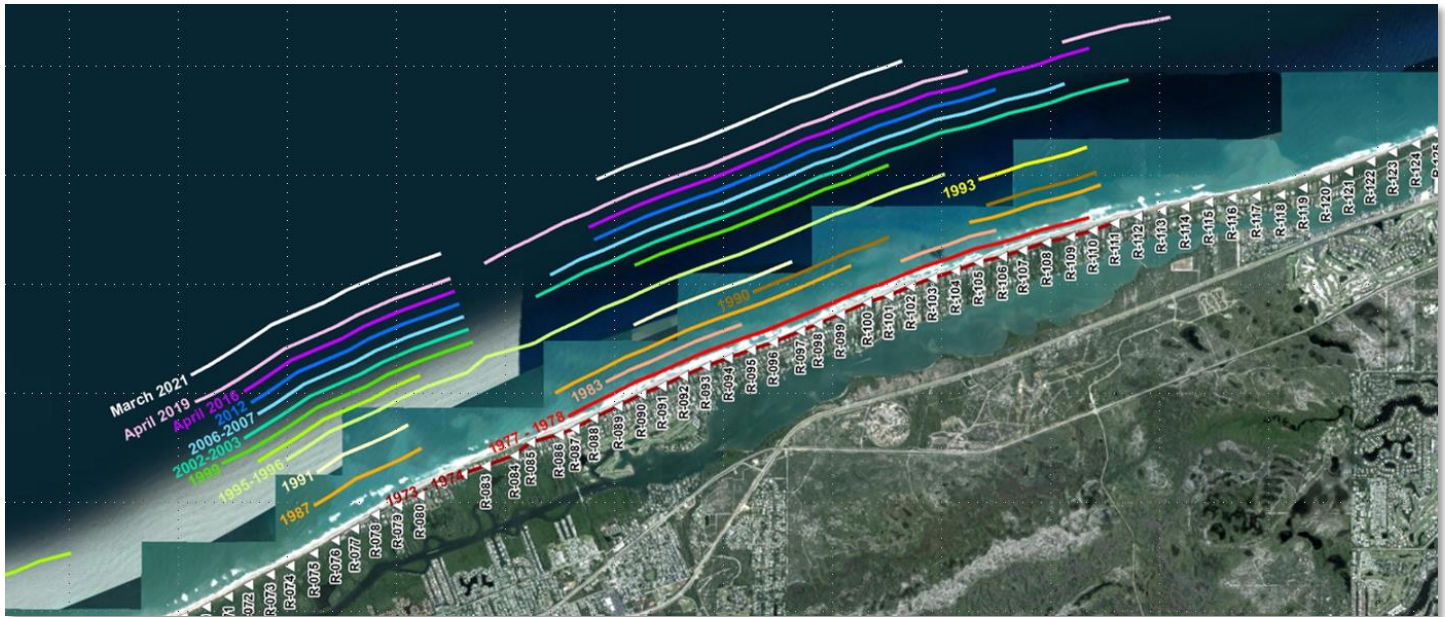


FIGURE 6. BEACH NOURISHMENT PLACEMENT HISTORY

TABLE 4. SUMMARY OF BEACH NOURISHMENT PROJECTS

Year	Location	Volume (CY)
1973 - 1974	R82-R111	3,488,759
1977 - 1978	R87-R110	1,327,289
1983	R89-R95 & R102-R106	1,000,000
1987	R76-R81 & R87-R100 & R105-R111	2,234,869
1990	R96-R102 & R106-R111	585,308
1991	R77-R81 & R91-R98	414,812
1993	R106-R111	203,736
1995-1996	R76-R105	1,741,134
1997	R59-R65 & R75-R82	624,935
1999	R73-R84 & R92-R103	714,000
2002-2003	R75-R84 & R88-R113 & Nearshore	1,519,561
2006-2007	R76-R84 & R89-R111	1,706,711
2012	R76-R84 & R91-R108	1,150,858
2016	R76-R84 & R91-R112	1,670,455
2019	R73-R84 & R87-R107 & R111-R115	1,174,512
2021	R74-R84 & R92-R105	663,000

As part of the Town's nourishment program, annual physical monitoring surveys of the project area are conducted and analyzed to identify and quantify erosion/accretion trends, hot spot areas, and the volume of sand remaining in the coastal system to inform renourishment frequency. The

July 2022 to July 2023 *Jupiter Island Beach and Nearshore Monitoring Survey Report* (GBA, 2024) calculated an average annual shoreline erosion rate of -12.6 ft/yr based on data from 1995 to 2023. An erosional “hot spot” area was identified from approximately R-91 to R-106, where the average annual shoreline recession is -27.2 ft/yr for the years 1995 to 2023. The monitoring data in the area immediately north of the Blowing Rocks Preserve⁹ shows a shoreline accretion between 10-15 feet as depicted on **Figure 7** from the 2023 Annual Monitoring Report.

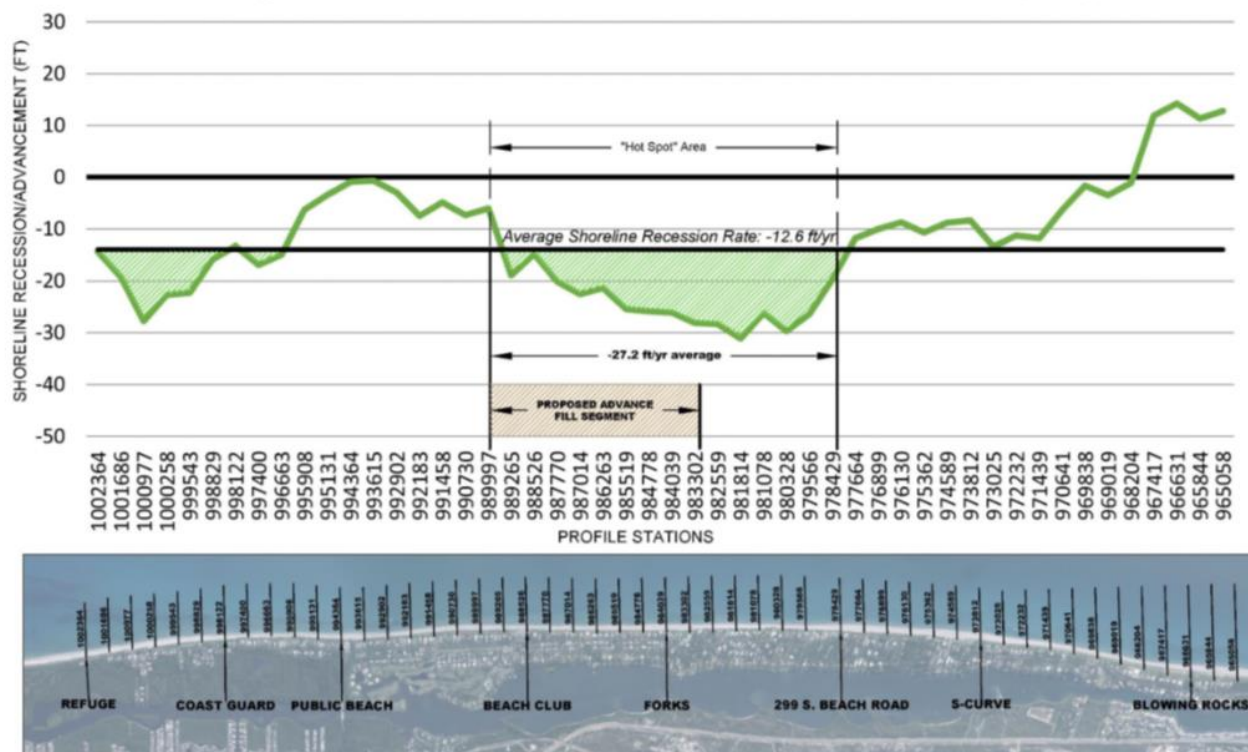


FIGURE 7. AVERAGE ANNUAL DIFFERENCE IN SHORELINE POSITION 1995-2023 (FT.)

During Task 1, Cummins Cederberg obtained historical documents published by the USACE in 1968 and 1986, with differing shoreline erosion rates than those presented in the more recent physical monitoring reports. These documents use different year and geographic ranges, and the 1968 USACE Report was prior to the initial beach nourishment event within the Town. Possible reasons for the disparity between the historical erosion rate sand the recent erosion rates include improved survey accuracy and frequency, changes in wave climate due to creation of offshore borrow areas, changes in storm frequency and characteristics, presence of nourishment projects, and changes to inlet management strategies north of the Town at the St. Lucie Inlet.

In the 1968 USACE *Beach Erosion Control Study*, pre-construction survey data from 1946 to 1964 depicts an average recession of 61 feet for the Town, equating to an annual pre-nourishment shoreline erosion rate for the Town of -3.4 ft/yr. This dataset, and associated pre-project erosion

⁹ The area south of the Blowing Rocks Preserve was not monitored.

rate, has been used by the FDEP to review recent CCCL permit applications to calculate site-specific 30-year erosion projections (30-YEP).

3.3 Conceptual 30-Year Erosion Projections

Restored/Nourished Beach vs. Non-Restored Beach

Florida Administrative Code (F.A.C.) 62B-33, administered by FDEP, defines the regulations and procedures for coastal construction seaward of the CCCL (and fifty-foot setback to MHW) and defines how to calculate the 30-YEP. Section 62B-33.002(56), F.A.C., defines the 30-YEP as the projection of long-term shoreline recession occurring over a period of 30 years based on shoreline change information obtained from historical measurements. Different procedures for calculating the 30-YEP are outlined in 62B-33.024, F.A.C. based on coastal factors at a project site including proximity to an inlet, presence of coastal armoring, and history of beach nourishment. The implementation of the 30-YEP Rule is typically done on a site-specific basis associated with certain CCCL permit applications submitted to FDEP. For this study, a Townwide 30-YEP was developed to identify areas where future erosion may affect the position of the WFSBL. This is understood to be the first time a 30-YEP has been determined for an entire municipality in Florida.¹⁰

For the Town, the first step in calculating the 30-YEP was to determine the appropriate methodology to use since the Town has a history of nourishment on most, but not all, of its oceanfront shoreline. The portion of the shoreline that would be classified as nourished/restored versus non-restored was determined based on the history of projects, as illustrated in **Table 4** and **Figure 7** above. Two areas of interest are R-84 to R-85 and R-114 to R-117 where it appeared that minimal, if any, nourishment has occurred. The area near R-84 to R-85 only has a record of being included in the beach nourishment project area on two occasions: once in 1973-1974 and again in 1995-1996 (FDEP, 2023). The area between R-114 to R-117 has never been nourished but was included in the 1973 Erosion Control Line (ECL) for the Town.

A meeting was held on July 9, 2024 with Cummins Cederberg representatives, the FDEP CCCL Program Administrator, and the FDEP Coastal Engineering Group to discuss elements associated with the CCCL, ECL, beach nourishment history including dune construction projects, and the calculations for the Townwide 30-YEP. The area near R-84 to R-85 has not been nourished since the original 1973 beach restoration project due to the proximity of nearshore marine hardbottom resources; however, it receives sand from the updrift nourishment projects, which serve as feeder beaches sending sand south through the longshore transport of sediment. The area between R-84 to R-85 is considered nourished for the purpose of the 30-YEP calculations. The FDEP R-monuments at which the 30-YEP was calculated using the nourished beach methodology are therefore R-78 to R-114. FDEP and Cummins Cederberg agreed the non-restored beach procedure for determining the 30-YEP would be appropriate for R-monuments south of R-114.

¹⁰ The FDEP CCCL Program will still require a site-specific 30-YEP for CCCL permit applications pursuant to 62B-33, F.A.C. A site-specific 30-YEP may land on a site in a differing location than the more regional, Townwide 30-YEP.

To determine the 30-YEP for an area maintained by a beach nourishment project, the FDEP considers the pre-nourishment shoreline change rate (SCR), the number of years left in the nourishment project life, and the distance between the seasonal high water line (SHWL) and MHWL based on pre-nourishment survey data. As described in 62B-33.024(2)(d), F.A.C.,¹¹ the value derived from the following equation is added landward to the ECL to calculate the 30-YEP for a nourished beach:

$$30\text{-YEP} = -(SCR) \times (30 \text{ years} - \# \text{ years Credit}) + (SHWL \text{ to MHWL distance})$$

For an area not maintained by a beach nourishment project, the 30-YEP is calculated by multiplying the SCR by 30 years and projecting this value landward of the current SHWL. The Jupiter Island Beach Nourishment Project includes R-72.9 to R-127 in its State-authorized permit issued to the Town (Joint Coastal Permit (JCP) No. 186991-008), with nourishment ending north of R-117. However, since nourishment sand has not been placed south of R-114, the area from R-114 to R-117 will be considered a non-restored beach. The following equation will be used for R-114 to R-127:

$$30\text{-YEP} = -(SCR) \times (30 \text{ years})$$

Dune Construction

Background documents provided by the Town provided a history of dune construction projects in the Town, mainly in the area between R-126 and R-127 where multiple projects have been constructed. Table 5 shows the history of recent dune construction projects within the Town.¹² Dune construction occurs upland of the dry beach and should not significantly affect the SCR measured at the MHWL.

TABLE 5. DUNE CONSTRUCTION HISTORY

Year	Approx. Location	Volume (CY)
2012	R-126 to R-127.4	8,600
2014	R-126 to R-127.4	1,800
2017	R-126 to R-127.4	4,800
2020	R-126 to R-127.4	6,048
2022	R-126 to R-127.4	5,427

¹¹ Rule 62B-33.024(2)(d), F.A.C. is currently being challenged in the Florida Division of Administrative Hearings (DOAH) Case No. 24-002902RX. Petitioners are stating it contains language outside of FDEP's rulemaking authority, goes beyond statutory limits, and is vague. The hearing is set for September 30 through October 2, 2024 and may influence the 30-YEP calculations in this Project.

¹² Earlier dune nourishments have occurred in this location according to Clay Braynt (GBA), although that data has not been provided.

Coastal Armoring

Rule 62B-33.024, F.A.C., states if coastal armoring is present at a site and can be proven to withstand a 30-year storm, then the 30-YEP will stop at the coastal armoring. Coastal armoring has historically been present throughout the Town.¹³ By the 1960s, the Town had approximately 16,000 LF of coastal structures along the shore, 7,000 LF of which were concrete sloping revetment and 9,000 FL of which were vertical steel sheet pile seawall (1968 USACE Study). By the 1970s many hard armoring structures on Jupiter Island had been destroyed by tropical storms and soft armoring structures (i.e., beach and dune projects) became the preferred method for addressing beach erosion.

The 30-YEP calculations conducted for Task 2 do not include use of the procedure specific to coastal armoring¹⁴ because there is a lack of available data as to which existing armoring structures were designed, constructed, and maintained to provide protection against the 30-year storm. A detailed assessment by Cummins Cederberg of the existing armoring structures was beyond the scope of work. Although Task 3 includes field verification of up to 10 parcels including review of the location of existing structures within those 10 parcels, the field data would not provide adequate information on the existing coastal armoring to incorporate into the 30-YEP calculations per 62B-33.024(2)(b), F.A.C. At a minimum, design and maintenance records would be required by the FDEP for application of the coastal armoring 30-YEP procedure. The presence of coastal armoring on a site may be cause for a site-specific consideration of its influence on the WFSBL, if any, through the variance process.

Shoreline Change Rate

The SCR for the nourished beach was calculated by Cummins Cederberg using the 1946 to 1964 data from the *1968 USACE Beach Erosion Control Study*, based on recommendations from FDEP. The 1968 USACE Study includes data from 1882 to 1964 and represents the best available pre-nourishment data. The 1946 to 1964 data group is the most accurate representation of the pre-nourishment shoreline change rate because it was collected using topographic surveys rather than delineation of historical shorelines on aerial photographs.

The erosion data was presented as a total recession/advancement value (in feet) for years 1946 to 1964 for a given area. It is important to note the data collection locations are not referenced to existing R-monuments as the 1968 USACE Study was completed prior to the adoption of the R-monument system in Martin County in 1972. Using a map on page 125 of the *1986 USACE Beach Erosion Control Study*, which included both R-monuments and data collection locations from the 1968 USACE Study, the erosion data from the 1968 USACE Study was referenced to existing R-monuments based on proximity.

¹³ In the Task 1 report, reference was made in the Town's documents to a seawall line with little information found on such line. Upon further research, the seawall line is likely the Martin County Bulkhead Line adopted in 1958 as a location 1 foot out from the MHWL and recorded in Official Records Book 9 Page 397. The historic records were not available, and it is unknown if the bulkhead line was established on the east coast of Jupiter Island. Historic plats were only located for the bulkhead line on the west shore of Jupiter Island near Blowing Rocks.

¹⁴ Rule 62B-33.024(2)(b), F.A.C.

SCRs were also evaluated using data presented in the *2016 30-YEP Guidance for Martin County*, provided by FDEP, and the *1986 USACE Beach Erosion Control Study*. The erosion data in each of the documents was formatted with different units and/or data collection locations (i.e., monument location), therefore the data from one document could not be combined with another. For example, the *1968 USACE Beach Erosion Control Study* erosion data was given as a lump sum of feet for the range of years from 1946 to 1964. The *30-YEP Guidance for Martin County* provided SCRs, in ft/yr, using the least squares regression method and then averaging six adjacent monuments erosion rates (three north and three south), and the *1986 USACE Beach Erosion Control Study* erosion data gave an average erosion rate for a range of R-monuments in ft/yr. There were considerable discrepancies for the SCR between the data sources analyzed. **Table 6** shows a comparison of published erosion rates within the nourished beach area at select R-monuments based on data from the three different documents analyzed.

TABLE 6. COMPARISON OF NOURISHED SHORELINE CHANGE RATES

R-Monument	USACE 1968 Beach Erosion Control Study Erosion Rate (ft/yr)	FDEP 2016 30-YEP Guidance for Martin County Erosion Rate (ft/yr)	USACE 1986 Beach Erosion Control Study Erosion Rate (ft/yr)
R-78	-6.5	-7.5	-5.7
R-82	-1.8	-4.8	-2.6
R-86	-3.3	-2.1	-3.4
R-90	-3.1	-1.4	-3.4
R-94	-2.3	-1	-3.4
R-98	-2.8	-1	-3.4
R-102	-3.4	-1	-3.4
R-106	-3.3	-1	-3.4
R-110	-2.8	-1	-3.0
R-114	-2.8	-1	-2.2

This Project calculated SCRs for both the nourished and non-restored beaches based on interpreting the available data for each of the selected R-monuments. For the nourished beach, after referencing the data to current R-monuments, an erosion rate (ft/yr) was calculated using the recession/accretion value (ft) and dividing it by 18 years (i.e., 1946-1964). Once the erosion rate was calculated at the applicable R-monuments, an average SCR at an R-Monument was calculated by averaging the three adjacent R-monuments on each side (north and south) of the subject R-monument.

Both nourished and non-restored beaches use similar methodologies when calculating the SCR. However, for the non-restored beach, the shoreline position data is used to calculate an erosion rate using the least squares method to get the SCR at the applicable R-monument. Of the twelve selected R-monuments in this study, R-118 and R-127 represent the non-restored beach. The

SCRs for the non-restored beach used available MHWL position data from the FDEP Historic Shorelines Database from the years 1977-2023. During consultation with FDEP, it was recommended to use beach surveys from this timeframe (1977 to 2023), rather than aerial imagery, as this is the accepted methodology by FDEP since the 1970s. The SCRs for the area of non-restored beach (R-114 – R-127) in the Town showed a stable or accretional trend. Because the non-restored area’s SCR calculated as stable or accretion, the designated R-monuments within this area are assigned a conservative SCR of -1 ft/yr pursuant to 62B-33.024(2)(a)3, F.A.C.

Seasonal High Water Line to Mean High Water Line Distance

The 30-YEP procedure for nourished beaches includes a variable representing the distance between the SHWL and the MHWL that existed prior to the beach initial beach nourishment project; this variable is not used in the 30-YEP for non-restored beaches. The distance between the SHWL and the MHWL was determined by FDEP. A Townwide average SHWL to MHWL distance of 37.4 ft is published in the *2016 30-YEP Guidance for Martin County* report based on 1971 survey data for R-monuments in the Town’s beach (R-75 to R-117). However, the report did not differentiate the discrete SHWL to MHWL distances at each R-monument. The FDEP provided the discrete distances at each R-monument in tabular form during the July 9, 2024 meeting on this Project. Cummins Cederberg used this additional data to calculate the distance from SHWL to MHWL at the applicable R-monument for the purpose of calculating the 30-YEP for the nourished beach.

Nourishment Project Credit Years

The credit years in the 30-YEP formula for nourished beaches typically represent a permitted project life and have been calculated using varying methodologies in permit applications within the Project area. Per 62B-33.024(2)(d), F.A.C., FDEP shall make a determination of remaining project life for existing beach nourishment projects based on the project performance, the likelihood of continuing nourishments, the funding arrangements, and consistency with the Strategic Beach Management Plan (SBMP) adopted by FDEP for managing the state’s critically eroded shoreline and the related coastal system.

The Town’s beach nourishment project is currently permitted under FDEP JCP No. 0186991-008-JC, which was issued on June 20, 2018, and expires on June 20, 2033. Using the Rule-prescribed credit year calculation of years remaining under the current nourishment permits, the total credit years would equal four credit years from 2029. A current year of 2029 was used in the calculation, representing a temporal buffer of five years from 2024 in anticipation of reevaluating the WFSBL every five years. The buffer accounts for the time lapse that occurs between each WFSBL reevaluation. JCPs for nourishment projects are generally re-issued for projects where maintaining the beach seaward of the ECL requires a routine program of sand placement on the beach, such as in the Town since 1973. Therefore, use of the permit expiration is not a reasonable approach to determining the remaining life of the nourishment project in the Town.

$$\begin{aligned} \text{Year of Permit Expiration} - \text{Current Year} &= \text{Credit Years} \\ 2033 - 2029 &= 4 \text{ Credit Years} \end{aligned}$$

The FDEP has also used the duration of funding availability as a method for determining credit years. The Town has ad valorem taxing authority through the Jupiter Island Beach Protection District, which levies less than one mil per year on property within the Town limits and has the authority to levy up to ten mils. This provides a long-term funding source with no definitive expiration date source to support current and future nourishment projects. Therefore, duration of funding availability may not be a reasonable approach to determining the remaining life of the nourishment project in the Town.

While reviewing recent CCCL permit applications within the Town, likely in response to the outcome of *Testa v. Jupiter Island Compound, LLC and FDEP*,¹⁵ the FDEP has used the anticipated duration of sand availability for continued nourishments as the primary method to determine credit years in the Town.¹⁶ This method has now been applied in recent CCCL permit applications for property in the Town, including MI-619, MI-634, and MI-635. This study considered the sand availability in offshore borrow areas further, as noted below.

The preliminary estimate of the Town's average annual placement volume is based on an analysis of the total volume of sand placed from the initial nourishment project in 1973-1974 to 2022 (end of available data). A total of 20,673,386 CY was placed over 49 years for an average of 421,906 CY/yr. FDEP has determined “*A permitted offshore sand source in State waters contains approximately 9 million cubic yards of sand sufficient for approximately 21 years of future beach nourishment based on the past 19 years of beach nourishment,*”¹⁷ which calculates out to an average annual placement volume of 438,871 CY/yr for the last 19 years of nourishment. An average value of approximately 430,000 CY/yr was selected to be representative of both datasets.

From JCP No. 0186991-008-JC (issued June 20, 2018):

$$\begin{aligned} \text{Total Volume of Sand Availability} &= 11,650,000 \text{ CY} \\ &= 4,100,000 \text{ CY Borrow Site B} + 7,550,000 \text{ CY Borrow Site B Expansion} \end{aligned}$$

In April 2019 and March 2021, a combined 1,837,512 CY was removed from Borrow Site B and Expansion for beach nourishment, thus:

$$\begin{aligned} 11,650,000 \text{ CY} - 1,837,512 \text{ CY} &= \sim 9,812,488 \text{ CY} \\ \frac{9,812,488 \text{ CY Available Sand After March 2021 Placement}}{430,000 \frac{\text{CY}}{\text{yr}} \text{ Average Annual Placement}} &= 22.8 \text{ yrs} \approx 23 \text{ remaining years} \end{aligned}$$

¹⁵ DOAH Case 22-0518 associated with CCCL Permit MI-596 issued by FDEP in 2021. The ALJ in the DOAH Case accepted the FDEP's determination of credit years based on sand availability in the offshore borrow area as credible.

