

**ORDINANCE NO. 14-18**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, AMENDING ORDINANCE NO. 57-89, THE COMPREHENSIVE PLAN OF THE TOWN OF JUPITER; PROVIDING FOR THE AMENDMENT OF POLICY 2.1.2 OF THE COASTAL MANAGEMENT ELEMENT PERTAINING TO CONSTRUCTION SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE; PROVIDING FOR THE AMENDMENT OF COASTAL MANAGEMENT ELEMENT OBJECTIVE 2.6, POLICIES 2.1.2, 2.6.4, AND 2.6.5; AND CREATING POLICIES 2.6.8 2.6.9, 2.6.10 AND 2.6.11 IMPLEMENTING FLORIDA STATUTE 163.3178(2) RELATED TO REDUCING OR MITIGATING COASTAL FLOODING; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Town Council of the Town of Jupiter, Florida (Town), has adopted a Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes, previously entitled the "Local Government Comprehensive Planning and Land Development Regulation Act" and now known as the Growth Policy Act (the Act); and,

**WHEREAS**, the former Florida Department of Community Affairs, now known as the Department of Economic Opportunity, has previously determined that the Town's Comprehensive Plan was "in compliance" with the Act; and,

1           **WHEREAS**, pursuant to the Act, the Jupiter Planning and Zoning Commission, sitting as  
2 the Local Planning Agency (the LPA) has conducted a public hearing, as required by Section  
3 163.3174(4)(a), Florida Statutes, and has recommended amendments to the text of the Policy  
4 2.1.2 of the Coastal Management Element pertaining to development or redevelopment  
5 seaward of the Coastal Construction Control Line; the amendment of Policies 2.6.4 and 2.6.5 to  
6 extend the date for investigating additional climate change policies and adaptation action areas;  
7 the addition of new Policies 2.6.8 and 2.6.9 pertaining to the implementation of best practices to  
8 reduce the risk of coastal flooding; the addition of new Policy 2.6.10 pertaining to the use of  
9 vulnerability maps to determine the Town's risk of coastal flooding; and the addition of new  
10 Policy 2.6.11 to make the Town's Floodplain Management Regulations consistent with, or more  
11 stringent than, the Florida Building Code (collectively referred to herein as "the Amendments");  
12 and,

13           **WHEREAS**, the Town Council accepts the LPA's recommendation to adopt the  
14 Amendments; and,

15           **WHEREAS**, The Town Council has determined that the adoption of the Amendments  
16 would be in compliance with the Act; and,

17           **WHEREAS**, pursuant to Section 163.3184(11), Florida Statutes, the Town Council has  
18 conducted a public hearing, and after considering public comments on the Amendments voted  
19 to transmit the Amendments to the Florida Department of Economic Opportunity, appropriate  
20 reviewing agencies, and any other local government or governmental agency that made a  
21 written request of the Town pertaining to the Amendments;

22  
23           **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF**  
24 **JUPITER, FLORIDA:**

25           **Section 1.**     The whereas clauses are incorporated herein as the legislative findings of  
26 the Town Council.

1           **Section 2.** Ordinance No. 57-89 of the Town of Jupiter, entitled "Comprehensive  
2 Plan of the Town of Jupiter," is hereby amended to reflect the amendment to the text of Policies  
3 2.1.2, 2.6.4, 2.6.5, and the addition of Policies 2.6.8, 2.6.9, 2.6.10, and 2.6.11 of the Coastal  
4 Management Element as shown in the attached Exhibit "A", which is incorporated herein.

5           **Section 3.** The Town Clerk is hereby directed to transmit the required copies of the  
6 Amendments to the Department of Economic Opportunity and all other local governments or  
7 governmental agencies as required by Section 163.3184(3)(c)2., Florida Statutes.

8           **Section 4.** Severability. If any section, paragraph, sentence, clause, phrase or  
9 word of this Ordinance is for any reason held by a court to be unconstitutional, inoperative or  
10 void, such holding shall not affect the remainder of this Ordinance.

