

**AGENDA
TOWN OF JUPITER ISLAND
BOARD OF ADJUSTMENT MEETING
MONDAY, JANUARY 29, 2024, 11:00 AM
ISLAND ROOM – TOWN HALL – 2 BRIDGE ROAD**

1. Call to Order

2. Public Comment

3. Review Draft Recommendations to Certain Land Development Regulations

The Board and Building Department will engage in an informal review of draft recommendations to certain land development regulations. Input will be submitted to the Commission during the February 13, 2024 Town Commission meeting.

4. Adjourn

** No advanced materials provided*

Board of Adjustment

Marjorie Graham - Chair
Mark Newman – Vice Chair
Hugh O'Kane
Jodi Dines
Nancy Auth
E.B. Smith, Alternate
Stephanie Flinn, Alternate

TOWN STAFF

Robert Garlo, Town Manager
Catherine Harding, Building Director
Ruben Cruz, Director of Planning
Kimberly Kogos, Town Clerk
Thomas J. Baird, Town Attorney

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.

Rough Draft of LDR Recommendations.

Submitted by Catherine Harding

Community Development Director

1-26-24

The following are recommendations for consideration for clarification of the Land Development Regulations:

Add the following to Article II Definitions, section 1.00 Definitions.

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.

Ref. Florida Building Code, Residential, 7th addition 2020

Living Space: A space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes. For the purposes of this definition, living space and floor area shall be the same.

Ref. Florida Building Code, Residential, 7th addition 2020

NAVD, North American Vertical Datum 1988. (NAVD 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 ((NGVD 29)

For purposes of these land Development regulations, NAVD is the requirement for measurement.

Maximum Parking Spaces: The maximum number of parking spaces for residential shall be (2) for each bedroom.

Add: Home-based Business.

Ref: 2023 Title XXX111 Chapter 559 Section 955:

For purposes of this regulation, a business is considered a home -based business, if it operates in whole or in part, from a residential property and meets the following criteria:

- A. Employees of the business who work at the residential dwelling, must also reside in the residential dwelling, except 2 employees may live outside of the residence plus remote employees.
- B. Parking related to the business activities of the home-based business complies with local zoning requirements and the need for parking generated by the business may not be greater in volume than normally would be expected at a similar residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, or on or over a sidewalk or any unimproved surfaces at the residence.
- C. As viewed from the street, the use of residential property is consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure other than the residential dwelling, however, incidental business uses and activities may be conducted at the residential property.
- D. The activities of the home-based business are secondary to the properties use as a residential dwelling.
- E. The business activities comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibrations, heat, smoke, dust, glare, fumes or noxious odors. Any local regulations on a business with respect to noise, vibrations, heat, smoke, dust, glare, fumes or noxious odors may not be more stringent than those that apply to a residence where no business is conducted.
- F. All business activities comply with any 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 may not be more stringent than those that apply to a residence where no business is conducted.

Recommendation General:

Existing: All Districts: Maximum floor area of a principal dwelling building shall not exceed 10,000 square feet.

Change: ~~of a building~~ to principal dwelling.

Article IV, SEC. 2.01. Floor area:

Delete: C.1.a.: Ten percent of the maximum floor area on the parcel proposed for development or 1,000 square feet (both measured without the 50 percent adjustment,) whichever is less.

Reason: This section allows a residential building to be over the 10,000 square feet allowed.
Example: if a building is 10,000 square feet and they utilize this section they would be allowed 11,000 square feet of living space.

Add: The maximum floor area of an accessory building used for Living Quarters shall not exceed 3,000 square feet.

Add: For the purposes of this section, floor area and living space shall be the same.

Change in text: Article X, section 3.01 Fill.

Existing: 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 Alternate Development Standards.

Change: Article X section 3.02, 3.03, 3.04, 3.05, 3.06, 3.07, 3.08, 3.09, 3.10, 3.11 and 3.13.
Change the word ~~shall~~ to may. In each case it gives the Board of Adjustment the option to approve with consideration.

Add section C. The use of Alternate Development Standards will not result in a building which is more visible from adjacent property or public right-of-way than the existing surrounding structures.

Division 10. Development Standards.

Section 10.02. Staging plan required, standards.

Add:

E. Fencing. All construction sites where work is being performed shall install a six-foot-high chain-link fence and screen along the frontage at the road and along neighboring property lines to shield the work from public view. The fence and screen shall be maintained throughout construction. No signage shall be permitted on the fence.

F. Vehicle Wheel Cleaning Blanket. A vehicle wheel cleaning blanket shall be installed on all unpaved driveways where construction vehicles enter the road. The blanket shall be maintained throughout construction activities.

G. Construction Gate Keeper. Where deemed necessary by the Building Official to control access to a site, a gatekeeper shall be retained to direct construction traffic onto the public roads.

H. Pest Control. Commencing with the clearing of a property, a monthly pest control service shall be procured and utilized to prevent disturbance to adjacent properties throughout construction activities.

I. Port-a-let Placement. A port-a-let may be placed on site and in a location approved by the Building Official and site screened as much as practicable.

Notes on LDR approvals.

Definition of 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.

(This definition can be used to further consider an application for approval.)