¹⁶ The FDEP has stated they are using the sand availability method to determine credit years for CCCL applications within the Town, but not outside of the Town throughout the rest of the County.

¹⁷ FDEP CEG Memo associated with MI-619, MI-634, and MI-365.

$$\begin{aligned}
&\text{Year of Last Sand Placement} + \text{Remaining Years of Sand Availability} \\
&= \text{Year of Confirmed Sand Availability} \\
&2021 + 21 = 2042
\end{aligned}$$

$$\begin{aligned}
&\text{Year of Confirmed Sand Availability} - \text{Current Year} = \text{Credit Years} \\
&2042 - 2029 = 13 \text{ Credit Years}
\end{aligned}$$

Using the updated credit year calculation methodology, which is consistent with recent FDEP analyses, and a temporal buffer of five years unique to this Project, a credit of 13 years was used in the Townwide calculation of the 30-YEP. Refer to **Table 7** for variables and calculated results with 13 credit years identified at selected R-monuments on the nourished beach.

TABLE 7. 30-YEP RELATED VARIABLES AND CALCULATED RESULTS

R-Monument	SCR	SHWL to MHWL	Credit Years	30-YEP
78	-6.5	30.4	13	141.0
82	-1.8	25.4	13	56.4
86	-3.3	55	13	110.3
90	-3.1	26.1	13	78.7
94	-2.3	31.4	13	71.2
98	-2.8	19.6	13	67.5
102	-3.4	18.9	13	76.9
106	-3.3	28.7	13	84.0
110	-2.8	48.5	13	95.7
114	-2.8	37.4	13	84.6
118	-1.0			30.0
126	-1.0			30.0

There is considerable variability in sand availability estimates in the offshore borrow areas and in the average annual placement volumes within the reference documents. Additionally, Martin County places sand dredged from St. Lucie Inlet in ongoing bypassing efforts into the offshore borrow area for the Town's future use. Care should be taken in calculating sand volumes in the offshore borrow areas to include bypassing activities during periodic reevaluation of the WFSBL.

30-YEP Projection Calculation

As noted above, **Table 7** lists the 30-YEP calculated at the selected R-monuments specific to this Project. For nourished beaches, the difference between 30 years and the expected remaining life (in years) of the existing beach nourishment project was multiplied by the pre-project SCR to determine the projected landward distance of erosion. This value was added landward from the ECL (i.e., pre-project SHWL) to determine where the 30-YEP landed in a given location along a

nourished beach. The ECL is used for the 30-YEP from R-78 to R-114 to match where nourishments have occurred in the Town.¹⁸

The SHWL is used to determine where the 30-YEP falls on a given property along a non-nourished beach, which extends from R-115 to R-127. The existing SHW elevation at each R-monument in the non-restored beach was requested from FDEP. The values calculated using the non-restored 30-YEP equation will then be applied to the existing SHWL to determine where the 30-YEP lands.

The 30-YEP values presented here are considered a conservative estimate and may vary from a site-specific 30-YEP calculated in association with a CCCL permit application submitted to FDEP.

The 30-YEP values summarized **Table 7** will be mapped in Task 3. As an example, **Figure 8** depicts the location of the 30-YEP at R-82 in relation to the current WFSBL, ECL and CCCL.

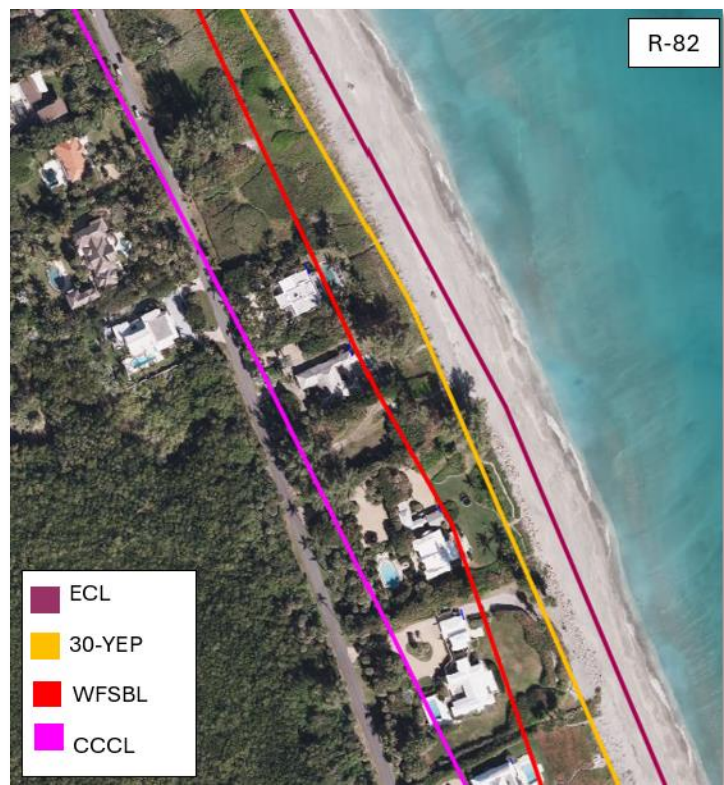


FIGURE 8. REGIONAL 30-YEP IN VICINITY OF R-82

3.4 Sea Level Rise Scenarios and Past Extreme Water Level Data

Consideration of future sea level rise (SLR) has become another critical factor in coastal management as we adapt to the effects of higher water levels. SLR projection data is provided by various sources including the National Oceanic and Atmospheric Administration (NOAA) and the National Climate Assessment (NCA).¹⁹ The Resilient Florida Program²⁰ administered by FDEP requires the use of NOAA SLR projections, with year of publication and methods varying as legislation changes. The NCA adopted SLR projections from the 2022 update to the Global and Regional SLR Scenarios for the United States released by NOAA. Authors consist of representatives from NOAA, the National Aeronautics and Space Administration (NASA), and other U.S. governmental organizations, as well as various academic institutes. These officials worked together to update mean projections and extreme water level probabilities along different U.S. coastlines to improve trajectories throughout the country. The NCA working group developed

¹⁸ The ECL was approved by the FDEP in 1973 from R-75 to R-116.8 and in 2018 from R-72.9 to R-75. Personal Communication with FDEP (G. Weeks) with TIITF approval documents provided.

¹⁹ US Global Change Research Program, [Fifth National Climate Assessment \(globalchange.gov\)](https://globalchange.gov/).

²⁰ Section 380.093, F.S.

updated projections for the Low, Intermediate-Low, Intermediate, Intermediate-High, High, and Extreme Global Mean Sea Level (GMSL) rise scenarios based on varying levels of emissions.

The Intermediate-Low and Intermediate projections through 2100 for the Town are shown in **Figure 9**. The site-specific projections were adapted from NOAA's projections of the two closest active NOAA stations: Lake Worth Pier and Virginia Key. These projections were then interpolated to reflect proximity of the Town to the stations.

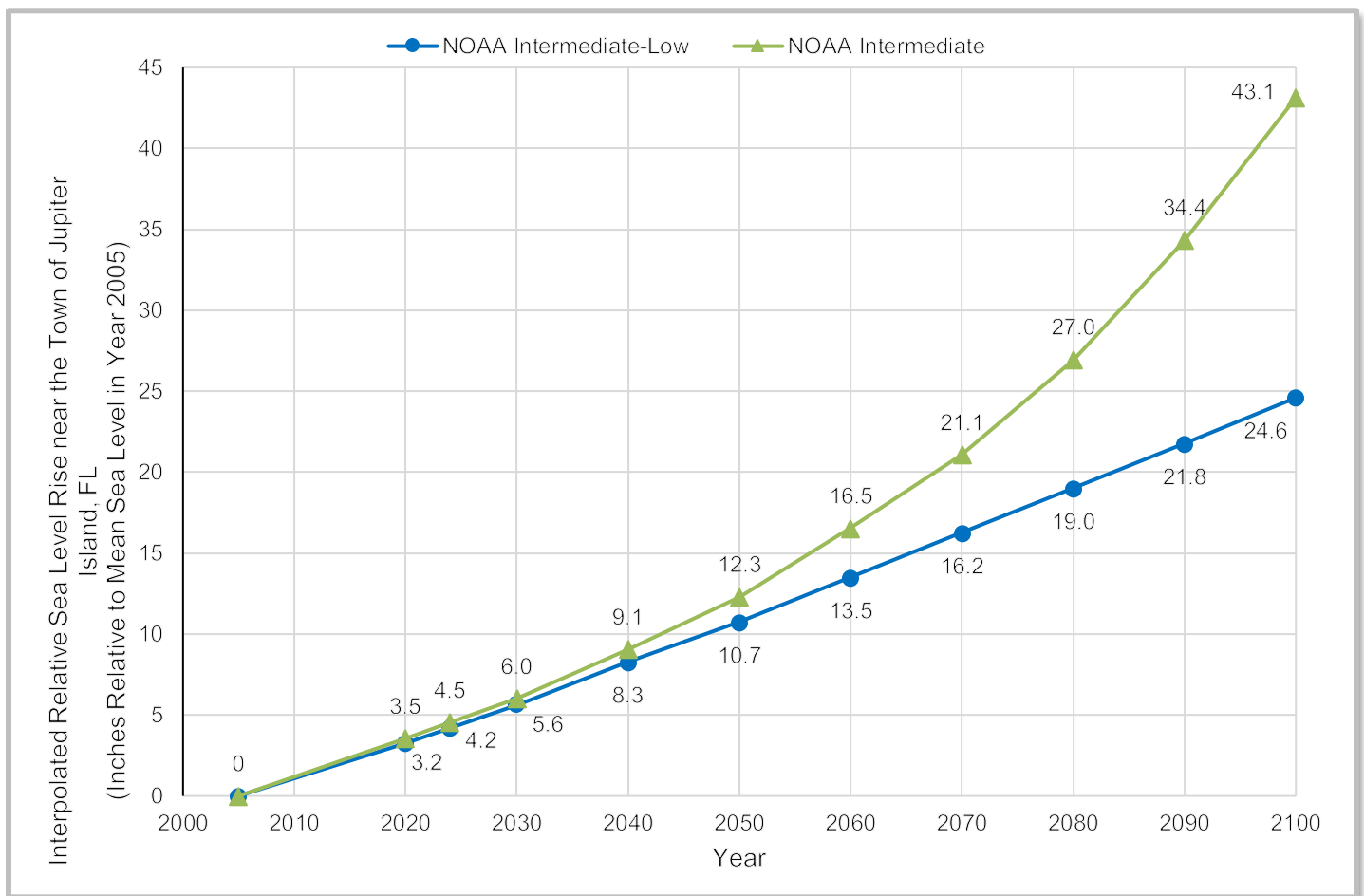


FIGURE 9. NOAA SEA LEVEL RISE PROJECTIONS TO YEAR 2100

Florida Sea Level Rise Projections

For the purposes of this study, the likely GMSL rise projections of Intermediate-Low to Intermediate were considered at the 50th percentile probability. These projection curves account for 0.5 meters (1.6 feet) and 1.0 meters (3.3 feet) of SLR, respectively. Specifically, Intermediate projections were further analyzed in this Project for conservative purposes to improve coastal resiliency against future water levels and meet NCA requirements.

One of the uncertainties in analyzing historical sea level rise is the annual rate of SLR, which is increasing. This is supported by data, but because this increase is a more recent phenomenon and is primarily associated with the latter years of the data set, it is difficult to confidently predict the trend of this acceleration. To put this into further perspective, the observed rate of relative SLR at the Key West tidal station²¹ from 1913 to 1999 was approximately 0.94 inches per decade, while from 2000 to 2020 the observed rate of relative SLR was approximately 2.81 inches per decade – almost three times higher.

To account for uncertainty in the projections, planners use updated projection curves based on the latest available data and science. The new information could result in projection curves that show an increase, decrease, or stagnation in the rate of SLR. Updated curves can then provide insight to determine if infrastructure plans should be upgraded or modified or if improvements can be delayed. For planning purposes, it is generally preferable to overestimate rather than underestimate, as the latter may make future adaptation more difficult or costly.

Adjusted Town Sea Level Rise Projections

Because the new SLR projection curves shown in **Figure 9** (above) are fixed to the year 2005, the published datums for the Jupiter Inlet tidal station were adjusted as the presented datums are centered in 1992 (i.e., 1983 to 2001 datum epoch). The NOAA linear SLR trend offset for Virginia Key of 4.1 centimeters (cm, 0.14 feet) from 1992 to 2005 was applied to the Jupiter Inlet station to adjust the datums to a 1996 to 2014 epoch (relative to 2005, **Table 8**). This epoch is consistent with NOAA’s most recent projections. Linear trends from the Lake Worth Pier were not considered, as the data is inconsistent with gaps in the measured values.

TABLE 8. WATER LEVELS RELATIVE TO 2005

Datum	Jupiter Island NOAA Station 8722495
Mean Higher High Water (MHHW, feet)	0.33
Mean High Water (MHW, feet)	0.16
Mean Sea Level (MSL, feet)	-1.03
Mean Low Water (MLW, feet)	-2.23
Mean Lower Low Water (MLLW, feet)	-2.42

Table 9 below contains the Intermediate SLR projections to the year 2100 relative to 2005 with corresponding water levels for mean sea level (MSL), mean higher-high water (MHHW), and the King Tide. The Town-specific King Tide elevation of +2.23 feet NAVD88 was preliminarily determined under this study to be 1.1 feet above the predicted level at the Jupiter Inlet station on October 1, 2023. This corresponds to the King Tide at the Lake Worth Pier station being 1.1 feet above the predicted water level on the same date. This elevation was used to develop preliminary future King Tide values associated with SLR for the Town. By 2050, the King Tide elevation is estimated to be 3.09 feet NAVD88.

²¹ [Station Selection - NOAA Tides & Currents.](#)

TABLE 9. INT. SLR PROJECTIONS AND WATER LEVEL ELEVATIONS (REL. TO 2005)

Based on Intermediate Projection ⁽¹⁾	2024	2030	2040	2050	2060	2070	2080	2090	2100
Sea Level Rise (feet)	0.38	0.50	0.75	1.03	1.38	1.76	2.25	2.86	3.59
King Tide (feet, NAVD88)	2.23	2.35	2.61	2.88	3.23	3.61	4.10	4.72	5.45
MHHW (feet, NAVD88)	0.70	0.83	1.08	1.35	1.70	2.08	2.57	3.19	3.92
MSL (feet, NAVD88)	-0.66	-0.53	-0.28	-0.01	0.34	0.72	1.21	1.83	2.56

¹. Elevations are adjusted based on SLR between 2005 and 2024. Future updates to tidal epochs are not considered in the water levels presented herein.

The adjusted Town SLR projections may have a significant effect on shoreline erosion rates, and as a result, the amount of sand needed to maintain the current level of shore protection from the existing beach-dune system. The Bruun rule can be applied to the idealized equilibrium beach profile to understand the effect of SLR on the sandy shoreline. As illustrated in **Figure 10** (source: CoastalWiki.org), if climate change affects only the sea level, while leaving the wave climate unchanged, the shape of the equilibrium profile should also remain the same.

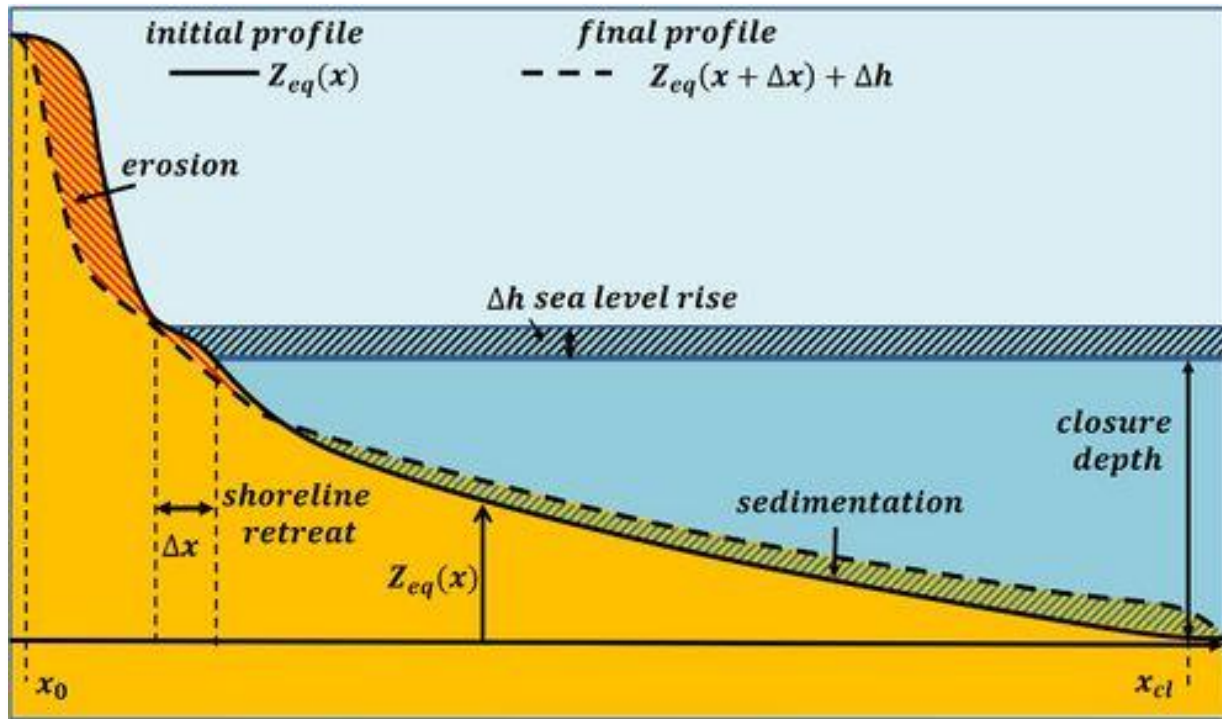


FIGURE 10. SEA LEVEL RISE IMPACT USING BRUUN RULE

The beach profile should move landward and upward to keep the same position with respect to sea level as existing conditions. This simplified analysis assumes the upland sand supply is sufficient and not tolled by hard structures. The main takeaway is that SLR will likely result in increased erosion of the upland areas of the beach-dune system and potentially private property and associated structures. Understanding where future static and dynamic water levels will occur encourages the placement of development setback lines that protect the Town's shoreline, assets, and investments. As additional data is collected, science improves, and uncertainty in predictions reduces, the values in **Table 9** (above) should be reevaluated as part of periodic WFSBL updates.

Extreme Water Levels

Table 10 presents extreme water level data corresponding to five major storms in recent years that passed within a 100-mile radius of the Town. Water level data was taken at NOAA Tidal Station 8722670, Lake Worth Pier for Hurricanes Matthew, Irma, and Dorian. The Lake Worth Pier tidal station is approximately 30 miles south of the Town. The Lake Worth Pier tidal station started recording data on June 17, 2010.

Similar data was taken for Hurricanes Ian and Nicole at NOAA Tidal Station 8722375 South Point, St Lucie Inlet, approximately 8 miles north of the Town. The St. Lucie Inlet tidal station started recording data on September 18, 2021.

TABLE 10. EXTREME WATER LEVELS FROM FIVE MAJOR HURRICANES

Hurricane	Date	Predicted Tide (ft, NAVD88)	Verified Peak Tide (ft, NAVD88)	Storm Surge (ft)	Category Hurricane by Town
Matthew	October 7, 2016	0.26	2.00	1.74	4
Irma	September 11, 2017	0.78	2.37	1.59	1
Dorian	September 3, 2019	1.03	2.70	1.67	4
Ian	September 29, 2022	0.02	1.03	1.01	3
Nicole	November 10, 2022	-0.56	3.78	4.34	1

In addition to pressure, storm diameter, and forward speed, the path and intensity of a hurricane have significant effects on the height of storm surge. None of the recorded storms hit the Town directly (**Figure 11**). Hurricane Ian had the lowest storm surge in the Town and approached from approximately 100 miles northwest while traveling eastward.

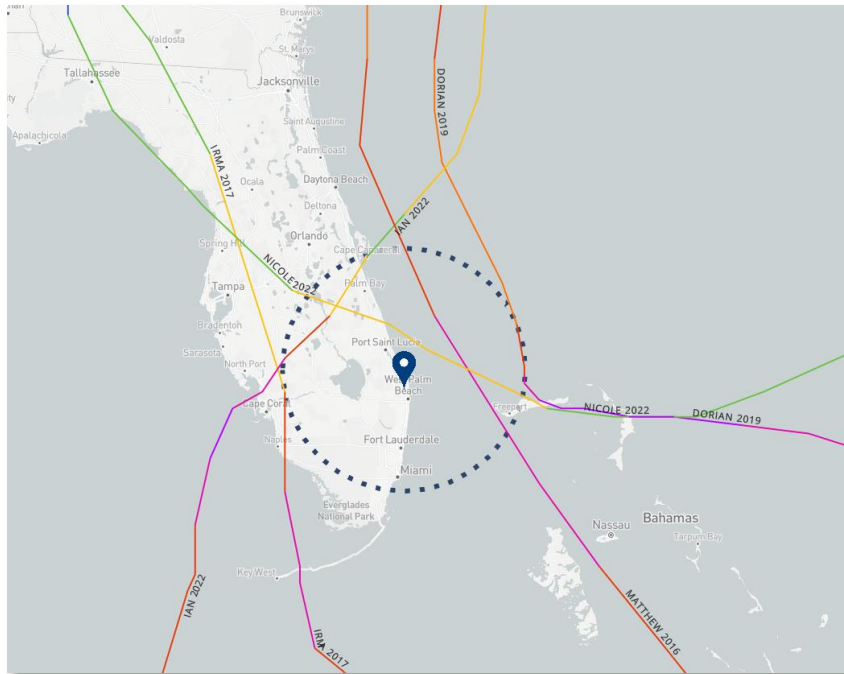


FIGURE 11. HISTORIC HURRICANE TRACKS

The wind from Hurricane Ian followed a path away from the Town as it passed, resulting in a storm surge of only 1.1 ft in the Town. Hurricane Nicole had the highest storm surge in the Town and passed roughly 30 miles east, while moving westward. The wind from Hurricane Nicole was nearly shore-perpendicular as it passed, leading to storm surge elevations of 4.4 ft elevations despite being the least intense storm to pass by the Town since 2010.

3.5 Storm Erosion Model Analysis

The CCCLr (low frequency storms) and CCCLa (high frequency storms) beach erosion models were used to perform a preliminary analysis of the eroded beach profiles from the 5-, 10-, 15-, 25- and 100-year storm events and to identify the maximum extent of erosion from each modeled return period storm. The models have traditionally been the standard models for determining storm-based erosion in Florida and used by the FDEP for CCCL permit application reviews throughout the state. It is understood the CCCLa model is no longer used to evaluate erosion from high frequency storms due to minor discrepancies recently observed (less than 5 ft) in the calculated landward extent of erosion.²²

The SBEACH model is now used by FDEP to review high frequency storm erosion in certain CCCL permit applications. The FDEP has calibrated the SBEACH model for many counties throughout the state; however, no calibration files for Martin County are available as of the date of this report. As published calibration data was not available and SBEACH erosion modeling was beyond the scope of this study, the CCCLr and CCCLa models were used to provide a general understanding of the dynamic nature of the existing beach and dune conditions from varying storm events. From this analysis, **Figure 12** illustrates the limit of erosion for the 25-year storm and 100-year storm associated with 2024, 2050, and 2080 at R-82.

²² Based on discussion with FDEP Coastal Engineering Group August 22, 2024.

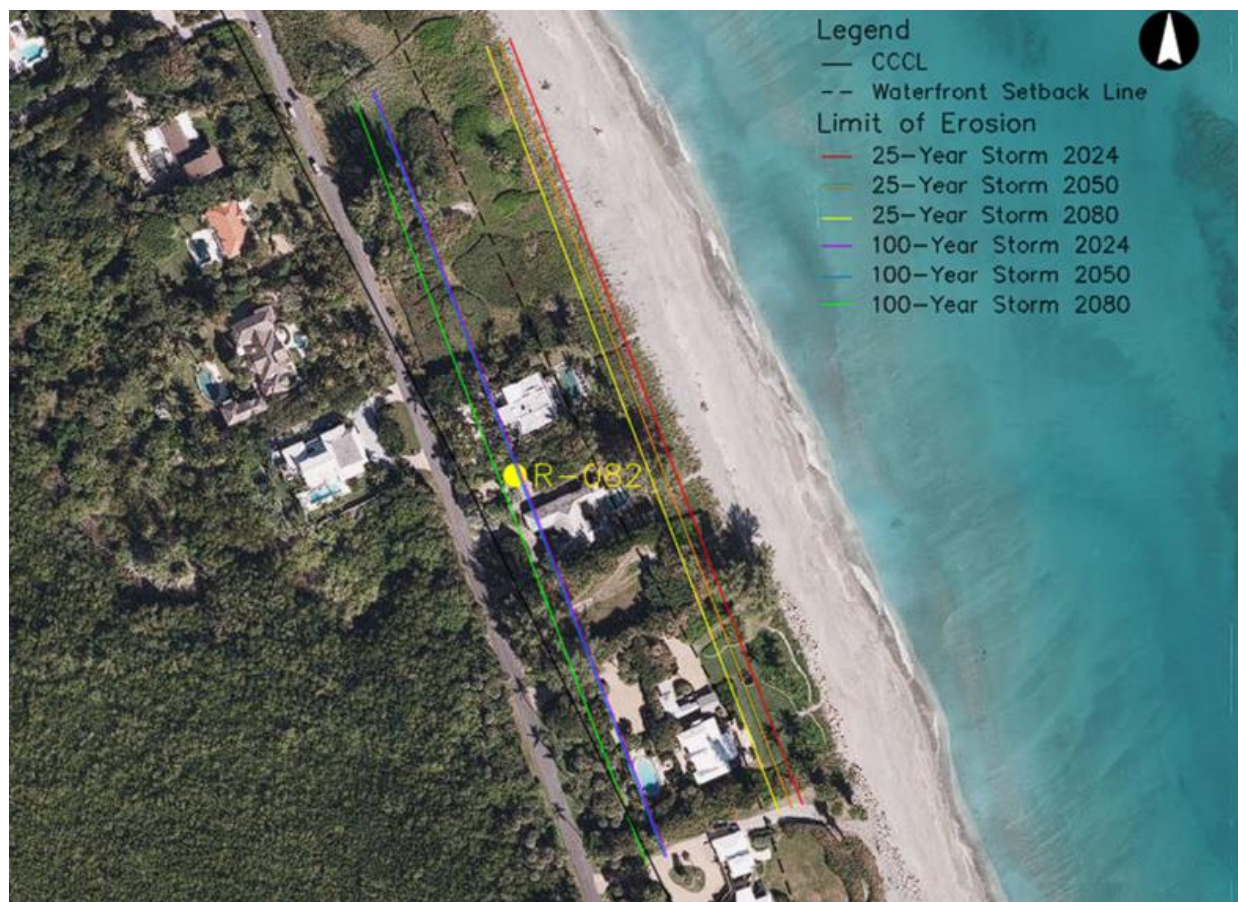


FIGURE 12. UPLAND LIMITS OF EROSION FOR 25- AND 100-YEAR STORM (R-82)

The models were used to perform a storm erosion analysis on the 12 R-monuments selected for further study. This analysis utilized the 2023 survey data and incorporated three different water levels: existing (2024) and future with Intermediate SLR (2050 and 2080). Additionally, this analysis included the potential 25-year and 100-year storm impacts associated with the three water level timeframes. The published FDEP hydrographs for the erosion models were adopted to represent the existing conditions.

The results of the modeled storm erosion will be used to inform recommendations on the WFSBL criteria specific to the limits of the erodible beach and dune system. The erosion models are generally considered to be conservative as they do not consider any non-erodible rock layers or shoreline stabilization measures including vegetation and hard structures such as seawalls or jetties. The model inputs were adjusted to determine maximum extent of erosion in 2050 and 2080 using NOAA Intermediate SLR data published in 2022, consistent with the current statutory methodology used in vulnerability assessments pursuant to 380.093, F.S. It should be noted that storms are expected to increase in severity over time, which could potentially increase the upland limits of storm-induced erosion.

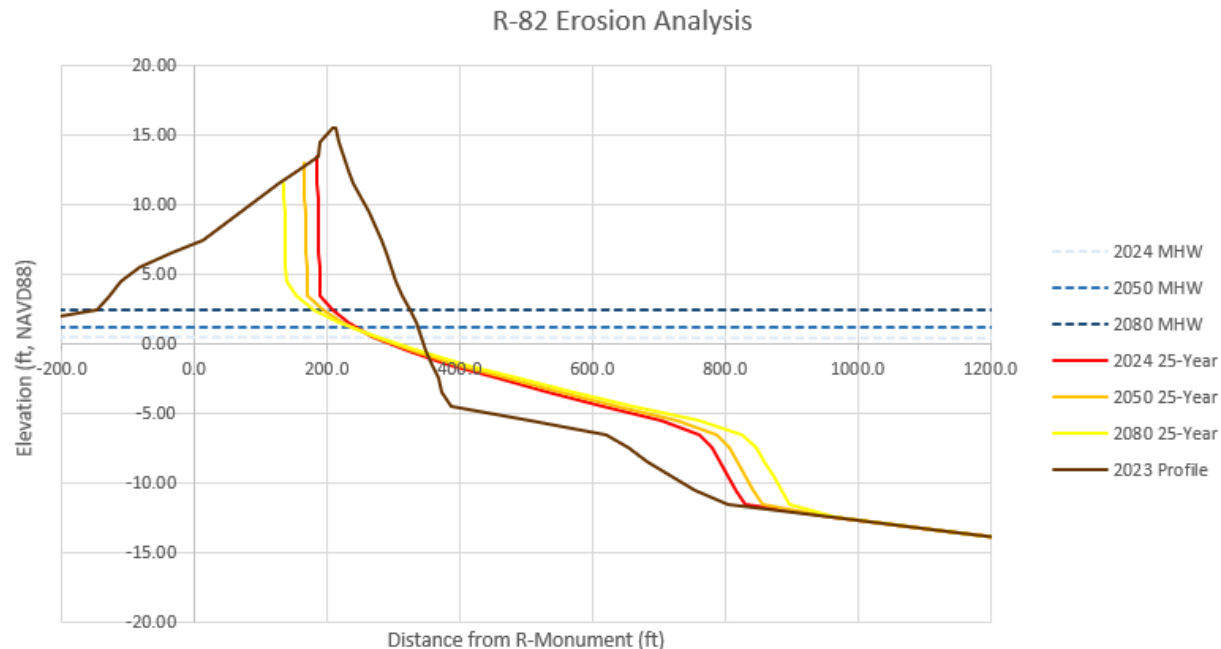


FIGURE 13. UPLAND LIMITS OF EROSION FOR 25-YEAR STORM (PROFILE AT R-82)

The storm analysis for the 25-year storm shows substantial erosion of the dune feature at each of the time horizons reviewed, although at most of our selected R-monuments, that erosion does not go landward of the dune crest. As expected, the erosion profiles for the 2050 and 2080 horizon extend further landward than the 2024 erosion profile. Refer to **Figure 13** for an example of the 25-year storm erosion profile at R-82.

TABLE 11. FUTURE EROSION OF DUNE IN A 25-YEAR STORM (SELECT R-MONUMENTS)

R-monument	Distance Between 2024 and 2050 Erosion (ft)	Distance Between 2024 and 2080 Erosion (ft)	Limit of 2024 Erosion Relative to Dune Crest
R-78	15.4	35.0	Seaward
R-82	19.9	51.1	Landward
R-86	22.7	53.7	Seaward
R-90	21.4	57.0	Seaward
R-94	13.7	43.0	Landward
R-98	20.3	52.1	Seaward
R-102	13.3	29.6	Seaward
R-106	23.2	56.5	Seaward
R-110	15.8	35.5	Seaward
R-114	15.3	36.2	Seaward
R-118	18.9	45.9	Seaward
R-126	17.6	38.2	Landward

Table 11 above summarizes the additional erosion anticipated in future years from the 25-year storm and may serve to inform a reasonable WFSBL which controls the siting of structures such as houses. A house is expected to have a long lifespan given the common practice of mortgages being assigned over a 30-year period. Thus, a review of future erosion of the protective dune feature is relevant to the WFSBL.

The 100-year storm model is the same model used by the FDEP in establishing the CCCL. The model results indicate a 100-year storm will cause erosion of the dune features at the selected R-monuments (refer to **Figure 14** as an example at R-82). In a 100-year storm, the dune system would be severely eroded, jeopardizing structures not designed to modern CCCL design standards. Initial observations are that the 100-year storm model results are too conservative to inform the location of the WFSBL.

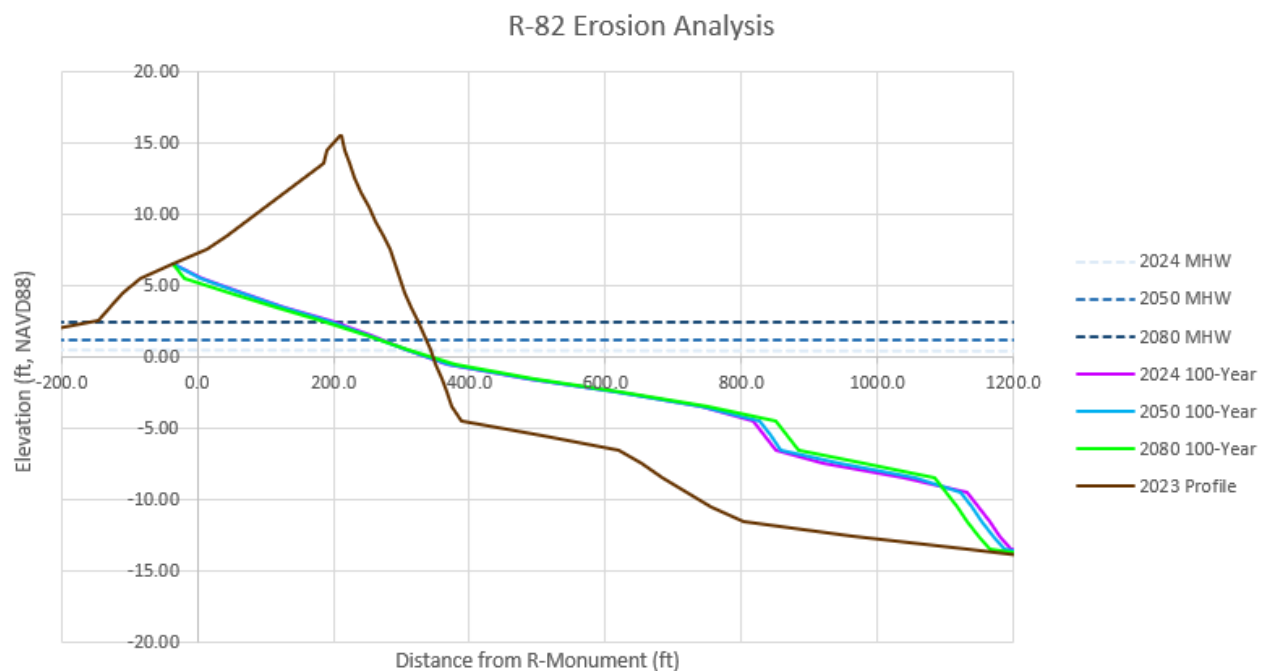


FIGURE 14. UPLAND LIMITS OF EROSION FOR 100-YEAR STORM (PROFILE AT R-82)

3.6 Reconsideration of the Frontal Dune Delineation

The primary dune is defined in 161.053(5), F.S., as “the first natural or manmade mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.” The primary dune, or Primary Frontal Dune (PFD), is significant in the CCCL program codified under Rule 62B-33, F.A.C., in that it restricts the siting of structures²³ seaward of it, with limited exceptions related to public safety, beach access, and those activities associated with beach restoration and special events. As stated in

²³ Chapter 62B-33.002(55), F.A.C. – Definition of Structure

the definition above, the PFD offers “protective value” to the uplands and should remain intact to the greatest extent practicable.

The FDEP determines the extents of the frontal dune on a site-specific basis associated with applications for a CCCL permit using detailed, site-specific topography (no older than 6 months) provided as a requirement of a complete CCCL permit application. In the permits reviewed in this Project, FDEP has made determinations where both the 14ft NAVD88 and the 15ft NAVD88 have been identified as the elevation the frontal dune crest, with the landward edge of the frontal dune to be at 12ft NAVD88 and 13ft NAVD88, depending upon location. Since FDEP’s determination is based on surveyed topographic data that may change with every storm season, dune delineations are a snapshot in time, subject to change, whether done on a site-specific or a more regional, Townwide basis.

During the 2019 update to the WFSBL, the Town refined the dune criteria using a 50 ft offset from the dune represented by the 14ft NAVD88 contour on the 2016 LiDAR data from the County. Similar to the other criteria described in Section 1.3, the dune offset would determine the location of the WFSBL if it was the most landward of all of the WFSBL criteria. In consultation with the State during this study, FDEP recommended not using a topographic contour line since the dune is not uniform throughout the Town and is subject to change due to the dynamic coastal processes of the beach-dune system. As such, multiple published methods for delineating the frontal dune were reviewed under Task 1 to inform possible alternatives.

Some of the more robust, scientific policies and approaches to setback line criteria have been found (to date) in the Federal Emergency Management Agency (FEMA), North Carolina, Virginia and in Massachusetts (Sampson and Haney, 2006) and focus on dune slopes as a delineation method. Descriptions of each method are provided below. Note that the definitions are generally consistent with varying levels of qualitative and quantitative analysis required to map the PFD.

- **Massachusetts:** The inland limit of the PFD occurs at the point where there is a distinct change from a relatively steep to a relatively mild slope.
- **North Carolina:** The limit of the landward toe of the dune, occurs at a point where there is a distinct change from a relatively steep slope to a relatively mild slope. PFD represents the landward extension of the VE Zone.
- **Virginia:** landward and lateral limits are marked by a change in grade from ten percent or greater to less than ten percent. The dune is also indicated by specified vegetation such as sea oats and other herbaceous dune plants.

The Federal Emergency Management Agency (FEMA) has an array of frontal dune descriptions across the Code of Federal Regulations (44 CFR 59.1 – Definitions), FEMA defines the frontal dune as *“the inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.”* Additionally, FEMA states that the *“primary frontal dunes are often the first line of defense against flooding in coastal regions. As such, they are mapped as a VE zone. This designation prevents changes to the dune that could*

increase flood risks.”²⁴ In 2020, FEMA updated their Flood Insurance Rate Maps (FIRMs) in Martin County, which included updates to the PFD location using the aforementioned methodology. This data has been obtained and will be incorporated into the preliminary maps under Task 3 to further evaluate the +14 ft NAVD88 dune contour, and to compare FEMA’s frontal dune to the modeling results of the 25-year storm event for existing conditions as well as 2050 and 2080.

The Town has a relatively well-defined dune along a majority of the shoreline; however, the locations of the dune crest, toe, and heel are not continuous (**Figure 15**). Further review of the +14 ft NAVD88 contour from 2018 LIDAR survey data from NOAA²⁵ was completed under Task 2 to evaluate the current applicability of the established WFSBL dune criterion.

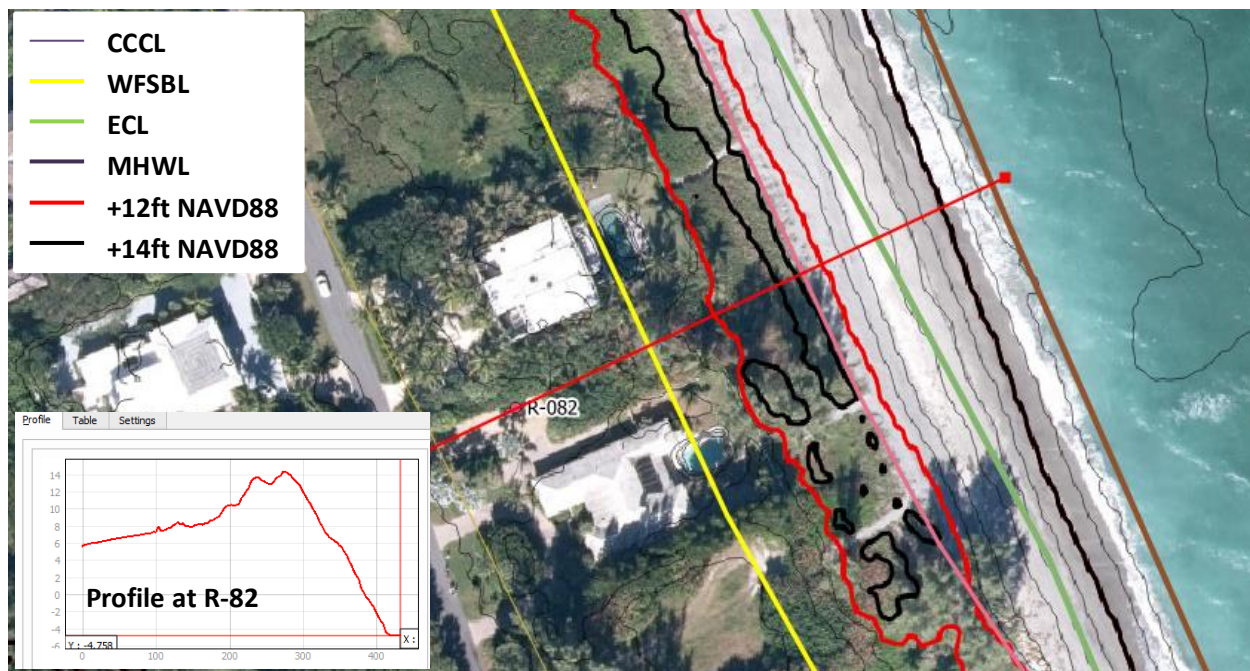


FIGURE 15. LIDAR TOPOGRAPHY 2018 AT R-82

It was observed through analysis of the LiDAR data, aerial imagery, and preliminary site visits that portions of the Town’s natural dune system have been modified over time due to natural and human forces. This is evident by the relatively flat sections of the beach profiles created by re-grading of private parcels to construct single-family homes. These unnatural flat areas make delineating the landward heel of the frontal dune exclusively through geometric methods challenging. **Figure 16** illustrates one profile example at R-114 where the PFD heel was determined based on slope analysis of the topography. However, there is variability in the dune geometries across the island, including slope, height, and width, such that use of a fixed contour and the slope analysis did not yield a consistent result and reliable method for frontal dune delineation as part of the WFSBL update.

²⁴ FEMA Fact Sheet: Primary Frontal Dunes. May 2021.

²⁵ Most recent LiDAR data available.

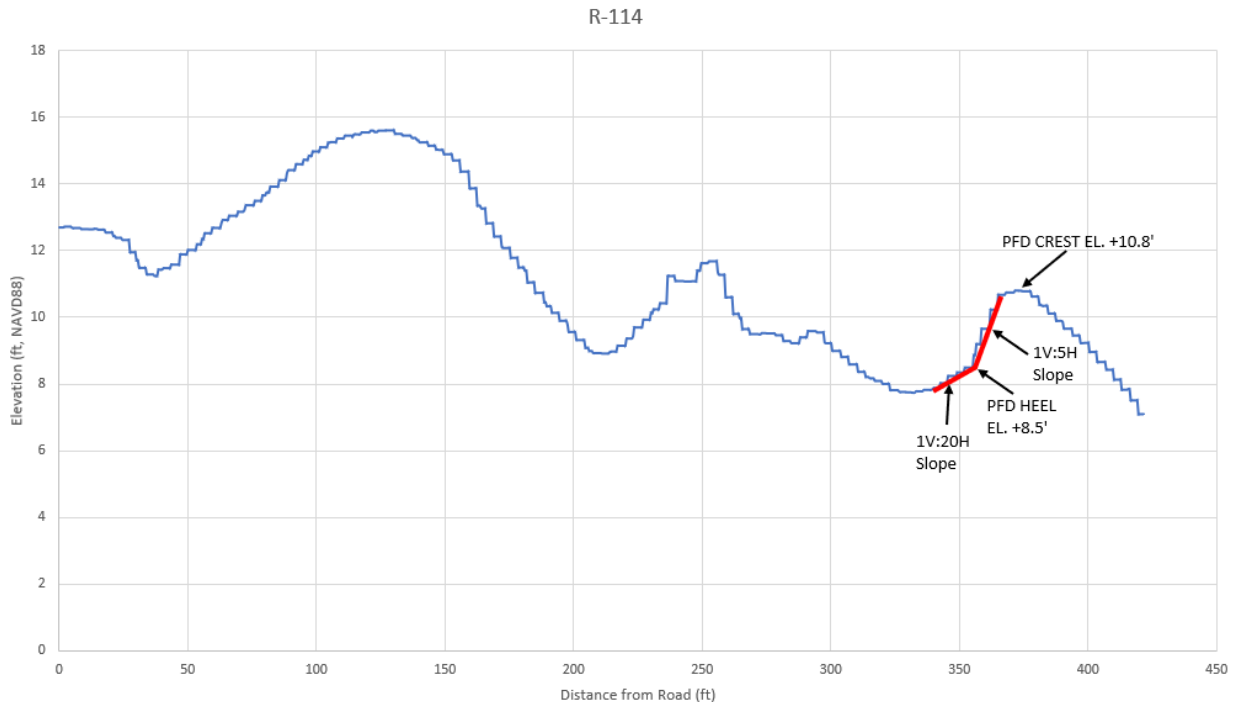


FIGURE 16. PFD CREST AND LANDWARD HEEL FROM 2018 LIDAR SLOPE ANALYSIS

After consultation with the FDEP who recommended considering slope change along with the presence of dune vegetation in the frontal dune determination, Cummins Cederberg evaluated the feasibility of defining the frontal dune based on vegetation. In determining a development project's potential impacts to native vegetation, the CCCL program restricts activities that lower the protective value specifically of natural and intact beach and dune, coastal strand, and maritime hammock plant communities pursuant to 62B-33.024.005(12), F.A.C. The apparent change from native, salt-tolerant beach dune vegetation (e.g., sea oats and other grasses and groundcovers), coastal strand (saw palmetto, salt-pruned shrubs and other woody plants), and maritime hammock with an overhead forest canopy²⁶ versus upland vegetation, landscaping, and exotics found between manicured single-family home lawns and the sandy beach can be delineated. Aerial interpretation of vegetative communities can be used to perform a regional dune delineation, although results should be ground-truthed for confidence.

The dune vegetation line required to be mapped for CCCL General Permit applications is defined in 62B-34.010(19), F.A.C., to be the seaward-most continuous line of native perennial grass or woody coastal grassland and coastal strand vegetation such as sea oats (*Uniola paniculata*), bitter panicum (*Panicum amarum*), saw palmetto (*Serenoa repens*), or sea grape (*Coccoloba uvifera*). These species will be specifically considered in the ground-truthing field exercise.

²⁶ 62B-33.0081(1)(k), F.A.C. requires surveyors to identify the seaward line of vegetation and outlines of existing natural vegetation for each contiguous stand of beach dune, coastal strand, hammock, wetland, and exotics on the CCCL-compliant survey needed to complete a permit application.

4 ASSESSMENT OF SETBACK CRITERIA

4.1 Existing Setback Line Criteria

The Town's oceanfront setback lines are described in Town Land Development Regulations (LDRs) Appendix A, Article IV., Supplemental Regulations, Division 3, Development Standards. Oceanfront setbacks are in Sec. 3.02.B *"Oceanfront setbacks. On oceanfront lots, new buildings and additions to existing buildings (other than dune crossovers), shall be set back at least to the "Waterfront Setback Line" set forth in Exhibit "C" to these land development regulations."* The WFSBL illustrated in Exhibit "C" was established in 2019 based on the application of the landward-most of the following five oceanfront setback criteria:

1. 50 ft landward of the mean high water (MHW)
2. 50 ft landward of the dune (+14')
3. 50 ft landward of existing seawall/coastal structure
4. Line of sight between closest habitable conforming buildings within 1,000 feet
5. Average setback from MHW of closest conforming buildings within 1,000 feet

The Town's objective in reviewing the location of the WFSBL is to achieve a more consistent alignment between the WFSBL and the FDEP's CCCL program. This goal has been a guiding factor in the Task 2 Data Analysis provided herein.

4.2 Review of Setback Line Alternatives

The Town has previously stated that the setback criteria relate to two key issues - protection from storms and preservation of views.²⁷ Protection from erosion and storms is addressed by the first three criteria while preservation of views is addressed by the fourth and fifth criteria. The current WFSBL adopted the landward-most of all five criteria. The CCCL program, however, is intended to preserve and protect coastal barrier dunes adjacent to beaches from imprudent construction, which can jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures, endanger adjacent properties, or interfere with public beach access pursuant to section 161.053(1)(a), F.S.

Therefore, the Town's first three WFSBL criteria and the goals of the CCCL regulatory program are somewhat, but not completely, congruent. Further, the CCCL program references line of construction rather than line of sight. Regardless, this study has sought methods for establishing the criteria of the WFSBL that are based in science and use similar methodologies as those used in the CCCL program, where deemed logical and appropriate.

Analysis, methodologies, and potential alternatives to the setback criteria are described below.

²⁷ Town Memorandum dated May 3, 2021. Gahagan & Bryant Associates, Inc., supported the 2000 WFSBL mapping effort. Applied Technology & Management supported the 2019 WFSBL update.

50 ft Landward of the Mean High Water

As described in the Task 1 Due Diligence Report, the State established its first coastal setback as a line 50 ft landward of MHW, now codified under 161.052, F.S., prior to the establishment of the CCCL for Martin County. This was a line of prohibition to limit the seaward encroachment of construction on property adjacent to the Atlantic Ocean (and Gulf of Mexico) shoreline. It also served as the origin of the minimum standard applied by the Town as one of its main WFSBL criteria. Cummins Cederberg agrees that the MHWL is an important reference line. It is also a dynamic line that is ambulatory and influenced by storms, nourishment projects, and sediment transfer. As Cummins Cederberg continues to focus the alignment of the WFSBL to less dynamic reference points, to the degree possible, an alternative to the 50 ft landward of MHW is to tie the 50 ft setback criterion to the fixed and legally described ECL rather than the more variable MHWL.

The ECL was established throughout most of the Town prior to the first major beach nourishment project in 1973 to represent the MHWL at a time when erosion had moved the shoreline substantially landward of where it is today. Today's MHWL position has been shifted seaward of the pre-nourishment MHWL (i.e., ECL) through the addition of supplemental sand. A beach nourishment project is a major infrastructure commitment by the local government and carries a maintenance responsibility by the nourishment project's permittee. Therefore, the Town has an inherent duty to manage the beach through nourishment in such a way that erosion does not shift the MHWL landward of the ECL.

The position of the ECL falls both seaward and landward of the leading edge of the dune in differing locations along the Town's southern shoreline. **Figure 17** illustrates representative positions of the ECL (pink line) in the areas where it is established such as R-84 (left) and R-116 (middle) in relation to the 2019 WFSBL (red line) and 2023 MHWL (green line) overlaid on 2022 Martin County aerial imagery.



FIGURE 17. REPRESENTATIVE POSITIONS OF THE 2019 WFSBL, 1973 ECL, AND 2023 MHWL

The image on the right is the 600 block in the vicinity of R-127, immediately south of the Blowing Rocks Preserve, where no ECL is established. Along the shoreline where an ECL has not been established (R-117 south to Town limits), the MHWL would remain as the criterion from which to pull the 50 ft landward offset and will be based on the 2023 MHWL. The 50 ft offset is not depicted in **Figure 17** and will be mapped in Task 3.

For this study, the MHWL is representative of beach conditions at each R-monument as of 2023. Tabular data of the MHWL distance seaward of the R-monument (as measured along the azimuth) was obtained from the most recent MHW records on the FDEP Historic Shoreline Database. The azimuth is 69 degrees from the R-monument (provided by FDEP) and was used to plot data in ArcGIS and AutoCAD. The MHWL position is a point on the azimuth that was then connected between selected R-monuments. This method does not account for the meanderings of the MHWL that may occur between R-monuments but is generally consistent with established coastal engineering practice in Florida. The MHWL position should be updated with the most recent FDEP survey data at each R-monument during future reevaluations of the WFSBL.

50 ft Landward of the Dune (+14 ft)

Based on the discussion regarding delineation of the frontal dune in Section 3.6, use of the +14 ft NAVD88 contour may not be the most appropriate data point to use as the basis for the landward 50 ft setback for the WFSBL criteria relative to the dune. **Figure 18** illustrates representative positions of the approximate dune ecotone (black), 2019 WFSBL (red, dashed), ECL (pink), and MHWL (green, dashed) near R-81 (left) and R-128 (right).



FIGURE 18. REPRESENTATIVE ECOTONES (BLACK) NEAR R-81 (LEFT) AND R-128 (RIGHT)

In **Figure 18**, the location of the ecotone between the dune grass and coastal strand / landscaping is indicated on the left and the ecotone between the dune grass and upland vegetation /

landscaping is shown on the right. Ecotones can be used to inform delineation of the dune, along with topographic analysis to depict the PFD crest and inform the position of the landward heel of the PFD.

Our current approach is to map the frontal dune feature through aerial interpretation of the change in vegetation type (i.e., ecotone) between dune grass and coastal strand versus other upland vegetation and landscaping. The location of the ecotone will be mapped for each oceanfront parcel within 1,000 feet centered at each of the 12 selected R-monuments based on the most recent high-resolution aerials available. A dune line will be generated at the seaward location of the CCCL-specific regulatory dune ecotones (dune grass and coastal strand) common in the Town. From that line, a 50 ft setback will be pulled landward and further evaluated in relation to the current 2019 WFSBL in the draft mapping exercises under Task 3. The preliminary line will be loaded onto a mobile GIS handheld unit and taken into the field to ground truth the desktop-mapped line at each of the 12 selected R-monuments.

The establishment of the dune line will use ecological and engineering judgement, taking into consideration the dune geometry (crest, heel, toe, and slope), especially in areas where there is little to no natural dune vegetation. The dune geometry at the selected R-monuments has been obtained from FDEP's 2023 beach profile data. The 2018 LiDAR data, although outdated, will be used to understand the dune geometry between the selected R-monuments, informing the spatial continuity of the PFD. The PFD heel will be determined using slope changes, as feasible, based on the available data to confirm that the frontal dune heel location is landward of the PFD crest. The dune line will be preferentially established along relatively continuous features. This method may help account for locations where the dune ecotones are unreliable, there is minimal/no vegetation, or the vegetation is predominantly landscaping.

Multiple dune delineation methods are continuing to be explored as alternatives. The application of these methods will be mapped in Task 3 and may be further refined or modified.

50 ft Landward of Existing Seawalls/Coastal Structures

As described within the 30-YEP section of this memo, 62B-33.024, F.A.C. states if coastal armoring is present at the site and can be proven to withstand a 30-year storm, then the 30-YEP will not extend landward of the coastal armoring. Although, in the past, coastal armoring structures have been mapped throughout the Town, presumably without detailed information regarding their design, construction, and maintenance, it may not be prudent to use these structures to establish the WFSBL criterion. In areas where the 2019 WFSBL was established based on the 50 ft setback from previously mapped seawalls being the most landward criterion, a seaward movement of the WFSBL is unlikely to result from this Project.

Going forward, the presence of a coastal armoring structure may be reviewed as it relates to the WFSBL on a site-specific basis by the Town with the appropriate seawall design, construction, and maintenance documentation provided by the upland owner under a variance process. This method aligns with FEMA guidelines recommending an Operations & Maintenance (O&M) Plan for a coastal structure to be developed by a Professional Engineer and recorded by a local

government entity. An O&M Plan should be provided to the Town by the owner of the seawall when a variance to the WFSBL is sought based on the presence of a seawall. This plan must document the formal procedure that ensures that the stability, height, and overall integrity of the structure and its associated structures and systems are maintained. At a minimum, maintenance plans may specify the maintenance activities to be performed, the frequency of their performance, and the person by name or title responsible for their performance. The property owner must assume ultimate responsibility for maintenance. Further discussion with the Town on the details of this process is warranted.

Line of Sight Betw. Closest Habitable Conforming Buildings Within 1,000 ft

As indicated in the Town's WFSBL Memo to the Mayor and Town Commission from 2021, the majority of the WFSBL on the ocean follow either line of sight or the average setback from MHWL. However, there is no documentation available on what line of sight methodology was used to set the 2000 or 2019 WFSBL. In August 2024, Cummins Cederberg interviewed Clay Bryant, PE, of Gahagan & Bryant Associates, Inc. (GBA) on the line of sight criteria. Mr. Bryant assisted the Town in the original establishment of the 2000 WFSBL and shared with us his general line of sight methodology used at that time. Aerial imagery from 1999, with survey data collected every 200 feet overlaid, was affixed to a large corkboard with stringlines drawn 1,000 feet north and south in a shore parallel direction from pins placed on the seaward side of each house. This method served the desired purpose of preserving vistas north and south of any given property in the 2000 WFSBL. The method of reevaluation or reset for the line of sight criterion associated with the 2019 WFSBL is unknown, other than limiting it to the closest habitable conforming buildings within 1,000 feet.

The Town defines nonconforming lots in Article IX "Nonconformities" of Appendix A, LDR, of the Town's Code of Ordinances.²⁸ This definition is not consistent with the CCCL Program's definition of nonconforming structure as stated in 62B-33.002(39), F.A.C. In the CCCL program, a nonconforming structure is any major habitable structure which was not constructed pursuant to an FDEP CCCL permit issued on or after March 17, 1985. For the purposes of this WFSBL study, a determination of "conforming buildings" and "habitable conforming buildings" will not be made.

Line of sight is not a factor regulated in the CCCL Program, and in lieu of developing an alternate or more defined and reproducible methodology for establishing line of sight criteria, Cummins Cederberg is considering using the uniform construction line for major habitable buildings as the criteria to replace both criteria related to preservation of views added in the 2019 update to the WFSBL. The State refers to a uniform construction line as referenced in 161.053(4)(b), F.S. below (*emphasis* added).

161.053(4)(b), F.S. If in the immediate contiguous or adjacent area a number of existing structures have established a reasonably continuous and uniform construction line closer to the line of mean high water than the foregoing, and if the existing structures have not been unduly affected by erosion, a proposed structure may be permitted along such line

²⁸ ARTICLE IX. - NONCONFORMITIES | Code of Ordinances | Jupiter Island, FL | Municode Library.

on written authorization from the department if the structure is also approved by the department. However, the department may not contravene setback requirements or zoning or building codes established by a county or municipality which are equal to, or more strict than, the requirements provided in this subsection.

The CCCL program's rule language provides further information in that the uniform construction line, referred to by the FDEP as a Line of Construction, should relate to similar structures (refer to the pertinent section of the CCCL Rule in italics below, emphasis added). The FDEP policy is to base the distance from the MHWL to that of similar major structures (i.e. house to house, pool to pool, etc.) from the MHWL (emphasis added).

62B-33.005(10), F.A.C. If in the immediate area a number of existing major structures have established a reasonably continuous and uniform construction line and if the existing structures have not been unduly affected by erosion, except where not allowed by the requirements of Section 161.053(5), F.S., and this rule chapter, the Department shall issue a permit for the construction of a similar structure up to that line.

Major structures, as defined in the 62B-33.002(55)(c), F.A.C., include habitable (e.g., house, condo, hotel) and non-habitable (e.g., road, cabana, bathhouse, pool) structures. The rationale in this Project for using a distance from the MHWL to the seaward limit of the major *habitable* structure is based on the assumption that use of a site for habitation requires a habitable structure; it does not require a pool or other ancillary major structure that is not habitable. This study's Line of Construction is established regardless of the conforming or non-conforming nature of the habitable structure. The Line of Construction has been determined by measuring the distance between the 2023 MHWL and the seaward projection of all buildings presumed to be a major habitable structure based on aerial interpretation within a 500-ft buffer around the twelve selected R-monuments. A line was then drawn based on the maximum distance from MHWL in the buffer (most conservative Line of Construction) and the minimum distance to the MHW in the buffer (most aggressive Line of Construction). Refer to **Figure 19** below to see these lines in relation to the current WFSBL. Additional analysis of these lines will be ongoing during Task 3.

Average Setback from MHW of Closest Conforming Buildings w/in 1,000 ft

The application of the average setback from the MHWL was another way for the Town to prevent obstruction of views from neighboring properties, prevent construction from being too close to the water, and to allow for a buffer to potential shoreline change (i.e., erosion).²⁹ This criterion, similar to the line of sight criterion, is limited to evaluating the distance from the MHWL to the closest conforming building within 1,000 feet. In conjunction with determining the Line of Construction as described above, the average of the distances between the major habitable structure and the MHWL within the buffers around the 12 selected R-monuments was determined, refer to **Table 12** below.

²⁹ WFSBL Review Findings Memo to Mayor & Commission, dated May 3, 2021



FIGURE 19. LINES OF CONSTRUCTION BASED ON DISTANCE TO MHW

The distance from the MHWL to the seaward-most projection of the structure will be mapped on each developed lot within the buffer, regardless of conformity of the structure. Refer to **Figure 19** as an example of the average setback to the MHWL based on the Line of Construction. Additional analysis of these lines will be ongoing during Task 3.

TABLE 12. DISTANCE FROM 2023 MHWL TO MAJOR HABITABLE STRUCTURE

R-Monument	Max	Min	Avg	Median
R-78	239	170	205	207
R-82	268	229	251	255
R-86	423	312	372	376
R-90	423	363	409	419
R-94	219	162	194	203
R-98	305	252	278	271
R-102	286	266	272	269
R-106*	268	268		
R-110	246	231	239	239
R-114	277	254	262	256
R-118	594	499	550	551
R-126	200	185	193	195

* Only one property within 1,000' diameter.

4.3 Other Lines and Alternatives Mapping

In addition to the CCCL program's main Rule (62B-33, F.A.C.), the program also has Rule 62B-34, F.A.C., specific to the siting of certain structures landward of a General Permit Line.³⁰ As noted in FDEP guidance,³¹ *"General Permits are available for single family houses, decks, garages, and other construction projects located well upland from the beach and sensitive dunes. ... Projects located landward of a General Permit Line are eligible for streamlined permitting."*

In the Town, the CCCL General Permit line extends down to the northern limits of Blowing Rocks Preserve and is not present in the 600 Block. The CCCL General Permit line at times coincides with the Town's current WFSBL, in some places is landward, and in some locations seaward. The CCCL General Permit Line will be included in the mapping analysis under Task 3 to determine its location in relation to the current and potential future WFSBL.

³⁰ The CCCL General Permit Line is recorded in the Official Records of the county and may not be present on all shorelines regulated under the CCCL program.

³¹ The Homeowner's Guide to the Coastal Construction Control Line Program (Section 161.053, Florida Statutes). The FDEP Division of Water Resource Management. January 2017.

5 CONCLUSIONS AND NEXT STEPS

5.1 Summary of Key Findings

The comprehensive evaluation of the Waterfront Setback Line (WFSBL) for the Town of Jupiter Island has highlighted both the complexities and the opportunities involved in managing the Town's coastal resources. This study has meticulously reviewed historical data, analyzed current coastal conditions, and projected future challenges, particularly focusing on erosion trends, sea level rise (SLR) scenarios, and storm impacts.

The existing WFSBL, first established decades ago, no longer fully aligns with the present-day realities of coastal processes. One of the central findings of this study is the need for a revised WFSBL that better aligns with the Florida Department of Environmental Protection's (FDEP) Coastal Construction Control Line (CCCL) program. The current WFSBL is being evaluated with possible updates to address the dynamic nature of the beach-dune system and the evolving regulatory environment. By incorporating alternative setback criteria, such as fixed reference points like the Erosion Control Line (ECL) instead of the more variable mean high water line (MHWL), the proposed modifications aim to offer a more stable and predictable basis for managing the shoreline.

The proposed inclusion of a Townwide 30-Year Erosion Projection (30-YEP) Line in the WFSBL criteria represents a significant step in better aligning with the FDEP's CCCL program. This projection, based on scientific analysis, provides a forward-looking approach to managing the Town's shoreline, allowing for future development to be sited with a better understanding of long-term erosion risks. During Task 3 the 30-YEP will be calculated for each R-monument within the Town's limits and a continuous 30-YEP will be depicted on the preliminary maps.

The study also highlights the significance of delineating the Primary Frontal Dune (PFD), an important natural feature that serves as the town's first line of defense against coastal hazards and is a key criterion to the FDEP CCCL permit program. Currently, one of the Town's WFSBL criteria is depicted by a 50 ft offset of the dune +14' NAVD88 contour. In consultation with the FDEP, it has been recommended to not use a fixed contour line since the dune is not uniform throughout the Town and is subject to change due to the dynamic coastal processes of the beach-dune system and human influences. Dune geometries including the frontal dune crest, heel and slopes will be considered along with the dune ecotones. During Task 3 both aerial imagery and field verifications will be conducted to map the frontal dune features and create a smooth continuous line throughout the Town.

As previously noted, line of sight is an important criterion for the Town, however line of sight is not a component of the FDEP's CCCL permit program. In an effort to align with the FDEP CCCL permitting program, Cummins Cederberg is considering using the uniform construction line for major habitable buildings in relation to the Mean High Water Line (MHWL) to replace both criteria related to the preservation of views. The uniform construction line, also known as the Line of Construction, will be mapped and evaluated further in Task 3.

To ensure the WFSBL remains effective and relevant, Cummins Cederberg recommends that the Town implement a regular review process, incorporating the best available data and science, with periodic updates to the WFSBL. This ongoing reassessment will allow the Town to incorporate new data, adapt to changing coastal conditions, and align with evolving regulatory requirements.

5.2 Recommended Next Steps

The next step is Task 3, Preliminary Mapping and Field Verifications, which will be done in consultation with the Town. The first round of Preliminary Maps will review the following:

- Town's current WFSBL and the criteria lines that created the WFSBL.
- ECL
- MHWL
- CCCL
- The CCCL General Permit Line
- Proposed 30-YEP Line
- 100-yr and 25-year Storm Erosion Lines
- Proposed Lines of Construction
- FEMA Primary Frontal Dune Delineation
- 14 ft NAVD88 Dune Contour
- Proposed Frontal Dune Delineation revisions
- Developed and undeveloped properties

Upon completion of the first round of preliminary mapping and after consultation with the Town, the ten parcels will be identified for field verification. The data collected during the field verification will then be incorporated into a second round of preliminary maps for the Town's review. The proposed criteria and method of determination will be refined along the way. Final maps with a summary report will be provided under Task 4.

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TOWN OF JUPITER ISLAND
TOWN MANAGER PERFORMANCE EVALUATION

This evaluation process measures key elements of the Town Managers job description and requirements from the Town Charter. The first section, or main area of evaluation consists of 9 categories related to the Town Managers working relations and support of the Commission. The scoring scale is 1-5:

- 1 - Poor
- 2 – Below Average
- 3 - Average
- 4 – Above Average
- 5 - Excellent

The second part pertains to the Town Manager's achievements of specific objective goals for each of the operations of the Town.

At the end of each year, the Manager will present to the Commission the results for each area and the objectives for the following year. Based on performance and other considerations, the Town Commission will evaluate the compensation.

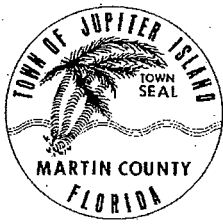
**Town of Jupiter Island
Town Manager Evaluation**

Objective		1 Poor	2 Below Avg	3 Avg	4 Above Avg	5 Excellent	Comments
1	Supervise and participate in investigations or studies necessary to securing facts upon which important determinations can be made.						
2	Attend all meetings of the Town Commission, unless excused by the Commission, with the right to take part in the discussion but without having a vote on all matters coming before the Commission.						
3	With the assistance of the Finance Officer, prepare the budget annually and submit it to the Commission together with a message of describing the important features and be responsible for its administration after adoption.						

4	Prepare and submit to the Commission, at the end of the fiscal year, a complete report on the finance and administration activities of the Town for the preceding year.								
5	Keep the Commission advised of the financial condition and future needs of the Town and make such recommendations as the Manager may deem desirable.								
6	Recommend to the Commission, from time to time, adoption of such measures as may be deemed necessary or expedient for the health, safety or welfare of the community or for the improvement of administrative services.								
7	Negotiate on behalf of the Town, and markets the community throughout the state, local and private agencies who can provide financial resources to greatly improve local social-economic conditions.								
8	Visits with Congressional or Legislative delegation to bring additional financial resources to the community through appropriations for social and economic development purposes.								

9	Implement policy established and directed by the Town Commission.									
10	Scout and engage suitable legal representation for specific matters as directed by the Town Commission.									
11	To be responsible for the supervision of all departments and employees of the Town and to see that laws and ordinances are enforced.									
12	To appoint or terminate or to delegate the appointment and termination of all Town employees.									
13	To see that all terms and conditions imposed in favor of the Town or its inhabitants in any public utility franchise are faithfully kept and performed.									
14	To be the purchasing agent for the Town, by whom all purchases of supplies shall be made, and to approve all vouchers for the payment of same. All purchases and sales shall conform to such regulations as the Town Commission may from time to time prescribe. The duties as prescribed in this subparagraph may be amended by ordinance.									

15	To perform other such duties as the Town Commission may prescribe.							
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MEMORANDUM

TO: Town Commission
FROM: Robert Garlo, Town Manager
DATE: 09-09-2024
SUBJECT: 2024 Accomplishments

I was appointed Acting Town Manager in May 2023, and appointed permanent Town Manager shortly thereafter.

I immediately established the following objectives that I felt were critical to advancing the Town's interests.

1. Conduct comprehensive assessments and level of service evaluations in several departments within the Town. Identify any deficiencies and make necessary changes.
2. Create a much more effective public relations program for the benefit of the Town and all its' residents.
3. Establish effective, working relationships on local, state and federal levels, to better further the interests of the Town.

Objective 1

Upon entering the Town Manager position, two key positions were vacant and in need of immediate hire. Those positions included the Finance Director, held by the previous Town Manager, and Human Resources Director.

I recruited and hired one highly qualified individual to fill both positions, thus eliminating the need for two separate Director positions.

Objective 2

The results of some of the department assessments necessitated some wholesale changes particularly in the Building Department.

Specifically, when I took the position, and for the first time ever, the Town was operating without an in-house State-licensed building code administrator (Building Official) under F.S. 468. We no longer

had the ability to perform full plan review, conduct any type of Florida Building Code inspections and/or issue certificates of occupancy to completed projects, at least not in-house.

In response, I successfully recruited a highly qualified, experienced, and credentialed Director of Building, Planning and Zoning (Catherine Harding). Ms. Harding has since made significant improvements that I will highlight when I discuss each department's accomplishments under my direction since taking office.

I also set out to address the growing frustrations over code compliance that I had heard from many residents for several years. I also recruited a highly qualified Code Compliance Officer from Martin County, and we now enjoy a much more robust code compliance program under the direct supervision of the Building Official. Additionally, I received Commission approval to enlist a Special Magistrate to prosecute code violation cases for the Town.

I am also preparing to have a complete assessment of South Martin Regional Utility conducted.

Objective 3

I understood the need to employ a very effective public relations firm to assist the Town as needed. Additionally, at that time there were several anonymous letters being circulated throughout the Town.

The goal here was twofold:

One was to employ a company capable of providing crisis management services in the event we needed to correct negative messaging. We subsequently engaged with Red Banyan whom we have been working closely with to put out the Town's messaging.

Second was to bring attention to the remarkable efforts made by our residents in a multitude of ways including conservation, preservation and humanitarian efforts.

An example of this was a proclamation recognizing the Hobe Sound Community Chest awarded at a Town Commission meeting.

Objective 4

To accomplish this objective we engaged with Kelly Layman as a legislative and external relations consultant.

Examples are our heavy presence at the last legislative session, and our recent hosting of a candidate's forum for Martin County's District 3 candidates.

We have had Senator Harrell, Congressman Snyder and Commissioner Jenkins all appear our Town Commission meetings.

I have also worked to forge relationships of mutual respect with Martin County officials. Example is my meeting with the County Administrator and staff to resolve issues relative to utilities service territories.

In addition to the objectives and accomplishments listed, I'm also providing a list that each individual department has accomplished under my direction.

Finance

- Completed draft and final budgets for all departments, made presentations to the Town Commission for approval, and completed all TRIM requirements and received compliance approval from State-DOR. Completed budget amendments as needed.
- The FY 2023 audit resulted in an Unmodified ("clean") opinion on basic financial statements. There was a finding related to an accounting standard that should have been implemented in a prior year, the current staff and auditors corrected the finding.
- Budget Management: Consistently review cash flow and positions and initiated investment recommendations for General Fund, SMRU and Beach District to better capture investment income.
- Presented and reviewed the Purchasing Policy with the Town Commission to ensure the Commissioners are informed about how Town staff obtains estimates, quotes, bids, etc. for purchases and contracts for Town business.
- Insurance: Solidify employee benefit coverages and continue to work through securing P&C lines of insurance; Eliminated P&C agent of record saving approximately \$30k/year; worked with FMIT to survey all Town and SMRU asset classes to ensure proper coverage and limits on insured items.

Human Resources

- Through effective recruitment and selection, the Human Resources (HR) department has successfully filled multiple vacancies in numerous departments.
- I Recognized the need to retain qualified employees, so HR coordinated a Salary Compensation Study with Evergreen Solutions for all Town and SMRU employees, ensuring that salaries are competitive, equitable, and aligned with industry standards and internally fair and equitable.
- Participated in Collective Bargaining negotiations resulting in management labor agreements on several contract articles.

Building Department

- Implemented a much more effective and efficient procedure for the issuance of Building Permits.

- Implemented an automated system to record and monitor code compliance, complaints and violations.
- Implemented a much more effective procedure for presenting applications to the BOA and IRC to include all applicable Land Development Regulations (LDR).
- Implemented a system of producing final written orders to ensure adherence to all conditions of approval.
- Improved the process of reviewing Building Permit applications and approved efficiencies by identifying those that can be approved internally by the Director of Building, Planning and Zoning.
- Developed new Ordinances to: 1) clarify the LDR's interpretation and include Building Code definitions; 2) identify and define home-based businesses; 3) address fill criteria; and 4) created an Administrative Approval process pertaining to ADA and Interior Renovation matters.
- Presented a recommendation to give both the IRC and the BOA variance approval to make applications more efficient and less costly, and to separate the applications into minor and major development.

Public Safety

- Received Law Enforcement Re-Accreditation for the fourth consecutive three-year period.
- Added a full-time Marine Patrol position to Public Safety to address security concerns related to the waterways.
- Implemented a comprehensive review and re-write of our Department Fire/EMT Policies and Procedures.
- Dignitary Protection Team Program was implemented with four Public Safety Officers professionally trained to address high risk threats to residents, guests, and dignitary visitors to Jupiter Island.
- Implementation of Axon Body Cameras to all Patrol Officers and Axon In-Car Video systems to all marked patrol cars.
- Replaced aged Fire Truck with new Mini Pumper Fire Truck, dramatically improving the ability to access narrow driveways and hard to reach properties on Jupiter Island.

Public Services (Public Works and Public Utility)

- Coordinated and supervised tornado recovery activities including direct coordination with Martin County peers for restoration of Ficus Allee and other affected properties on Jupiter Island.
- Implemented more efficient work schedule to staff-up critical areas and ensure efficiency during seasonal/non-seasonal tasks.
- Designed and presented a 100-year succession plan for plantings along Bridge Road that was accepted by the JI Beautification Committee.
- Provided in-house engineering oversight of numerous projects for SMRU and Public Works.

- Oversaw and facilitated a comprehensive survey of service lines within the SMRU territory, as required by the latest EPA Lead Service Line mandate, utilizing AI and Machine Learning to supplement field efforts for a 95% reduction over full field investigation.
- Completed negotiations with large, western development to design and commence construction of approximately \$45M in transferrable assets to SMRU. Once transferred, the assets will increase the book value of the utility by approximately 30+% (in the next two fiscal years).
- Negotiated and procured ~ \$600K vacuum truck and \$400K of additional contributions in aid of purchase of emergency equipment for the Town.
- Negotiated and collected ~ \$9M in impact fees for development within the SMRU territory.
- Identified the need and developed a conceptual plan for conversion of septic systems on Jupiter Island to sanitary sewer service.
- Coordinated and provided support to a \$950K legislative appropriation to Martin County for construction of line extensions for future SMRU water customers.
- Completed full capacity analysis and future projected useful life of existing wastewater facility.

Beach Protection District

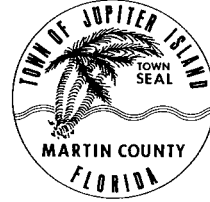
- Maintain increased LGFR (Local Government Funding Request) cost-share @ 19.0% (originally 13.14%).
- Applied for 2024-2025 LGFR requesting reimbursement for beach tilling and monitoring.
- Secured obligated funding for Hurricanes Ian and Nicole from FEAM (>\$20M).
- Developed Beach Protection District budget (24/25) and 12-Year Financial Plan update.
- Bid and award of Beach Restoration Project contract.
- Execute permit-required monitoring programs (biological, physical, turtle and shorebird).
- Advance south fill template design change (feeder beach) permit modifications.
- Secure reimbursement funds from FEMA Category B/G claims relating to Ian/Nicole.
- Track and assess update of Interlocal agreement with MC on inlet bypass.

Town Clerk / Administration

- Collaborated with IT Director to procure and implement new Town-wide website, improving transparency and ease of information distribution.
- Procured and implemented new Clerk Module Software, improving public access to agendas and materials, and improving searchability.
- Coordinated and assisted with on-boarding and ethics training for twenty-seven (27) newly elected and appointed officials.
- Executed a program for Records Retention and Document E-Filing, providing on-going records management procedures for each department.
- Processed extensive public records requests in addition to copious Subpoena Duces Tecum, representing hundreds of thousands of produced records.

Information Technology

- Procurement and implementation of new, robust and accessible Town-wide website.
- Implemented Mobile Device Management and Endpoint security for Town cellular devices.
- Completed the migration to VTSCADA, providing a more resilient and effective SCADA management system for SMRU.
- Moved the Public Safety Department to a more secure, manageable, and responsive Wi-Fi.
- Consistently responds to and resolves service tickets for the Town, Public Safety and SMRU in a timely manner.



Memorandum

To: Mayor & Town Commission
From: R. Garlo, Town Manager
Date: September 2, 2024
Re: Legal Representation Expenses

I have had multiple conversations with former Vice-Mayor Maura Collins with respect to legal expenses she has incurred in her response to subpoenas for depositions and requesting reimbursement. While not an actual party to any litigation, the depositions are specific to actions taken in her official capacity as a town official. Vice-Mayor Collins had requested legal representation from the Town and was denied.

Former Commissioner Tim Smith is in a similar situation as the former Vice-Mayor having hired legal counsel for assistance with providing deposition. I would point out that former Commissioner Smith did not request legal representation from the Town.

I feel a responsibility to bring this matter before the Town Commission for your thoughts and considerations, and to afford the members the opportunity to formulate a policy decision on the matter with respect to possible reimbursement.

Included with this memorandum are the remittance pages for former Vice-Mayor Collins' paid to her attorney Lyman H. Reynolds, Jr. The expenses reflect a total cost of \$25,801.20.

Also included is a summary statement from former Commissioner Smith's attorney reflecting a cost of \$23,153.10.

Additionally, I've included a copy of Ordinance No. 387 "Indemnification Ordinance" adopted by the Commission in August 2023.

Please return this page with remittance

to
Roberts, Reynolds, Bedard & Tuzzio, PLLC
470 Columbia Drive, Suite C-101
West Palm Beach, Florida 33409

Bill Number: 81037
Bill Date: February 5, 2024
Client Code: COLLINS
Client Name: Maura Collins
Matter Code: 24150
Matter Name: Feldsine, et al. v. Townsend (Collins)

Total Professional Services	3,400.00
Total Disbursements	0.00
CURRENT BILL TOTAL AMOUNT DUE	\$ <u>3,400.00</u>
Balance Forward:	0.00
Payments & Adjustments:	-0.00
Total Due:	\$ <u>3,400.00</u>
Past Due Balance	0.00
TOTAL AMOUNT DUE	<u>\$3,400.00</u>

Please return this page with remittance

to
Roberts, Reynolds, Bedard & Tuzzio, PLLC
470 Columbia Drive, Suite C-101
West Palm Beach, Florida 33409

Bill Number: 81771
Bill Date: March 13, 2024
Client Code: COLLINS
Client Name: Maura Collins
Matter Code: 24150
Matter Name: Feldsine, et al. v. Townsend (Collins)

Total Professional Services 2,750.00

Total Disbursements 0.00

CURRENT BILL TOTAL AMOUNT DUE \$ 2,750.00

Balance Forward: 3,400.00

Payments & Adjustments: -3,400.00

Total Due: \$ 2,750.00

Past Due Balance 0.00

TOTAL AMOUNT DUE \$2,750.00

Please return this page with remittance

to
Roberts, Reynolds, Bedard & Tuzzio, PLLC
470 Columbia Drive, Suite C-101
West Palm Beach, Florida 33409

Bill Number: 82669
Bill Date: April 10, 2024
Client Code: COLLINS
Client Name: Maura Collins
Matter Code: 24150
Matter Name: Feldsine, et al. v. Townsend (Collins)

Total Professional Services 1,450.00

Total Disbursements 0.00

CURRENT BILL TOTAL AMOUNT DUE \$ **1,450.00**

Balance Forward: 2,750.00

Payments & Adjustments: -2,750.00

Total Due: \$ **1,450.00**

Past Due Balance 0.00

TOTAL AMOUNT DUE **\$1,450.00**

Please return this page with remittance

to
Roberts, Reynolds, Bedard & Tuzzio, PLLC
470 Columbia Drive, Suite C-101
West Palm Beach, Florida 33409

Bill Number: 83584
Bill Date: May 13, 2024
Client Code: COLLINS
Client Name: Maura Collins
Matter Code: 24150
Matter Name: Feldsine, et al. v. Townsend (Collins)

Total Professional Services 2,550.00

Total Disbursements 0.00

CURRENT BILL TOTAL AMOUNT DUE \$ **2,550.00**

Balance Forward: 1,450.00

Payments & Adjustments: -1,450.00

Total Due: \$ **2,550.00**

Past Due Balance 0.00

TOTAL AMOUNT DUE **\$2,550.00**

Please return this page with remittance

to
Roberts, Reynolds, Bedard & Tuzzio, PLLC
470 Columbia Drive, Suite C-101
West Palm Beach, Florida 33409

Bill Number: 84557
Bill Date: June 10, 2024
Client Code: COLLINS
Client Name: Maura Collins
Matter Code: 24150
Matter Name: Feldsine, et al. v. Townsend (Collins)

Total Professional Services 4,862.50

Total Disbursements 0.00

CURRENT BILL TOTAL AMOUNT DUE \$ **4,862.50**

Balance Forward: 2,550.00

Payments & Adjustments: -0.00

Total Due: \$ **7,412.50**

Past Due Balance 2,550.00

TOTAL AMOUNT DUE **\$7,412.50**

Please return this page with remittance

to

Roberts, Reynolds, Bedard & Tuzzio, PLLC
470 Columbia Drive, Suite C-101
West Palm Beach, Florida 33409

Bill Number: 85845
Bill Date: July 22, 2024
Client Code: COLLINS
Client Name: Maura Collins
Matter Code: 24150
Matter Name: Feldsine, et al. v. Townsend (Collins)

Total Professional Services 2,800.00

Total Disbursements 0.00

CURRENT BILL TOTAL AMOUNT DUE \$ 2,800.00

Balance Forward: 7,412.50

Payments & Adjustments: -0.00

Total Due: \$ 10,212.50

Past Due Balance 7,412.50

TOTAL AMOUNT DUE \$10,212.50

Please return this page with remittance

to
Roberts, Reynolds, Bedard & Tuzzio, PLLC
470 Columbia Drive, Suite C-101
West Palm Beach, Florida 33409

Bill Number: 86432
Bill Date: August 14, 2024
Client Code: COLLINS
Client Name: Maura Collins
Matter Code: 24150
Matter Name: Feldsine, et al. v. Townsend (Collins)

Total Professional Services 7,850.00

Total Disbursements 138.70

CURRENT BILL TOTAL AMOUNT DUE \$ 7,988.70

Balance Forward: 10,212.50

Payments & Adjustments: -10,212.50

Total Due: \$ 7,988.70

Past Due Balance 0.00

TOTAL AMOUNT DUE \$7,988.70

Stuart, FL 34995

Statement

Date
8/27/2024

To:
Emmet Carter Smith 26 Gomez Road Hobe Sound, FL 33455

[illegible]

ORDINANCE NO. 387

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, TO INCLUDE A NEW ARTICLE VII ENTITLED "RIGHT TO INDEMNIFICATION"; CREATING A NEW SECTION 2-146 ENTITLED "INDEMNIFICATION"; CREATING A NEW SECTION 2-147 ENTITLED "PROVIDING INDEMNIFICATION NOT EXCLUSIVE RIGHT"; CREATING A NEW SECTION 2-148 ENTITLED "CRIMINAL CASES"; CREATING A NEW SECTION 2-149 ENTITLED "ETHICS VIOLATIONS, SUNSHINE LAW, PUBLIC RECORDS ACT" LAWS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Jupiter Island, Martin County, Florida (Town Commission) recognizes its responsibility to the elected and appointed officials serving the Town; and

WHEREAS, pursuant to Section 768.28, Florida Statutes, to afford the Town's elected and appointed officials, employees and those individuals appointed to the Town's committees and boards, sovereign immunity from injury or damage suffered as a result of any act, event or omission arising out of and in the scope of their respective offices authority and functions; and

WHEREAS, the Town Commission recognizes its responsibility to assure elected and appointed officials, employees and those individuals appointed to the Town's committees and boards of the Town of their rights to indemnification by the Town for acts taken by said officials while serving the Town and to provide a legal defense to said elected or appointed officials for such actions.

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. Chapter 2, Article VII, Sections 2-146-2-150 of the Code, entitled "Indemnification" is hereby created and shall read as follows:

"ARTICLE VII. RIGHT TO INDEMNIFICATION

Sec. 2-146. Indemnification.

(a) To the fullest extent permitted by law, the town shall indemnify any town elected or appointed official, any appointed member of a board or committee, or employee (hereinafter "Public Official") who has been made, or is threatened to be made, a party to any threatened, pending or completed civil action, lawsuit, administrative law action, or investigative proceeding (hereinafter "Proceeding"), provided the Public Official was or is acting in the Public Official's official capacity, or where a Proceeding was brought against the Public Official individually provided the Proceeding involves some action or activity within the scope of the Public Official's performance of his or her official public duties.

(b) A Public Official who is threatened with a Proceeding, or where a Proceeding has been brought against the Public Official, shall, as soon as practicable under the circumstances provide written notice of the Proceeding to the town manager and town attorney, whether the Proceeding is threatened or brought against the Public Official in an individual or official capacity. Upon receipt of the notice from the Public Official, and following the confirmation or denial of coverage, from the town's insurance provider, the town manager shall notify the Public Official whether or not the town, or its insurance provider, will assume the costs of the defense of the Proceeding, or whether the town's attorneys will represent the Public Official in the Proceeding. Upon the assumption of the defense of the Public Official by the town's attorneys, at the town's expense, and the Public Official's acceptance of the same, or by an attorney assigned by the town's insurance provider, the town shall not be responsible for the reimbursement or payment of the attorney fees incurred by such Public Official for an attorney that he or she has independently retained in connection with the Proceeding. The terms of this provision may apply to any Proceeding brought against more than one Public Official.

(c) Other than a Proceeding where an attorney has been assigned by the town's insurance provider to provide a defense for the Public Official, a Public Official may retain an attorney of his or her choice to defend himself or herself in a Proceeding in lieu of the town's attorneys providing representation for the individual Public Official. Subject to the approval of the Town Commission, the Public Official shall be entitled to the reimbursement of his or her expenses, attorneys' fees, judgments, and amounts paid in a settlement in connection with the Proceeding, provided the Town Commission approves the

reimbursement of the Public Official. The Town Commission must approve any settlement of a Proceeding. Where the Public Official elects to retain an attorney of his or her choice, but the town's insurance provider has made an attorney available to defend the Public Official, the town shall have no obligation to reimburse the Public Official's chosen attorney.

(d) A Public Official shall not be entitled to the reimbursement of the costs and attorney fees incurred in the defense of any Proceeding, where it is determined by the final decision maker in a Proceeding that the Public Official has (i) derived an improper personal benefit, either directly or indirectly; (ii) is liable for failure to exercise reasonable care, skill, diligence, caution, and/or prudence, whether under the prudent investor or prudent man standard or otherwise; (iii) acted outside the scope of the Public Official's authority or function; or (iv) acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(e) The termination of any Proceeding by judgment, order, or settlement, shall not, of itself, create a presumption that the Public Official acted contrary to the standards in subsection (d), above unless in connection therewith the final decision maker shall have made a specific finding in a final order that such Public Official acted contrary to any of the standards in subsection (d), above.

(f) The Town shall have the right to recover any costs, expenses or attorneys' fees paid on behalf of any Public Official who is found to have acted contrary to any of the standards set forth in subsection (d), above.

(g) The Commission shall determine in its discretion what reasonable attorney fees, expenses, court costs, judgment and amounts to reimburse.

Sec. 2-147. Indemnification Not Exclusive Right.

The right of indemnification provided in this ordinance shall not be exclusive of any other rights to which an Indemnitee may otherwise be entitled, and the provisions of this ordinance shall inure to the benefit of the heirs and personal representatives of any Public Official under this ordinance and shall be applicable to Proceedings commenced or continuing after the adoption of this ordinance, whether arising from acts, events, or omissions occurring before or after such adoption.

Sec. 2-148. Criminal Cases.

If any Public Official is threatened with or named in any criminal action based upon or arising out of the performance of his/her duties for or on behalf of the Town, such person shall be responsible for his/her own defense; provided, however, if such person is found not guilty in such criminal action, all reasonable expenses (including court costs and attorneys' fees) incurred by or on behalf of such person in such criminal action shall thereupon be reimbursed by the Town.

Sec. 2-149. Ethics Violations/Sunshine Law/Public Records Act.

The right to indemnification and legal representation described herein shall apply to or be made available to Public Officials in regard to alleged ethics violations under the laws of the state of Florida, or to alleged violations of the Sunshine Law; or Public Records Act provided, however, if a Public Official who is alleged to be in violation of the statutes governing ethics, Sunshine Law or the Public Records Act is found to be in violation of said law, then the Public Official shall reimburse to the town all costs and attorneys' fees incurred by the town on behalf of the defense of such Public Official.

Section 3. Severability.

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

Section 4. Repeal of Ordinances in Conflict.

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

Section 5. Codification.

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

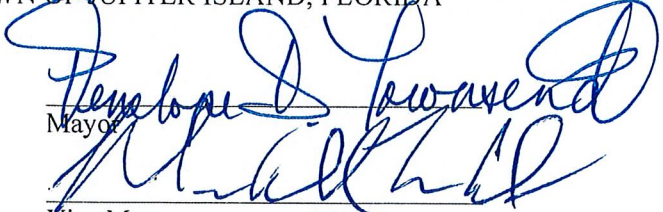
Section 6. Effective Date.

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

PASSED UPON FIRST READING ON THE 13th DAY OF JUNE 2023. PASSED AND
ADOPTED UPON SECOND READING ON THE 21st DAY OF AUGUST 2023.

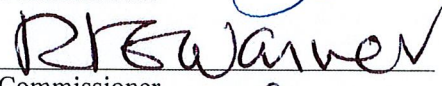
(SEAL)

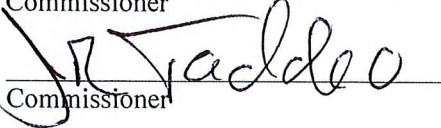
TOWN OF JUPITER ISLAND, FLORIDA


Mayor

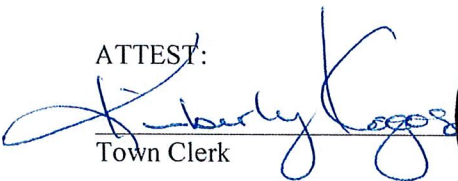

Vice Mayor


Commissioner


Commissioner


Commissioner

ATTEST:


Town Clerk



Memo

To: Thomas J. Baird
From: Lainey W. Francisco, Esq.
Date: August 22, 2024
Subject: Overview of Current and Proposed Laws Affecting Vacation Rentals

Introduction

The recent passage of HB/SB 280 ("Bill") by the Florida House of Representatives and Florida Senate (and the Governor's subsequent veto of the Bill) has raised questions regarding Florida's current laws on vacation rentals (a.k.a. "short term rentals") and the proposed legislation in the Bill. This analysis focuses on local government authority to regulate vacation rentals under Florida's current law and the proposed legislation in the Bill.

Discussion

What are vacation rentals?

Chapter 509 defines "vacation rentals" as any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is ***rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests*** (but that is not a timeshare project). See §§509.013 & 509.242, *Florida Statutes*.

Vacation rentals are licensed by the Division of Hotels and Restaurants within the Department of Business and Professional Regulation (DBPR).



Lainey W. Francisco, Esq.
 O 561 659 3000
 lfrancisco@jjonesfoster.com
 jonesfoster.com

What are Florida's Current Laws on Local Government Vacation Rental Regulation?

Under Florida's current vacation rental laws, local governments may not enact ordinances or regulations prohibiting vacation rentals. See §509.032(7)(b), Florida Statutes. This state preemption of authority does not apply to any local government's ordinances or regulations adopted prior to June 1, 2011. Therefore, any local government ordinance prohibiting vacation rentals that was adopted prior June 1, 2011, may remain in effect.

Ordinances can be considered prohibitive of vacation rentals either on their face or in effect. See, e.g., AGO 2022-01, AGO 2016-12. For example, local governments may not impose distance separation requirements between vacation rentals or limitations on the percentage/number of vacation rentals within certain neighborhoods. In 2016, the Florida Attorney General issued an opinion stating that such ordinances "could result in a prohibition against using eligible units as vacation rentals when other existing units have already satisfied the spacing or percentage formulae." AGO 2016-12.

Section 509.032(7)(b) allows for local government regulation (not prohibition) of vacation rentals, pursuant to the local government's home rule powers. These regulations may distinguish vacation rentals from other residential properties and may include ordinances relating to noise, parking, signage, registration, or occupancy limitations. AGO 2016-12.

In sum, under Florida's current laws on vacation rentals, local governments without ordinances prohibiting vacation rentals enacted prior to June 1, 2011, may enact ordinances regulating vacation rentals so long as those ordinances would not have the effect of prohibiting a statutorily eligible housing unit from being used as a vacation rental.

Overview of HB/SB 280 – Vacation Rentals

Earlier this year, the Florida House of Representatives and Florida Senate passed HB/SB 280, which was an attempt to revise state and local government regulations on vacation rentals. Although this Bill was vetoed by Governor DeSantis, we will likely see renewed attempts to implement certain aspects of the Bill in future legislative sessions.

The Bill (1) preempted licensing of vacation rentals and regulation of advertising platforms to the state; (2) introduced new requirements and authorizations for local government registration programs; (3) required the Department of Business and Professional Regulation (DBPR) to create a vacation rental information system; and (4) exempted certain preexisting vacation rental ordinances and registration programs from the new requirements.

Preemptions

The Bill preempted licensing of vacation rentals (consistent with current laws) and regulation of advertising platforms to the state. The Bill requires an advertising platform to display the vacation rental license number with the associated unique identifier and, if applicable, the local registration number of each property that advertises on its platform.

Local Government Registration Programs

Pursuant to the Bill, local governments maintain their ability to require local registration and various reasonable fees from vacation rentals. However, prior to implementing new vacation rental registration ordinances or programs, local governments must prepare a business impact estimate that identifies any new charge or fee on businesses subject to the proposed ordinance, and an estimate of the local regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

The Bill also established local registration requirements, including requiring applicants to:

- Submit identifying information about the owner and operator of the vacation rental;
- Provide proof of a DBPR-issued vacation rental license;
- Obtain all required tax registrations, receipts, or certificates issued by the Department of Revenue, a county, or a municipal government;
- Update required information on a continuing basis;
- Pay in full all recorded municipal or county code liens;
- Designate and maintain a responsible person to respond to complaints and emergencies by telephone at a provided telephone number 24 hours a day, 7 days a week; and
- State the maximum occupancy for the vacation rental which does not exceed either two persons per bedroom, plus an additional two persons in one common area; or more than two persons per bedroom if there is at least 50 square feet per person, plus an additional two persons in one common area, whichever is greater.

The Bill permitted local governments impose a \$500 fine on a vacation rental operator for violations of the local registration requirements, and to file and foreclose on a lien based on the fine if the property is not subject to homestead protections against foreclosure.

The Bill also allowed local governments to suspend a registration for violations that occur on and are related to the vacation rental property. A local government must give the operator an opportunity to cure registration violations that are not related to maximum occupancy rate. A local government must provide notice of the suspension and must state the start date of the suspension, which must

be at least 21 days after the notice is sent. A vacation rental operator may appeal a denial, suspension, or revocation to the circuit court which may award attorney fees, costs, and damages to the prevailing party. The Bill also authorizes a local government to revoke or refuse to renew a registration in certain situations including if the registration has been suspended three times or if there is an unsatisfied recorded municipal or county lien.

Vacation Rental Information System

To facilitate compliance with the requirements in the Bill by vacation rental licensees and advertising platforms, the Bill requires the DBPR to create and maintain a vacation rental information system. The system must:

- Facilitate prompt compliance with ch. 509, F.S., relating, in relevant part, to public lodging establishments, by a licensee or an advertising platform;
- Allow advertising platforms to search by and verify the status of a unique vacation rental license number, applicable local registration number;
- Allow a local government to notify the division of a revocation or failure to renew, or the period of suspension of a local registration; and
- Allow registered users to subscribe to receive automated notification of changes to a vacation rental license or registration.

Exemptions

The Bill permits “grandfathered” local laws, ordinances, or regulations adopted on or before June 1, 2011, to be amended to be less restrictive or to comply with local registration requirements. The Bill does not affect vacation rental ordinances in jurisdictions located in an area of critical state concern.

The Bill also “grandfathers” any county law, ordinance, or regulation initially adopted on or before January 1, 2016, that established county registration requirements for rental of vacation rentals, and any amendments thereto adopted before January 1, 2024. However, such county law, ordinance, or regulation may not be amended or altered except to be less restrictive or to adopt registration requirements as provided in the Bill.



July 2024

General Fund Financial Report

Town Commission Meeting
September 9, 2024

Topics To Be Covered

General Fund

- 2023-2024 Revenues
- 2023-2024 Expenses
- Balance Sheet

**Town of Jupiter Island
FY 2023/2024 Budget**

Account Description	Amended Budget 2023-2024	7/31/2024	Target 83%
Total General Fund Revenues	\$11,406,550	\$12,325,252	108%
Transfers from Reserves	\$1,557,370	\$0	0%
Total Revenues	\$12,963,920	\$12,325,252	95%
Total Administration	\$3,319,087	\$2,467,268	74%
Total Public Safety	\$5,812,169	\$4,333,707	75%
Total Building Department	\$1,407,425	\$918,881	65%
Total Public Works	\$2,425,239	\$1,191,328	49%
Total General Fund Expenditures	\$12,963,920	\$8,911,185	69%
Year to Date Net Income		\$3,414,067	

2023-2024 Revenue

Town of Jupiter Island

Account Description	Amended Budget 2023-2024	PYTD Actual 7/31/2023 2022-2023	YTD Actual 7/31/2024 2023-2024	Actual % of Budget (Target 83%) 2023-2024
Ad Valorem	\$9,056,872	\$8,225,030	\$9,056,011	100%
Total Other Taxes and Fees	\$318,500	\$251,040	\$259,080	81%
Total Licenses and Permits	\$850,500	\$1,834,917	\$1,583,485	186%
Total Intergovernmental Revenue	\$164,700	\$157,053	\$162,854	99%
Total Charges for Services	\$136,000	\$171,390	\$100,695	74%
Total Fines and Forfeits	\$2,000	\$2,110	\$2,519	126%
Total Miscellaneous Revenues	\$196,613	\$537,159	\$706,264	359%
Transfers from Interfunds	\$681,365	\$581,813	\$454,343	67%
Subtotal Revenues	\$11,406,550	\$11,760,512	\$12,325,252	108%
Transfer from Reserves	\$1,557,370	\$0	\$0	
Total General Fund Revenues	\$12,963,920	\$11,760,512	\$12,325,252	95%

2023-2024 Expenses by Department

Account Description	Amended Budget 2023-2024	PYTD Actual 7/31/2023	YTD Actual 7/31/2024	Actual % of Budget (Target 83%)
Total Administration - Payroll	\$1,167,345	\$854,996	\$920,784	79%
Total Administration - Benefits	\$814,719	\$540,360	\$434,385	53%
Total Administration - Operating	\$1,317,023	\$551,586	\$1,096,990	83%
Subtotal	\$3,299,087	\$1,946,942	\$2,452,160	74%
Total Administration - Capital	\$20,000	\$55,443	\$15,109	76%
Total Administration	\$3,319,087	\$2,002,385	\$2,467,268	74%
Total Public Safety - Payroll	\$2,882,824	\$1,921,339	\$2,273,786	79%
Total Public Safety - Benefits	\$1,027,797	\$527,236	\$550,816	54%
Total Public Safety - Operating	\$1,382,932	\$1,005,521	\$1,073,490	78%
Subtotal	\$5,293,553	\$3,454,096	\$3,898,093	74%
Total Public Safety - Capital	\$518,616	\$368,406	\$435,614	84%
Total Public Safety	\$5,812,169	\$3,822,502	\$4,333,707	75%
Total Building - Payroll	\$516,154	\$268,760	\$377,474	73%
Total Building - Benefits	\$193,282	\$89,422	\$100,891	52%
Total Building - Operating	\$657,989	\$328,368	\$412,691	63%
Subtotal	\$1,367,425	\$686,551	\$891,056	65%
Total Building - Capital	\$40,000	\$14,901	\$27,825	70%
Total Building Department	\$1,407,425	\$701,451	\$918,881	65%
Total Public Works - Payroll	\$718,564	\$455,089	\$500,356	70%
Total Public Works-Benefits	\$437,068	\$215,877	\$238,521	55%
Total Public Works - Operating	\$779,607	\$485,515	\$447,651	57%
Subtotal	\$1,935,239	\$1,156,481	\$1,186,528	61%
Total Public Works - Capital	\$490,000	\$41,574	\$4,800	1%
Total Public Works	\$2,425,239	\$1,198,055	\$1,191,328	49%
Total General Fund Expenditures	\$12,963,920	\$7,724,392	\$8,911,185	69%

Balance Sheet as of 7/31/2024

Assets

CASH GENERAL ACCOUNT - SEACOAST	\$	783,260
CASH PAYROLL - SEACOAST	\$	273,174
CASH FLEX SPENDING - SEACOAST	\$	24,136
INVESTMENT - FLCLASS	\$	7,711,235
INVESTMENT - SBA	\$	3,431,636
INVESTMENT (MM) - SEACOAST	\$	3,195,305
PETTY CASH	\$	550
ACCOUNTS RECEIVABLE	\$	6,000
ACCOUNTS REC. - RETIREE BENEFITS	\$	(195)
DUE FROM INTERFUNDS	\$	590,535
DUE FROM STATE OF FLORIDA	\$	49,110
<u>PREPAID ITEMS</u>	\$	<u>18,944</u>
Total Assets	\$	16,083,690

Liabilities

ACCOUNTS PAYABLE	\$	(171)
DUE TO INTERFUNDS	\$	267
DUE TO OTHER GOV. UNITS	\$	2,135
ACCRUED PAYROLL LIABILITIES	\$	(10,740)
OVERPAYMENTS	\$	269
<u>DONATIONS</u>	\$	<u>32</u>
Total Liabilities	\$	(8,208)

Reserves/Fund Balances

ASSIGNED FOR EMERGENCIES	\$	1,000,000
ASSIGNED FOR COMPENSATED AB	\$	115,000
ASSIGNED FOR UNINSURED LOSS	\$	80,000
FUND BALANCE	\$	11,482,830
CHANGE IN FUND BALANCE - Current	\$	3,414,067
Total Reserves/Fund Balances	\$	16,091,897
Total Liabilities and Fund Balance	\$	16,083,690

General Fund Reserves

Account Description	Audited YE 2020	Audited YE 2021	Audited YE 2022	Audited YE 2023	Adopted Budget FY 2024*
Beginning Fund Balance (Reserves)	9,095,126	8,095,873	9,033,098	6,237,564	9,298,494
Transfer from / to General Fund Reserves	509,951	1,610,431	2,247,916	3,060,930	-
Amount Budgeted From Reserves	(988,604)	(548,206)	(793,404)	-	(335,000)
Budget Amendment From Reserves	(520,600)	(125,000)	(385,000)	-	-
Total Available Fund Balance	8,095,873	9,033,098	10,102,610	9,298,494	8,963,494
Assigned to Uninsured Losses	80,000	80,000	80,000	80,000	80,000
Assigned to Compensated Absences	115,000	115,000	115,000	115,000	115,000
Assigned to Beautification, Scholarship, Public Safety				176,170	176,170
Assigned to Conservation Projects				431,989	431,989
Assigned to Emergencies	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Assigned to ARPA			312,393		
Restricted-Enforcement of FL Building Code				3,865,046	3,865,046
Unassigned Fund Balance (Reserves)	6,900,873	7,838,098	8,595,217	7,495,335	7,160,335
Total Fund Balance (Reserves)	8,095,873	9,033,098	10,102,610	13,163,540	12,828,540

*Estimated/Unaudited at time of this Report

Memorandum



To: Mayor and Commission

From: Catherine Harding, Community Development Director

Date: September 10, 2024

Re: Building Department Report July/August

The builders have been responsive to our regulations, and we have had good cooperation in general. A notice was sent to all builders that the construction gates should be closed and secured at the end of each day and when there is no work in progress. We hope to continue to get their cooperation.

The department collected **\$1,425,188.** in fees year to date, for a construction value of **\$67,804,094.** There were 896 inspections year to date, with 7 Certificates of Occupancy being issued. We closed 121 permits year to date.

We are currently reviewing 2 new homes and 2 major additions/alterations applications for approval by the IRC. The Summer meeting schedule was light with the BOA not having a scheduled meeting for July and August. Year to date the BOA heard 8 applications. The IRC did have two meetings with one applicant for each. Year to date the IRC had 19 applications.

Code Compliance has been busy closing 46 expired permits, and monitoring construction vehicles in the right-of-way (5), checking on landscape maintenance (7) and construction site maintenance (9), and Frank still managed to go on vacation. We do have homeowners calling in violations and each violation gets a site inspection with photos for our records. In each case the violation was handled with full cooperation.

There was a house fire at 236 South Beach Road, August 22nd. The fire appears to have started in the attic possibly due to lightning. We contacted the owner and offered our assistance with permitting for the repairs. Their contractor followed up with our office to discuss the work. The permit will be a No Fee Permit for all work relating to the fire damage.

We are open to suggestions and would appreciate them.

July 2024

Building

Reports



FINAL

Inspection List

08/06/24

Address	Parcel Number	Inspection Type	Scheduled	Completed	Result	Inspector
274 S BEACH RD	35-38-42-002-113-00	FINAL-ROOF	07/30/2024	07/30/2024	Approved	Buck Evans
Total Inspections: 1						
FINAL-ROOF(PRIVATE P						
7 SOUTH BEACH RD	35-38-42-009-084-01	FINAL-ROOF(PRIVATE PRO	07/23/2024	07/23/2024	Approved	CATHERINE HARDING
Total Inspections: 1						
ROOF FINAL-FLAT REPA						
126 S BEACH RD	35-38-42-009-104-00	ROOF FINAL-FLAT REPAIRS	07/09/2024	07/09/2024	Approved	Buck Evans
Total Inspections: 1						

Grand Total Inspections: 15

Population: All Records

Inspection.DateTimeCompleted in <Previous month> [07/01/24 - 07/31/24] AND
Inspection.InspectionType Contains FINAL



FINAL

Inspection List

08/06/24

Address	Parcel Number	Inspection Type	Scheduled	Completed	Result	Inspector
DECK FINAL - POOL						
41 N BEACH RD	35-38-42-004-000-02	DECK FINAL - POOL	07/25/2024	07/25/2024	Approved	Buck Evans
Total Inspections: 1						
Final						
324 S BEACH RD	35-38-42-002-121-00	Final	07/03/2024	07/03/2024	Approved	Buck Evans
71 LINKS RD	35-38-42-009-092-00	Final	07/30/2024	07/30/2024	Approved	Buck Evans
Total Inspections: 2						
FINAL						
186 GOMEZ RD	35-38-42-009-114-00	FINAL	07/03/2024	07/03/2024	Approved	Buck Evans
Total Inspections: 1						
FINAL - DEMO						
87 LINKS RD	35-38-42-009-096-00	FINAL - DEMO	07/22/2024	07/22/2024	Approved	Buck Evans
Total Inspections: 1						
FINAL - DOCK						
506 S BEACH RD	35-38-42-003-000-00	FINAL - DOCK	07/30/2024	07/30/2024	Approved	Buck Evans
Total Inspections: 1						
FINAL- ROOF						
63 N BEACH RD	35-38-42-004-000-02	FINAL- ROOF	07/15/2024	07/15/2024	Approved	Buck Evans

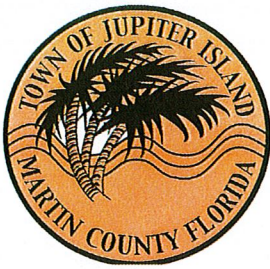


Final

Inspection List

08/06/24

Address	Parcel Number	Inspection Type	Scheduled	Completed	Result	Inspector
Total Inspections: 1						
FINAL SHUTTERS						
45 S BEACH RD	35-38-42-009-087-02	FINAL SHUTTERS	07/23/2024	07/23/2024	Approved	Buck Evans
Total Inspections: 1						
FINAL(ROOF)						
71 LINKS RD	35-38-42-009-092-00	FINAL(ROOF)	07/16/2024	07/16/2024	Partially Approved	Buck Evans
Total Inspections: 1						
FINAL-DOCK&RETAIN W						
502 S BEACH RD	35-38-42-031-000-00	FINAL-DOCK&RETAIN WAL	07/31/2024	07/31/2024	Approved	Buck Evans
Total Inspections: 1						
FINAL-FENCE						
216 S BEACH RD	35-38-42-001-103-00	FINAL-FENCE	07/24/2024	07/24/2024	Approved	Buck Evans
Total Inspections: 1						
FINAL-REMOTE IN POO						
105 HARBOR WAY	35-38-42-018-000-00	FINAL-REMOTE IN POOL S	07/23/2024	07/23/2024	Partially Approved	Buck Evans
Total Inspections: 1						
FINAL-ROOF						



08/19/2024

Revenue Totals by Item

Description	Entries	Amount
Building Code Permit Surcharge - DCA	22	497.59
Building Code Permit Surcharge - DPBR	22	742.40
Impact Review	1	1,000.00
Permit Extension	1	3,000.00
Permit Fee	22	49,388.77
Totals	68	54,628.76

Population: All Records

Transaction.DateToPostOn Between 08/01/2024 AN

Report Summary

Population: All Records
Permit.DateIssued in <Previous month>
[07/01/24 - 07/31/24]

8/6/24

Grand Total Fees:	\$88,603.89
Grand Total Construction Value:	\$4,229,910.95
Grand Total Permits:	20



Monthly Building Permits Issued

08/06/2024

A/C Change Out

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11706	COULSON SARAH MILLER	200 GOMEZ RD	35-38-42-009-115-00310-0	\$8,247.00	\$169.41	\$169.41

Total Fees For Type: \$169.41
Total Construction Value For Type: \$8,247.00
Total Permits For Type: 1

Alteration - No Area Increase

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11722	Mr & Mrs Robert C McCormack	126 S BEACH RD	35-38-42-009-104-00020-5	\$228,125.00	\$4,676.56	\$4,676.56
P11734	420 S BEACH ROAD LLC	420 S BEACH RD	35-38-42-002-135-00947-6	\$103,116.00	\$2,113.87	\$2,113.87

Total Fees For Type: \$6,790.43
Total Construction Value For Type: \$331,241.00
Total Permits For Type: 2

Demo - All Structures

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11724	SOUTH BEACH PROPERTY TR	89 S BEACH RD	35-38-42-009-099-00140-2	\$44,400.00	\$910.20	\$910.20

Total Fees For Type: \$910.20
Total Construction Value For Type: \$44,400.00
Total Permits For Type: 1

Demo - Interior

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11723	MR RYAN DEASY & MS ALANA	160 N BEACH RD	35-38-42-004-027-00040-9	\$25,000.00	\$1,512.00	\$1,512.00

Total Fees For Type: \$1,512.00
Total Construction Value For Type: \$25,000.00
Total Permits For Type: 1

Demo - Single Building

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11730	TILGHMAN ELIZABETH	4 BASSETT CREEK N TRL	35-38-42-016-000-00080-3	\$0.00	\$820.00	\$820.00
P11720	AGTC JI PROPERTIES LLC	103 N BEACH RD	35-38-42-004-000-02690-5	\$120,000.00	\$2,460.00	\$2,460.00

Total Fees For Type: \$3,280.00
Total Construction Value For Type: \$120,000.00
Total Permits For Type: 2

Dock, Boatlift, Dune Cross, SW

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11732	AVENIDA 44 LLC	358 S BEACH RD	35-38-42-049-000-00010-0	\$134,869.00	\$2,764.81	\$2,764.81

Total Fees For Type: \$2,764.81
Total Construction Value For Type: \$134,869.00
Total Permits For Type: 1

Electric

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11733	VEDERE AMARNATH & TANUJ	7 N BEACH RD	35-38-42-004-002-00010-8	\$88,259.95	\$1,809.33	\$1,809.33

Total Fees For Type: \$1,809.33
Total Construction Value For Type: \$88,259.95
Total Permits For Type: 1

Fence, Walls, Gates

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11719	216 SOUTH BEACH LLC	216 S BEACH RD	35-38-42-001-103-00230-1	\$4,946.00	\$102.92	\$102.92

Total Fees For Type: \$102.92
Total Construction Value For Type: \$4,946.00
Total Permits For Type: 1

Gas

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11725	MICHAEL S. POULOS	41 N BEACH RD	35-38-42-004-000-02390-8	\$15,065.00	\$308.83	\$308.83
P11609	LENDALK PROPERTIES LLC	75 N BEACH RD	35-38-42-004-000-02560-2	\$7,890.00	\$162.17	\$162.17

Total Fees For Type: \$471.00
Total Construction Value For Type: \$22,955.00
Total Permits For Type: 2

Landscape/Hardscape/Drive

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11726	BAGBY CHARLES P & CANDIC	46 S BEACH RD	35-38-42-009-079-01510-4	\$16,116.00	\$330.37	\$330.37
P11729	429 SOUTH BEACH ROAD REV	429 S BEACH RD	35-38-42-023-000-00010-9	\$57,825.00	\$1,185.41	\$1,185.41

Total Fees For Type: \$1,515.78
Total Construction Value For Type: \$73,941.00
Total Permits For Type: 2

Miscellaneous

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
PP11721	GATES JOHN S JR TR	126 GOMEZ RD	35-38-42-009-103-00020-7	\$6,101.00	\$126.02	\$126.02

Total Fees For Type: \$126.02
Total Construction Value For Type: \$6,101.00

New Main Residence

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11716	CHARLES EDGAR HALDEMAN	87 LINKS RD	35-38-42-009-096-00090-8	\$3,257,778.00	\$66,784.45	\$66,784.45

Total Fees For Type: \$66,784.45
 Total Construction Value For Type: \$3,257,778.00
 Total Permits For Type: 1

Plumbing

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11728	Mr & Mrs John Davison	28 N BEACH RD	35-38-42-004-006-00010-9	\$0.00	\$66.50	\$66.50

Total Fees For Type: \$66.50
 Total Construction Value For Type: \$0.00
 Total Permits For Type: 1

Small Roof Project

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11702	Mr & Mrs Robert C McCormack	126 S BEACH RD	35-38-42-009-104-00020-5	\$5,000.00	\$104.00	\$104.00
P11727	JUPITER ISLAND IRREVOCABL	462 S BEACH RD	35-38-42-047-000-00010-0	\$16,500.00	\$338.25	\$338.25

Total Fees For Type: \$442.25
 Total Construction Value For Type: \$21,500.00
 Total Permits For Type: 2

Windows, Doors, Shutters, Misc

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11710	Mr & Mrs Robert C McCormack	126 S BEACH RD	35-38-42-009-104-00020-5	\$90,673.00	\$1,858.79	\$1,858.79

Total Fees For Type: \$1,858.79
 Total Construction Value For Type: \$90,673.00

August 2024

Building

Reports



FINAL

Inspection List

08/27/24

Address	Parcel Number	Inspection Type	Scheduled	Completed	Result	Inspector
A/C FINAL 241 S BEACH RD	35-38-42-010-000-00	A/C FINAL	08/08/2024	08/08/2024	Approved	CATHERINE HARDING
Total Inspections: 1						
ELECTRIC UNDER- FINA 300 S BEACH RD	35-38-42-002-117-00	ELECTRIC UNDER- FINAL F	08/02/2024	08/02/2024	Approved	Buck Evans
Total Inspections: 1						
Final 126 GOMEZ RD	35-38-42-009-103-00	Final	08/15/2024	08/15/2024	Approved	Buck Evans
Total Inspections: 1						
FINAL 17 N BEACH RD	35-38-42-004-005-00	FINAL	08/21/2024	08/21/2024	Approved	Buck Evans
Total Inspections: 1						
FINAL - ELECTRICAL 17 N BEACH RD	35-38-42-004-005-00	FINAL - ELECTRICAL	08/20/2024	08/20/2024	Approved	Buck Evans
Total Inspections: 1						
FINAL - FPL NO LATER T 165 S BEACH RD	35-38-42-040-000-00	FINAL - FPL NO LATER THA	08/07/2024	08/07/2024	Approved	Buck Evans



FINAL

Inspection List

08/27/24

Address	Parcel Number	Inspection Type	Scheduled	Completed	Result	Inspector
Total Inspections: 1						
FINAL - MECH 420 S BEACH RD	35-38-42-002-135-00	FINAL - MECH	08/15/2024	08/15/2024	Approved	Buck Evans
Total Inspections: 1						
FINAL - ROOF 15 N BEACH RD	35-38-42-004-005-00	FINAL - ROOF	08/13/2024	08/13/2024	Approved	Buck Evans
Total Inspections: 1						
FINAL- DRIVEWAY 420 S BEACH RD	35-38-42-002-135-00	FINAL- DRIVEWAY	08/15/2024	08/15/2024	Approved	Buck Evans
Total Inspections: 1						
FINAL- SEAWALL 488 S BEACH RD	35-38-42-011-000-00	FINAL- SEAWALL	08/20/2024	08/20/2024	Approved	Buck Evans
Total Inspections: 1						
FINAL- SPA RETILE 105 S BEACH RD	35-38-42-009-100-00	FINAL- SPA RETILE	08/02/2024	08/02/2024	Approved	Buck Evans
Total Inspections: 1						
FINAL-ELEVATOR 17 N BEACH RD	35-38-42-004-005-00	FINAL-ELEVATOR	08/19/2024	08/19/2024	Approved	Buck Evans



FINAL

Inspection List

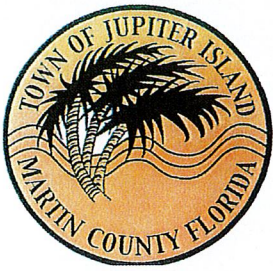
08/27/24

Address	Parcel Number	Inspection Type	Scheduled	Completed	Result	Inspector
Total Inspections: 1						
SHEATHING- FINAL						
88 N BEACH RD	35-38-42-004-016-00	SHEATHING- FINAL	08/20/2024	08/20/2024	Approved	Buck Evans
Total Inspections: 1						
Window Final						
141 SOUTH BEACH RD	35-38-42-009-123-01	Window Final	08/19/2024	08/19/2024	Approved	Buck Evans
Total Inspections: 1						
WINDOW FINAL						
41 N BEACH RD	35-38-42-004-000-02	WINDOW FINAL	08/22/2024	08/22/2024	Approved	Buck Evans
Total Inspections: 1						

Grand Total Inspections: 15

Population: All Records

Inspection.DateTimeCompleted Between 8/1/2024 12:00:00 AM AND 8/26/2024 11:59:59 PM AND
Inspection.InspectionType Contains FINAL



08/06/2024

Revenue Totals by Item

Description	Entries	Amount
Building Code Permit Surcharge - DCA	20	856.52
Building Code Permit Surcharge - DPBR	20	1,278.65
Impact Review	1	1,000.00
Letter of No Objection Fee	2	200.00
Permit Fee	20	85,460.72
Res - Development Review Committee	4	2,000.00
Work Without a Permit	1	1,008.00
Totals	68	91,803.89

Population: All Records

Transaction.DateToPostOn in <Previous month> [

Roof/Reroof

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11753	WILD CHICKS LLC	105 BUNKER HILL RD	35-38-42-009-096-00080-0	\$23,873.00	\$489.39	\$489.39
P11735	SEASIDE PARTNERS LLC	2 CLEARVIEW AVE	35-38-42-005-061-00060-2	\$47,240.25	\$968.43	\$968.43

Total Fees For Type: \$1,457.82
Total Construction Value For Type: \$71,113.25
Total Permits For Type: 2

Utility

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11748	TOWN OF JUPITER ISLAND	COMCAST	99-99-99-999-999999-9	\$0.00	\$0.00	\$0.00

Total Fees For Type: \$0.00
Total Construction Value For Type: \$0.00
Total Permits For Type: 1

Windows, Doors, Shutters, Misc

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11762	HEMPSTEAD DAVID M TR	93 S BEACH RD	35-38-42-009-099-00150-9	\$60,319.89	\$1,236.56	\$1,236.56

Total Fees For Type: \$1,236.56
Total Construction Value For Type: \$60,319.89
Total Permits For Type: 1

Report Summary

Population: All Records
Permit Date Issued Between 8/1/2024 12:00:00
PAM AND 8/26/2024 11:59:59 PM

Grand Total Fees: \$50,628.76
Grand Total Construction Value: \$2,469,438.14
Grand Total Permits: 25



Monthly Building Permits Issued

08/27/2024

A/C Change Out

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11737	TROTMAN, STANLEY S JR (TR)	241 S BEACH RD	35-38-42-010-000-00061-2	\$7,850.00	\$161.36	\$161.36
P11751	TOWN OF JUPITER ISLAND	2 BRIDGE RD	35-38-42-038-000-00010-0	\$0.00	\$0.00	\$0.00
P11731	Mr & Mrs Bradley Krey	101 PALMETTO TRL	35-38-42-009-090-00020-6	\$8,240.00	\$169.27	\$169.27

Total Fees For Type: **\$330.63**
Total Construction Value For Type: **\$16,090.00**
Total Permits For Type: **3**

Alteration - Area Increase

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11760	PHILIP W. ORDWAY	4 BASSETT CREEK N TRL	35-38-42-016-000-00080-3	\$875,000.00	\$17,937.50	\$17,937.50
P11757	ROBERT AND KATHERINE LA	101 SOUTH TRL	35-38-42-009-095-00040-1	\$441,000.00	\$9,040.50	\$9,040.50

Total Fees For Type: **\$26,978.00**
Total Construction Value For Type: **\$1,316,000.00**
Total Permits For Type: **2**

Alteration - No Area Increase

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11763	THE LONGTAIL JUPITER TRUS	15 N BEACH RD	35-38-42-004-005-00010-1	\$68,000.00	\$1,394.00	\$1,394.00

Total Fees For Type: **\$1,394.00**
Total Construction Value For Type: **\$68,000.00**

Demo - Single Building

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11741	GATE HOUSE SOUTH PROPER	214 S BEACH RD	35-38-42-001-102-00162-5	\$19,800.00	\$405.90	\$405.90

Total Fees For Type: \$405.90
Total Construction Value For Type: \$19,800.00
Total Permits For Type: 1

Dock, Boatlift, Dune Cross, SW

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11740	M SOUTHERN COMMAND LLC	488 S BEACH RD	35-38-42-011-000-00140-6	\$87,760.00	\$1,799.08	\$1,799.08
P11755	JOHN ADAMS TRUST 2001	494 S BEACH RD	35-38-42-011-000-00111-1	\$74,370.00	\$1,524.58	\$1,524.58
P11749	STONE DAVID & CHRISTINE G	101 HARBOR WAY	35-38-42-018-000-00010-6	\$30,000.00	\$615.00	\$615.00

Total Fees For Type: \$3,938.66
Total Construction Value For Type: \$192,130.00
Total Permits For Type: 3

Electric

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11745	ANTOIAN EDWARD N & JANE	45 S BEACH RD	35-38-42-009-087-02191-1	\$106,000.00	\$2,173.00	\$2,173.00
P11738	HAUSLEIN, JAMES N	165 S BEACH RD	35-38-42-040-000-00020-0	\$5,650.00	\$117.00	\$117.00
P11743	HOBE PROPERTIES LLC	100 PALMETTO TRL	35-38-42-009-091-00010-6	\$7,275.00	\$149.68	\$149.68

Total Fees For Type: \$2,439.68
Total Construction Value For Type: \$118,925.00
Total Permits For Type: 3

Fence, Walls, Gates

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11736	PALM TRUST U/A/D	382 S BEACH RD	35-38-42-002-129-00810-3	\$38,992.00	\$799.34	\$799.34

Total Fees For Type: \$799.34
Total Construction Value For Type: \$38,992.00
Total Permits For Type: 1

Gas

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11750	MURRAY JULIA B L/E	172 GOMEZ RD	35-38-42-009-112-00180-4	\$2,450.00	\$53.00	\$53.00

Total Fees For Type: \$53.00
Total Construction Value For Type: \$2,450.00
Total Permits For Type: 1

Landscape/Hardscape/Drive

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11758	COLLIER JUPITER LLLP	330 S BEACH RD	35-38-42-002-122-00681-4	\$0.00	\$0.00	\$0.00
P11747	SMITH DANIEL E JR	8 ISLE RIDGE W RD	35-38-42-010-000-00210-2	\$65,011.00	\$1,332.72	\$1,332.72

Total Fees For Type: \$1,332.72
Total Construction Value For Type: \$65,011.00
Total Permits For Type: 2

New Pool

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11764	SHERWOOD PARTNERS LLC	32 S BEACH RD	35-38-42-009-081-01700-0	\$132,130.00	\$2,708.67	\$2,708.67
P11752	KELLY PERKINS	473 S BEACH RD	35-38-42-043-000-00010-0	\$45,000.00	\$922.50	\$922.50
P11754	RYAN AND SHANA SIMOVITC	512 S BEACH RD	35-38-42-024-000-00020-6	\$113,477.00	\$2,326.28	\$2,326.28
P11742	7 SOUTH BEACH LLC	7 SOUTH BEACH RD	35-38-42-009-084-01981-4	\$210,000.00	\$4,305.00	\$4,305.00

Total Fees For Type: \$10,262.45
Total Construction Value For Type: \$500,607.00
Total Permits For Type: 4



Permits Finalized

08/27/2024

A/C Change Out

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11623	DE VINK, LODIEWIJK JR (TR)	123 S BEACH RD	35-38-42-009-105-00050-5	\$12,244.00	\$251.00	\$251.00
P11737	TROTMAN, STANLEY S JR (TR)	241 S BEACH RD	35-38-42-010-000-00061-2	\$7,850.00	\$161.36	\$161.36
P11703	TOWN OF JUPITER ISLAND	2 BRIDGE RD	35-38-42-038-000-00010-0	\$0.00	\$0.00	\$0.00
P11731	Mr & Mrs Bradley Krey	101 PALMETTO TRL	35-38-42-009-090-00020-6	\$8,240.00	\$169.27	\$169.27
P11673	WILKIN, ABRA PRENTICE (TR)	141 SOUTH BEACH RD	35-38-42-009-123-01080-0	\$10,485.00	\$214.95	\$214.95

Total Fees For Type: \$796.58
Total Construction Value For Type: \$38,819.00
Total Permits For Type: 5

Demo - All Structures

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11695	CHARLES EDGAR HALDEMAN	87 LINKS RD	35-38-42-009-096-00090-8	\$43,000.00	\$881.50	\$881.50

Total Fees For Type: \$881.50
Total Construction Value For Type: \$43,000.00
Total Permits For Type: 1

Drives/Landscaping

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P116524		8 ISLE RIDGE W RD	35-38-42-010-000-00210-2	\$14,401.00	\$333.75	\$333.75

Total Fees For Type: \$333.75
Total Construction Value For Type: \$14,401.00
Total Permits For Type: 1

Mechanical/Air Conditioning

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P9010		141 SOUTH BEACH RD	35-38-42-009-123-01080-0	\$4,190.00	\$98.28	\$98.28

Total Fees For Type: \$98.28
Total Construction Value For Type: \$4,190.00
Total Permits For Type: 1

Miscellaneous

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11501	CHURCHILL RICHARD H JR &	17 N BEACH RD	35-38-42-004-005-00020-9	\$125,000.00	\$2,562.50	\$2,562.50

Total Fees For Type: \$2,562.50
Total Construction Value For Type: \$125,000.00
Total Permits For Type: 1

Plumbing

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11691	MS. VENUS WILLIAMS	489 S BEACH RD	35-38-42-011-000-00080-8	\$4,545.00	\$94.90	\$94.90

Total Fees For Type: \$94.90
Total Construction Value For Type: \$4,545.00
Total Permits For Type: 1

Pool Renovation/Repair

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11682	J I Club of FI Inc	105 S BEACH RD	35-38-42-009-100-00030-1	\$7,520.00	\$154.66	\$154.66

Total Fees For Type: \$154.66

Total Construction Value For Type: \$7,520.00
Total Permits For Type: 1

Roof/Reroof

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11637	THE LONGTAIL JUPITER TRUS	15 N BEACH RD	35-38-42-004-005-00010-1	\$116,966.00	\$2,397.80	\$2,397.80

Total Fees For Type: \$2,397.80
Total Construction Value For Type: \$116,966.00
Total Permits For Type: 1

Utility

Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11368	TOWN OF JUPITER ISLAND	COMCAST	99-99-99-999-999-99999-9	\$0.00	\$0.00	\$0.00

Total Fees For Type: \$0.00
Total Construction Value For Type: \$0.00
Total Permits For Type: 1

Windows, Doors, Shutters, Misc

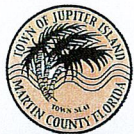
Permit #	Owner	Address	PIN	Construction Value	Fee Total	Amount Paid
P11672	WILKIN, ABRA PRENTICE (TR)	141 SOUTH BEACH RD	35-38-42-009-123-01080-0	\$28,000.00	\$574.00	\$574.00

Total Fees For Type: \$574.00
Total Construction Value For Type: \$28,000.00
Total Permits For Type: 1

Report Summary

Population: All Records	Grand Total Fees:	\$7,893.97
Permit.DateFinald Between 8/1/2024 12:00:00	Grand Total Construction Value:	\$382,441.00
AM AND 8/26/2024 11:59:59 PM	Grand Total Permits:	14

Building Department Activity Report
2024



Monthly Report

Month		Calendar Year Totals	January		February		March		April		May		June		July		Year to Date	
Category	Item	Jan 2023- Dec 2023	Amount 2023	Amount 2024	Amount 2023	Amount 2024	Amount 2023	Amount 2024	Amount 2023	Amount 2024	Amount 2023	Amount 2024	Amount 2023	Amount 2024	Amount 2023	Amount 2024	Amount 2023	Amount 2024
	Previous / Current																	
Permits & Fees	Building Permits Issued	238	15	13	14	13	12	14	13	22	38	47	26	25	24	20	129	132
	Value of Construction	\$83,737,334.31	\$428,775.60	\$989,367.10	\$918,312.10	\$232,182.00	\$2,277,301.07	\$1,146,487.16	\$615,374.75	\$3,666,900.00	\$59,733,747.60	\$51,349,223.46	\$3,943,182.07	\$3,720,585.45	\$5,038,631.28	\$4,229,910.95	\$72,955,324.50	\$65,334,656.20
	Cost Certification Fees	\$324,306.91	\$41,258.00	\$0.00	\$1,581.72	\$8,598.30	\$29,445.68	\$711.30	\$0.00	\$11,787.10	\$0.00	\$0.00	\$70,865.02	\$0.00	\$7,420.00	\$0.00	\$150,570.42	\$21,096.70
	Permit Extension Fee (1%)	\$10,742.74	\$0.00	\$0.00	\$750.00	\$0.00	\$9,892.74	\$518.34	\$0.00	\$34,489.69	\$50.00	\$35,050.00	\$50.00	\$0.00	\$0.00	\$0.00	\$10,742.74	\$70,058.03
	Permit Expansion Fees	\$22,407.42	\$247.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,000.00	\$0.00	\$8,254.00	\$0.00	\$1,040.00	\$0.00	\$95.00	\$0.00	\$19,636.50	\$0.00
	Work Without a Permit Fee	\$1,430.76	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$38.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,367.76	\$1,008.00	\$1,405.76	\$1,008.00
	Permit Fees (2%)	\$1,678,378.73	\$8,595.52	\$23,068.37	\$18,366.24	\$5,076.33	\$45,546.02	\$22,929.74	\$12,367.50	\$82,649.26	\$1,194,974.95	\$1,075,946.07	\$80,526.38	\$76,286.06	\$100,472.63	\$88,603.89	\$1,460,849.24	\$1,374,559.72
	Total Permit Fees	\$2,037,266.56	\$50,101.02	\$23,068.37	\$20,697.96	\$13,674.63	\$84,884.44	\$24,159.38	\$22,405.50	\$128,926.05	\$1,203,278.95	\$1,110,996.07	\$152,481.40	\$76,286.06	\$109,355.39	\$89,611.89	\$1,643,204.66	\$1,466,722.45
Applications Received																		
	DRC	14		0		1		0		4		0		0		4	14	9
	IRC	20		3		4		2		1		5		2		1	20	18
	BOA	7		0		3		1		0		4		0		0	7	8
Inspections																		
	Inspections	1100	79	66	53	78	73	51	40	37	51	163	115	204	137	230	548	778
	Final Inspections	321	19	20	13	27	22	19	19	25	20	21	24	11	32	15	139	138
	Certificate of Occupancy	4	0	2	0	0	0	3	0	2	0	0	0	2	0	0	0	7
	Permits Finaled/Closed	196	17	15	11	16	16	16	12	12	11	13	14	14	29	21	110	107
Other																		
	Demolition Permits	8	0	0	0	0	0	0	0	0	2	0	0	0	3	2	5	0
	Locate Tickets	963	68	50	65	44	71	89	108	86	119	140	98	89	91	66	512	564

Building Department Activity Report
2024

Monthly Report



Month		Calendar Year Totals	January		February		March		April		May		June		July		August		Year to Date	
Category	Item	Jan 2023- Dec 2023	Amount 2023	Amount 2024	Amount 2023	Amount 2024	Amount 2023	Amount 2024	Amount 2023	Amount 2024	Amount 2023	Amount 2024	Amount 2023	Amount 2024	Amount 2023	Amount 2024	Amount 2023	Amount 2024	Amount 2023	Amount 2024
Year	Previous / Current																			
																			8/1 - 8/26	
Permits & Fees	Building Permits Issued	238	15	13	14	13	12	14	13	22	38	47	26	25	24	20	27	25	156	157
	Value of Construction	\$83,737,334.31	\$428,775.60	\$989,367.10	\$918,312.10	\$232,182.00	\$2,277,301.07	\$1,146,487.16	\$615,374.75	\$3,666,900.00	\$59,733,747.60	\$51,349,223.46	\$3,943,182.07	\$3,720,585.45	\$5,038,631.28	\$4,229,910.95	\$2,683,187.42	\$2,469,438.14	\$75,638,511.90	\$67,804,094.30
	Cost Certification Fees	\$324,306.91	\$41,258.00	\$0.00	\$1,581.72	\$8,598.30	\$29,445.68	\$711.30	\$0.00	\$11,787.10	\$0.00	\$0.00	\$70,865.02	\$0.00	\$7,420.00	\$0.00	\$0.00	\$0.00	\$150,570.42	\$21,096.70
	Permit Extension Fee (1%)	\$10,742.74	\$0.00	\$0.00	\$750.00	\$0.00	\$9,892.74	\$518.34	\$0.00	\$34,489.69	\$50.00	\$35,050.00	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,000.00	\$10,742.74	\$73,058.03
	Permit Expansion Fees	\$22,407.42	\$247.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,000.00	\$0.00	\$8,254.00	\$0.00	\$1,040.00	\$0.00	\$95.00	\$0.00	\$150.00	\$0.00	\$19,786.50	\$0.00
	Work Without a Permit Fee	\$1,430.76	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$38.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,367.76	\$1,008.00	\$0.00	\$0.00	\$1,405.76	\$1,008.00
	Permit Fees (2%)	\$1,678,378.73	\$8,595.52	\$23,068.37	\$18,366.24	\$5,076.33	\$45,546.02	\$22,929.74	\$12,367.50	\$82,649.26	\$1,194,974.95	\$1,075,946.07	\$80,526.38	\$76,286.06	\$100,472.63	\$88,603.89	\$55,853.08	\$50,628.76	\$1,516,702.32	\$1,425,188.48
	Total Permit Fees	\$2,037,266.56	\$50,101.02	\$23,068.37	\$20,697.96	\$13,674.63	\$84,884.44	\$24,159.38	\$22,405.50	\$128,926.05	\$1,203,278.95	\$1,110,996.07	\$152,481.40	\$76,286.06	\$109,355.39	\$89,611.89	\$56,003.08	\$53,628.76	\$1,699,207.74	\$1,520,351.21
Applications Received																				
	DRC	14		0		1		0		4		0		0		4		0	14	9
	IRC	20		3		4		2		1		5		2		1		1	20	19
	BOA	7		0		3		1		0		4		0		0		0	7	8
Inspections																				
	Inspections	1100	79	66	53	78	73	51	40	37	51	163	115	204	137	230	137	118	685	896
	Final Inspections	321	19	20	13	27	22	19	19	25	20	21	24	11	32	15	32	15	171	153
	Certificate of Occupancy	4	0	2	0	0	0	3	0	2	0	0	0	2	0	0	0	0	0	7
	Permits Finaled/Closed	196	17	15	11	16	16	16	12	12	11	13	14	14	29	21	29	14	139	121
Other																				
	Demolition Permits	8	0	0	0	0	0	0	0	0	2	0	0	0	3	2	3	1	8	1
	Locate Tickets	963	68	50	65	44	71	89	108	86	119	140	98	89	91	66	91	66	603	630

July 2024 Code Enforcement Report

Enforcement Totals By Category

CONSTRUCTION SITE MAINTENANCE	Total Entries:	3
EXPIRED PERMIT	Total Entries:	46
LANDSCAPE MAINTENANCE	Total Entries:	1

Total Records: 50 Population: All Records
Enforcement.DateFiled Between 7/1/2024 12:00:00 AM AND 7/31/2024 11:59

Enforcement List - Inspection Summary

08/07/24

Enforcement Number	Address	Filed	Status	Closed
E000000024002	154 S BEACH RD	07/03/24	CLOSED - COMPLIED	07/03/24
NOTICED CONSTRUCTION TRUCK				
Inspection Type	Status	Result	Scheduled	Completed
Initial	Scheduled	00	07/03/24	FRANK LOGALBO

Enforcement Number	Address	Filed	Status	Closed
E2024-0109	216 S BEACH RD	07/05/24	CLOSED - NO VIOLATION	07/03/24
EXPIRED PERMIT (P10520) 4/6/21 FOR REPLACE ASPHALT CONCRETE DRIVEWAY				
Inspection Type	Status	Result	Scheduled	Completed
Initial	Complete	06	07/08/24	FRANK LOGALBO

Enforcement Number	Address	Filed	Status	Closed
E2024-0110	278 S BEACH RD	07/05/24	CLOSED - NO VIOLATION	
EXPIRED PERMIT P10354 (2019) GARAGE DOOR LOOKS LIKE IT HAS BEEN CHANGED NO ONE HOME SHUTTERS UP				
Inspection Type	Status	Result	Scheduled	Completed
Initial	Scheduled	00	07/03/24	FRANK LOGALBO

Enforcement Number	Address	Filed	Status	Closed
E2024-0111	440 S BEACH RD	07/05/24		
EXPIRED 12/01/21 INSTALL DRIVEWAY GATES GATES ARE UP				
Inspection Type	Status	Result	Scheduled	Completed
Initial	Scheduled	00	07/03/24	FRANK LOGALBO

Enforcement Number	Address	Filed	Status	Closed
E2024-0112	527 S BEACH RD	07/05/24	CLOSED - NO VIOLATION	
EXPIRED PERMIT2 A/C CHANGE OUT 2 UNITS P10552 (6/4/21)				

Enforcement List - Inspection Summary

08/07/24

Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Scheduled	00	07/03/24		FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0113	507 S BEACH RD		07/05/24		
EXPIRED PERMIT (P10567) 8/3/21 SOLOLOR SYSTEM DOES NOT LOOK LIKE IT WAS ADDED MAYBE BEACHSIDE THAT I COULD NOT TELL					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Scheduled	00	07/03/24		FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0114	426 S BEACH RD		07/05/24	CLOSED - NO VIOLATION	07/05/24
EXPIRED PERMIT P 10675 REROOF IT HAS BEEN DONE					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	02	07/03/24	07/05/24	FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0115	408 S BEACH RD		07/05/24		
EXPIRED PERMIT P10503 NEW SEPTIC AND DRAINFIELDNEW SOD AND BUFFER WORK HAS BEEN DONE					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Scheduled	00	07/03/24		FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0116	153 Gomez RD		07/05/24	OPEN - COMPLAINT RECEIVED	07/05/24
EXPIRED PERMIT FOR A NEW POOL P10865 THE POOL IS THERE ALSO ANOTHER POOL PERMIT THAT IS FINALIZED					
Inspection Type	Status	Result	Scheduled	Completed	Inspector

Enforcement List - Inspection Summary

08/07/24

Initial	Complete	02	07/03/24	07/05/24	FRANK LOGALBO
Enforcement Number	Address	Filed	Status	Closed	
E2024-0117	26 GOMEZ RD	07/05/24			
EXPIRED PERMIT WINDOWS AND DOORS 12/21/21 (P10556)					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Scheduled	00	07/03/24		FRANK LOGALBO
Enforcement Number	Address	Filed	Status	Closed	
E2024-0118	617 S BEACH RD	07/08/24	CLOSED - NO VIOLATION	07/12/24	
EXPIRED PERMIT P10919 BOAT LIFT BOAT LIFT IS THERE					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	02	07/08/24	07/12/24	FRANK LOGALBO
Enforcement Number	Address	Filed	Status	Closed	
E2024-0119	344 S BEACH RD	07/08/24			
EXPIRED PERMIT P10910 FOR 9 WINDOWS IN GUEST HOUSE					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Scheduled	00	07/05/24		FRANK LOGALBO
Enforcement Number	Address	Filed	Status	Closed	
E2024-0120	322 S BEACH RD	07/08/24			
EXPIRED PERMIT P10758 BATHROOM REMODEL NO ONE HOME COULD NOT TELL IF REMODEL WAS DONE					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	05	07/08/24	07/17/24	FRANK LOGALBO
Enforcement Number	Address	Filed	Status	Closed	
E2024-0121	504 S BEACH RD	07/10/24			

Enforcement List - Inspection Summary

08/07/24

EXPIRED PERMIT WALL P10870 ,BOATLIFT

Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Scheduled	00	07/05/24		FRANK LOGALBO

Enforcement Number	Address	Filed	Status	Closed
E2024-0122	141 GOMEZ RD	07/10/24		
EXPIRED PERMIT FOR A GENERATOR				

NO ONE HOME COULD NOT CHECK ON GENERATOR

Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	05	07/08/24	07/10/24	FRANK LOGALBO

Enforcement Number	Address	Filed	Status	Closed
E2024-0123	506 S BEACH RD	07/12/24	CLOSED - NO VIOLATION	
P 11005 EXPIRED DOCK AND BOAT LIFT				

DOCK AND BOATLIFT ARE INSTALLED

Inspection Type	Status	Result	Scheduled	Completed	Inspector

E2024-0124	511 S BEACH RD	07/12/24	CLOSED - NO VIOLATION	
BUILDING HAS BEEN KNOCKED DOWN PP 11093 DEMO				

Inspection Type	Status	Result	Scheduled	Completed	Inspector

E2024-0125	494 S BEACH RD	07/12/24		
EXPIRED DOCK PERMIT P10807 FOR A 12000 LBS BOATLIFT				

Inspection Type	Status	Result	Scheduled	Completed	Inspector
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Enforcement List - Inspection Summary

08/07/24

Initial	Scheduled	00	07/08/24	FRANK LOGALBO
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Enforcement Number	Address	Filed	Status	Closed
E2024-0126	41 GOMEZ RD	07/12/24	CLOSED - COMPLIED	07/12/24
EXPIRED PERMIT FOR THE REMOVE A DEAD TREE				
Inspection Type	Status	Result	Scheduled	Completed Inspector

Initial	Complete	06	07/08/24	07/12/24	FRANK LOGALBO
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Enforcement Number	Address	Filed	Status	Closed
E2024-0127	110 N BEACH RD	07/16/24	CLOSED - COMPLIED	07/16/24
A/C CHANGE OUT P11009 HAS A DIFFERENT NEW PERMIT THE WAS ISSUED AND CLOSED				
Inspection Type	Status	Result	Scheduled	Completed Inspector

Initial	Complete	06	07/15/24	07/16/24	FRANK LOGALBO
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Enforcement Number	Address	Filed	Status	Closed
E2024-0128	615 S BEACH RD	07/16/24	CLOSED - COMPLIED	07/16/24
EXPIRED PERMIT P11025WALL, P11026 GATE AND P11052 DOCK				
Inspection Type	Status	Result	Scheduled	Completed Inspector

Initial	Complete	02	07/15/24	07/16/24	FRANK LOGALBO
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Enforcement Number	Address	Filed	Status	Closed
E2024-0129	607 S BEACH RD	07/16/24	CLOSED - NO VIOLATION	07/16/24
P 11217 TEMP ELECTRIC				
Inspection Type	Status	Result	Scheduled	Completed Inspector

Initial	Complete	06	07/15/24	07/16/24	FRANK LOGALBO
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Enforcement Number	Address	Filed	Status	Closed
E2024-0130	515 S BEACH RD	07/16/24	OPEN - VERBAL WARNING ISSUE	07/16/24
TRUCKS ENTERING THE PROPERTY ARE RUNNING OVER THE GRASS AND SIDEWALK				
Inspection Type	Status	Result	Scheduled	Completed Inspector

Enforcement List - Inspection Summary

08/07/24

Follow-Up	Complete	02	07/31/25	07/19/24	FRANK LOGALBO
Enforcement Number	Address	Filed	Status	Closed	
E2024-0131	133 N BEACH RD	07/16/24	CLOSED - NO VIOLATION	07/16/24	
THEY WOULD LIKE TO EXTENDED THIER PERMIT. THERE IS NO VIOLATIONS AT THIS CONSTRUCTION SITE					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	06	07/11/24	07/16/24	FRANK LOGALBO
Enforcement Number	Address	Filed	Status	Closed	
E2024-0132	75 N BEACH RD	07/16/24	CLOSED - COMPLIED	07/16/24	
EXPIRED PERMIT FOR A BUFFER FOR FIRST PHASE					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	06	07/18/24	07/17/24	FRANK LOGALBO
Enforcement Number	Address	Filed	Status	Closed	
E2024-0133	116 N BEACH RD	07/17/24	CLOSED - COMPLIED	07/16/24	
EXPIRED PERMIT P 11250					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	02	07/18/24	07/17/24	FRANK LOGALBO
Enforcement Number	Address	Filed	Status	Closed	
E2024-0134	51 N BEACH RD	07/17/24	CLOSED - COMPLIED	07/17/24	
EXPIRED PERMIT P11066 BUFFER					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	06	07/18/24	07/17/24	FRANK LOGALBO
Enforcement Number	Address	Filed	Status	Closed	
E2024-0135	23 N BEACH RD	07/17/24	CLOSED - NO VIOLATION	07/17/24	
EXPIRED PERMIT FOR BUFFER					

Enforcement List - Inspection Summary

08/07/24

Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	06	07/16/24	07/17/24	FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0136	5 N BEACH RD		07/17/24		
EXPIRED PERMIT P 11169					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Follow-Up	Scheduled	00	11/30/24		FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0137	66 GOMEZ RD		07/17/24		
EXPIRED PERMIT DRAINFIELD P11178					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	05	07/18/24	07/17/24	FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0138	146 GOMEZ RD		07/16/24	CLOSED - NO VIOLATION	07/17/24
EXPIRED PERMIT P11252 REMOVE TWO BOAT LIFTS FROM DOCK					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	06	07/18/24	07/17/24	FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0139	174 GOMEZ RD		07/17/24	CLOSED - NO VIOLATION	07/17/24
EXPIRED LANDSCAPE PERMIT P - 11039					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	06	07/18/24	07/17/24	FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0140	202 GOMEZ RD		07/17/24		

Enforcement List - Inspection Summary

08/07/24

EXPIRED DOCK PERMIT P-11068

Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	05	07/16/24	07/17/24	FRANK LOGALBO

Enforcement Number Address Status Closed
E2024-0141 190 GOMEZ RD 07/17/24
EXPIRED PERMIT P9393 BRONZE RAILING
COULD NOT CONFIRM NO ONE HOME

Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	05	07/16/24	07/17/24	FRANK LOGALBO

Enforcement Number Address Status Closed
E2024-0142 132 GOMEZ RD 07/17/24
EXPIRED PERMIT P-11178 LEAKING BALCONY
NO ONE HOME GONE FOR SEASON

Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	05	07/16/25	07/18/24	FRANK LOGALBO

Enforcement Number Address Status Closed
E2024-0143 488 S BEACH RD 07/18/24 CLOSED - NO VIOLATION 07/17/24
EXPIRED PERMIT P-11291 TEMP P[OWER

Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	05	07/16/25	07/18/24	FRANK LOGALBO

Enforcement Number Address Status Closed
E2024-0144 400 S BEACH RD 07/18/24
EXPIRED PERMIT P11150 FOR A DOCK

Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	05	07/16/25	07/18/24	FRANK LOGALBO

Enforcement List - Inspection Summary

08/07/24

Enforcement Number	Address	Filed	Status	Closed
E2024-0145	485 S BEACH RD	07/18/24		
EXPIRED P11249 GARAGE DOORS				
Inspection Type	Status	Result	Scheduled	Completed
Initial	Complete	05	07/16/25	07/18/24
FRANK LOGALBO				

Enforcement Number	Address	Filed	Status	Closed
E2024-0146	398 S BEACH RD	07/18/24		
EXPIRED PERMIT P11301 TO BUILD A YARD WASTE BIN				
Inspection Type	Status	Result	Scheduled	Completed
Follow-Up	Scheduled	00	07/17/25	
FRANK LOGALBO				

Enforcement Number	Address	Filed	Status	Closed
E2024-0147	370 S BEACH RD	07/18/24	CLOSED - COMPLIED	07/18/24
EXPIRED PERMIT P11269 IRRIGATION PUMP				
Inspection Type	Status	Result	Scheduled	Completed
Initial	Complete	02	07/16/25	07/18/24
FRANK LOGALBO				

Enforcement Number	Address	Filed	Status	Closed
E2024-0148	344 S BEACH RD	07/18/24	CLOSED - COMPLIED	07/19/24
EXPIRED PERMIT P-11273 REPAIRING DECKING ON DOCK				
EXPIRED PERMIT FOR WINDOWS P -10910				
Inspection Type	Status	Result	Scheduled	Completed

Enforcement Number	Address	Filed	Status	Closed
E2024-0149	223 S BEACH RD	07/18/24	CLOSED - COMPLIED	07/18/24
HARDSCAPE LANDSCAPE HAS BEEN DONE				
CLOSED WORK COMPLETED				

Enforcement List - Inspection Summary

08/07/24

Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	06	07/16/25	07/19/24	FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0150	235 S BEACH RD		07/19/24		
EXPIRED PERMIT P10998 OWNERS NOT HOME COULD NOT TELL					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	05	07/16/25	07/19/24	FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0151	251 S BEACH RD		07/19/24	CLOSED - NO VIOLATION	
EXPIRED PERMIT P11131					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	05	07/31/25	07/19/24	FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0152	285 S BEACH RD		07/19/24		
EXPIRED PERMIT P11225 NEW GUEST HOUSE					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	07	07/17/25	07/19/24	FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0153	286 S BEACH RD		07/19/24		
EXPIRED PERMIT P-10831 WINDOWS AND DOORS					
Inspection Type	Status	Result	Scheduled	Completed	Inspector

Enforcement Number	Address		Filed	Status	Closed
E2024-0154	154 GOMEZ RD		07/19/24	CLOSED - NO VIOLATION	

Enforcement List - Inspection Summary

08/07/24

EXPIRED PERMIT P 10865 FOR A/C AND DUCT EXPIRED 3/12/21
NEW PERMIT P10505 A/C FINALED 5/6/21

Inspection Type	Status	Result	Scheduled	Completed	Inspector
Enforcement Number	Address	Filed	Status	Closed	
E2024-0155	330 S BEACH RD	07/31/24	OPEN - COMPLAINT RECEIVED		
TWO TREES BY THE ROAD ARE DEAD/DIEING CRACKING SIDE WALK (JASON)					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Follow-Up	Scheduled	00	08/30/24		FRANK LOGALBO
Enforcement Number	Address	Filed	Status	Closed	
E2024-0156	483 S BEACH RD	07/31/24	OPEN - VERBAL WARNING ISSUE		
STARTING CONSTRUCTION WORK BEFORE 7:30 AM					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Follow-Up	Canceled	08	08/30/24	07/31/24	FRANK LOGALBO
Enforcement Number	Address	Filed	Status	Closed	
E2024-0157	193 GOMEZ RD	07/31/24	CLOSED - NO VIOLATION		
EXPIRED FENCE PERMIT P-11101 FENCE IS UP					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Scheduled	00	08/30/24		FRANK LOGALBO

Population: All Records
Enforcement.DateFiled Between 7/1/2024 12:00:00 AM AND 7/31/2024 11:59:59 PM

August 2024 Code Enforcement Report

Enforcement Totals By Category

CONSTRUCTION SITE MAINTENANCE	Total Entries:	6
LANDSCAPE MAINTENANCE	Total Entries:	6
VEHICLE IN RIGHT OF WAY	Total Entries:	5

Total Records: 17 Population: All Records
Enforcement Date Filed Between 8/1/2024 12:00:00 AM AND 8/28/2024 11:59

Enforcement List - Inspection Summary

08/28/24

Inspection Type	Status	Result	Scheduled	Completed	Inspector
Follow-Up	Scheduled	00	08/30/24		FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0163	508 S BEACH RD		08/15/24	CLOSED - COMPLIED	08/28/24
BONNIE SCHIRALLI CALLED AND SAID GRASS IS HIGH VACANT LOT					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	07	08/30/24	08/15/24	FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0164	245 S BEACH RD		08/16/24	CLOSED - VERBAL WARNING ISS	08/16/24
CALLER COMPLAINED ABOUT LAWN SERVICE TRIMMING TREES AND PLACEING TRIMMINGS IN FRONT OFF BUFFER AREA SO S BCH RD COULD SEE					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	02	08/19/24	08/16/24	FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0165	429 S BEACH RD		08/20/24	CLOSED - COMPLIED	08/20/24
DELIVERY TRUCKS BLOCKING THE ROAD PLUS WORKING ON SATURDAY WITH OUT APPROVAL					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	02	08/20/24	08/20/24	FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0166	482 S BEACH RD		08/20/24	CLOSED - NO VIOLATION	08/20/24
CUTTING OUT A DRIVEWAY MAKING DUST IN THE AIR CEMENT SAW					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Scheduled	00	08/20/24		FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed

Enforcement List - Inspection Summary

08/28/24

E2024-0167	160 N BEACH RD	08/21/24			
TOTAL REMODEL ON THE INSIDE GRASS IS DYING GRASS OUT FRONT BY THE MAIL BOX					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Follow-Up	Scheduled	00	09/13/24		FRANK LOGALBO

Enforcement Number	Address	Filed	Status	Closed	
E2024-0168	4 BASSETT CREEK N TRL	08/21/24	CLOSED - VERBAL WARNING ISS	08/21/24	
TRACTOR TRAILER DELIVERING A LARGE BACK HOE FOR A DEMO PERMIT. MR .TRENT WAS UPSET ABOUT THE TRACTOR TRAILER DROVE OVER A NEWLY REPAVED RD OF BASSET CREEK TRAIL					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	06	09/13/24	08/21/24	FRANK LOGALBO

Enforcement Number	Address	Filed	Status	Closed	
E2024-0169	5 S BEACH RD	08/22/24	CLOSED - VERBAL WARNING ISS	08/27/24	
WEEDS IN THE BUFFER ,LAWN NEEDS TO BE MOWED					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Follow-Up	Scheduled	00	08/30/24		FRANK LOGALBO

Enforcement Number	Address	Filed	Status	Closed	
E2024-0170	7 SOUTH BEACH RD	08/23/24	CLOSED - COMPLIED		
PROPERTY IS UNDER CONSTRUCTION FRONT BUFFER AREA IS FILLD WIH WEEDS AND HIGH GRASSE					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Follow-Up	Scheduled	00	08/30/24		FRANK LOGALBO

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Enforcement Number	Address	Filed	Status	Closed	
E2024-0171	75 N BEACH RD	08/27/24	CLOSED - COMPLIED	08/27/24	
DELIVERY OF BACK HOE AT CONSTRUCTION SITE. NO FLAG MEN THEY MOVED THE TRUCK AND BACK HOE					
Inspection Type	Status	Result	Scheduled	Completed	Inspector

Enforcement List - Inspection Summary

08/28/24

Initial	Complete	02	08/27/24	08/27/24	FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0172	262 S BEACH RD		08/27/24	CLOSED - COMPLIED	08/26/24
TRACTOR TRAILER WITH A LARGE FORK LIFT ON THE BACK BLOCKING THE ROAD					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	02	08/27/24	08/27/24	FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0173	36 RIVERVIEW RD		08/27/24		
OLDER HOUSE IS UNDER A REMODEL AND LIFTING THE ENTIRE HOUSE. PORTA POTTI , DUMPSTER, AND NO FENCE					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Follow-Up	Scheduled	00	09/06/24		FRANK LOGALBO
Enforcement Number	Address		Filed	Status	Closed
E2024-0174	512 S BEACH RD		08/28/24	CLOSED - VERBAL WARNING ISS	08/28/24
NO FLAGMEN DIRECTING TRAFFIC FOR BACKING UP TRACTOR TRAILER I DIRECTED TRAFFIC FOR THEM					
Inspection Type	Status	Result	Scheduled	Completed	Inspector
Initial	Complete	02	09/06/24	08/28/24	FRANK LOGALBO
Population: All Records					
Enforcement.DateFiled Between 8/1/2024 12:00:00 AM AND 8/28/2024 11:59:59 PM					

Memorandum



To: Mayor and Commission

From: Catherine Harding, Community Development Director

Date: September 10, 2024

Re: Chairperson Selection Survey Summary

The Chairperson Selection Survey, asking the IRC, BOA and the LPA Members who should select their Chair, was submitted to our office. Our summary is as follows:

LPA: 5 of the 7 respondents preferred the Members appoint the Chair.

IRC: 3 of the 5 respondents preferred the Mayor appoint the Chair, with 1 "based on the circumstances"

BOA: 3 of the 5 respondents preferred the Mayor appoint the Chair with 1 no preference.

The IRC and the BOA had the majority of respondents prefer the Mayor. The majority of the LPA preferred the Members.

Combing all, the majority of respondents preferred the Mayor.

CAH/9/24



Jupiter Island Public Safety Department
August 2024
Activity Report



Monthly Activity

	August 2023	August 2024	YTD - 2023	YTD - 2024
<i>Calls for Service</i>	228	117	1,561	1,125
<i>Arrests</i>	2	1	6	10

Traffic & Marine Activity

	August 2023	August 2024	YTD - 2023	YTD - 2024
<i>Traffic Stops</i>	70	61	503	537
<i>Vehicle Citations</i>	13	11	78	95
<i>Parking Citations</i>	1	3	66	65
<i>Vehicle Crashes</i>	0	1	9	11
<i>Marine Unit Activity</i>	-	64	-	249

Major Crimes

<i>Crime Type</i>	August 2023	August 2024	YTD - 2023	YTD - 2024
<i>Robbery</i>	0	0	0	1
<i>Burglary</i>	0	0	1	0
<i>Theft</i>	1	0	1	4
<i>Auto Theft</i>	0	0	1	0
<i>Assault</i>	0	0	0	0
Total	1	0	3	5

Other Crimes

<i>Type</i>	August 2023	August 2024	YTD - 2023	YTD - 2024
<i>Fraud</i>	0	1	1	1
<i>Drug Violations</i>	0	0	0	1
<i>Trespassing</i>	0	0	1	0
<i>Vandalism</i>	0	0	0	0
<i>Disorderly Conduct</i>	0	0	0	1
<i>Lewd & Lascivious</i>	0	0	1	0
Total	0	1	3	3



Jupiter Island Public Safety Department
August 2024
Activity Report



Code Compliance

Violation Type	August 2023	August 2024	YTD - 2023	YTD - 2024
<i>Parking in Right of Way</i>	-	4	-	106
<i>No Flag Persons Present</i>	-	1	-	24
<i>Working Outside Hours</i>	-	1	-	4
<i>Work with No Permit</i>	-	0	-	0
<i>All Other Violations</i>	-	0	-	18
Total Violations	-	6	-	152

ALS Fire Rescue Responses

Medical calls this month	4	Avg. response time	3.1 minutes
Fire calls this month	8	Avg. response time	2.8 minutes

Criminal Activity

Juvenile Take and Hold/Warrant / Case #2024-00009778; August 5, 2024, a juvenile male arrived at Public Safety to turn himself in on a juvenile take and hold order for Failure to Appear in Court. The individual was taken into custody and transported to the Martin County Jail.

Attempted Fraud / Attempted Grand Theft / Case #2024-00009910; August 8, 2024, the complainant reported having a check stolen from a mailbox located off island in Hobe Sound. The suspect altered the check and attempted to electronically cash the fraudulent check. The bank was notified, and a hold placed on the check to prevent it from being cashed. The case remains open and under investigation.

Scheme to Defraud / Case #2024-00010278; August 15, 2024, Public Safety received a report of an attempt to defraud. The victim indicated that someone had hacked into her email and amazon account attempting to fraudulently receive return credits and place orders using the credits through her account. Amazon was notified and steps were taken to reset the accounts. The victim did not suffer a loss as a result of the attempts. Amazon will be conducting further investigation into the case.

Traffic Arrest / August 5, 2024, during a lawful traffic stop the driver was issued a criminal traffic citation with a mandatory court appearance for Driving with No Driver's License/Never Issued. Further investigation revealed that both occupants of the vehicle were undocumented aliens and



Jupiter Island Public Safety Department August 2024 Activity Report



were turned over to Border Patrol agents for further investigation. The vehicle was towed from the scene.

Traffic Arrest / August 21, 2024, during a lawful traffic stop the driver was issued a criminal traffic citation with a mandatory court appearance for Driving with No Driver's License/Never Issued.

Traffic Arrest / August 26, 2024, during a lawful traffic stop the driver was issued a criminal traffic citation with a mandatory court appearance for Driving with No Driver's License/Never Issued.

Incidents

Fire / August 22, 2024, at approximately 3:21 pm, Public Safety received a report of a smoke alarm coming from a residence in the 200 block of S. Beach Rd. Units responded with the department fire truck and upon arrival observed smoke coming from the residence. They immediately began fire suppression efforts and were joined by multiple units from Martin County Fire Rescue. Entry was made to the residence where they discovered significant fire coming from the attic area spreading into the living room of the home. The fire was subsequently extinguished, and clean-up efforts were conducted. The fire investigation was completed by Jupiter Island Fire Chief, Sgt. Frank Lasaga, and it was determined the fire was the result of a lightning strike to the roof during the significant weather event that day. The home suffered significant fire and water damage as a result.

Hobe Sound Beach Statistics

<i>Calls for Service- Day</i>	4
<i>Calls for Service- Night</i>	0
<i>Patrols</i>	69
<i>Traffic Stops</i>	7

Hobe Sound Beach Activity

DAYTIME 7am-7pm

Traffic Crash / August 10, 2024, 10:57 am, officers responded to the public beach parking area in reference to a report of a minor traffic crash. The victims exchanged drivers' information and left the scene. No further action taken.

Assist Martin County S.O. Search / August 10, 2024, 3:24 pm, units responded to the public beach to assist MCSO in locating the mother of a 5-year-old juvenile left at the H.S. Bible College.



***Jupiter Island Public Safety Department
August 2024
Activity Report***



Parking Problem / August 17, 2024, 12:13 pm, Public Safety units discovered a golfcart illegally parked in the grass at the public beach. Attempts were made to contact the owner to have the vehicle moved. They were unable to locate the owner at that time and the vehicle was gone upon additional patrols.

Parking Citation / August 17, 2024, 2:41 pm, while on patrol Public Safety units discovered a vehicle illegally parked at the public beach. Citation was issued.

NIGHTTIME 7pm-7am

No activity noted

Upcoming Town Meetings and Events

2024

Date	Day	Time	Event/Meeting	Location
August 14	Wednesday	9am	Pension Board	Conference Room
August 14	Wednesday	10:15am	Jt. Town/SMRU DCP Mtg	Conference Room
August 20	Tuesday	7am - 7pm	Primary Election Day	Island Room
September 2	Monday	All Day	Holiday - Labor Day - Town Hall Offices Closed	
September 5	Thursday	9am	Impact Review Committee	Island Room (if Required)
September 9	Monday	9am/ 12:30pm	Town Commission/ Attorney Client Session	Island Room
September 9	Monday	5:01pm	1st Budget Hearing	Island Room
September 10	Tuesday	9am	Town Coffee w/ Commissioner Taddeo	Island Room
September 10	Tuesday	10am	SMRU Board	Conference Room
September 10	Tuesday	Directly Following SMRU Board	Beach Protection District	Island Room
September 12	Thursday	5:01pm	2nd Budget Hearing	Island Room
September 26	Thursday	9am	Board of Adjustment	Island Room (if Required)
October 2	Wednesday	9am	Town Coffee w/ Mayor	Island Room
October 2	Wednesday	10am	Beach Protection District	Island Room
October 3	Thursday	9am	Town Commission Meeting	Island Room
TBD	TBD	9am	Impact Review Committee	Island Room (If Required)
October 31	Thursday	9am	Board of Adjustment	Island Room (If Required)
November 5	Tuesday	7am - 7pm	General Election Day	Island Room
November 5	Tuesday	9am	Town Coffee w/ Commissioner	Conference Room
November 5	Tuesday	10am	SMRU Board / Beach Protection Meeting	Conference Room
November 6	Wednesday	9am	Town Commission Meeting	Island Room
November 7	Thursday	9am	Impact Review Committee	Island Room (If Required)
November 11	Monday	All Day	Veteran's Day - Town Hall Closed	
TBD	TBD	9am	Pension Board	Conference Room
TBD	TBD	10:15am	Jt. Town/SMRU DCP Meeting	Conference Room
TBD	TBD	9am	Board of Adjustment Meeting	Island Room (If Required)
November 28-29	Thursday-Friday	All Day	Thanksgiving Holiday - Town Hall Closed	
December 5	Thursday	9am	Impact Review Committee	Island Room (If Required)
TBD	TBD	9am	Town Coffee	Island Room
TBD	TBD	10am	Beach Protection District	Island Room
TBD	TBD	9am	Town Commission	Island Room
TBD	TBD	12 noon	Town/Board Holiday Luncheon	JI Club
TBD	TBD	9am	Board of Adjustment	Island Room (If Required)
December 25-26	Wednesday-Thursday	All Day	Christmas Holiday - Town Hall Closed	

September 1, 2024

Key
Changes from Previous Schedule
Board of Adjustment
Impact Review Committee
Town Hall Closed
Election Day

Agendas posted on Town Website: www.townofjupiterisland.com prior to the meeting