11           **Section 5.** Repeal of Laws in Conflict. All ordinances or part of ordinances in  
12 conflict herewith are hereby repealed to the extent of such conflict.

13           **Section 6.** Effective Date. The provisions of this Ordinance shall become effective  
14 pursuant to Section 163.3184(3)(c)4., Florida Statutes

15  
16 Attachment: Exhibit "A" - Text amendment to the Comprehensive Plan  
17  
18

19 V:\PlanningZoning\Staff\WP51\COMPPLAN\Amendments\2018-2 Sea Level Rise\08-14-18 LPA Meeting\Ordinance  
20 14-18.docx

# **EXHIBIT A of Ordinance #14-18**

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Town of Jupiter Comprehensive Plan

2018-02 Amendment (Text)

January 15, 2019

## **COASTAL MANAGEMENT ELEMENT:**

### *Goals, Objectives and Policies*

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***Goal 2. The protection of human life and capital facilities from the destructive effects of hurricanes and natural disasters by limiting public expenditures and development activities in identified hurricane vulnerability zones, providing for safe and effective emergency evacuation and establishing procedures for post-disaster redevelopment.***

#### ***Hazard Mitigation and Hurricane Vulnerability Zone***

**Objective 2.1: The Town shall direct development away from the coastal high hazard areas.**

Policy 2.1.1 The Town's coastal high hazard area shall include the area as defined in Section 163.3178(2)(h), Florida Statutes and shown on the Town's Hurricane Preparedness Plan Map (see Figure 1).

Policy 2.1.2 The Town shall use the following provisions as a means to direct people construction away from the coastal high hazard areas:

- a. Retain undeveloped lands in the coastal high hazard areas as public recreational sites or for other nonresidential uses.
- b. Provide the opportunity for innovative land design which allows for incorporating and enhancing existing natural systems and open areas to serve as natural storm buffers and post disaster staging areas.
- c. Provide for adequate evacuation routes in the event of an emergency.
- d. Provide for recreational needs and other appropriate water dependent and water related uses in a manner consistent with the preservation of natural resources of the dune and beach system.
- e. No new uses other than recreational or water dependent structures shall be allowed in the Coastal Construction Zone (i.e., lifeguard station, restroom facilities, etc.).
- f. All construction occurring within FEMA flood vulnerability zones shall be required to meet storm and flood proofing standards required for a 100 year storm.
- g. In the event of structural damage in excess of 50% of the value of a structure, the structure should be rebuilt to current codes.
- h. All new development and redevelopment ~~in the Coastal Construction Zone seaward of the Coastal Construction Control Lines established pursuant to Section 161.053, F.S.,~~ shall comply with the requirements of Chapter 161, F.S. and the Coastal Construction Code of the Town.

Policy 2.1.3 In order to reduce the exposure of life and public and private property to natural hazards the Town shall provide for general hazard mitigation by continuing enforcement of the regulations for building practices as specified in the adopted Coastal Construction Code, and shall further provide general hazard mitigation through the adoption of the future land use map with the adoption of this Comprehensive Plan. The Town shall review and implement those hazard mitigation recommendations of the Hurricane Evacuation Study and applicable existing interagency hazard mitigation reports.

### ***Climate Change Objective and Policies***

**Objective 2.6** The Town shall adopt and implement strategies which increase community resiliency and protect property, infrastructure, and cultural and natural resources from the impacts of climate change, including sea level rise, changes in rainfall patterns, and extreme weather events.

Policy 2.6.1 The Town shall continue its participation in the Southeast Florida Regional Climate Change Initiative Compact.

Policy 2.6.2 The Town shall collaborate with Palm Beach County to increase regional resilience by sharing technical expertise, participating in annual summits, assessing local vulnerabilities, advancing agreed upon mitigation and adaptation strategies, and developing joint state and federal legislation policies and programs.

Policy 2.6.3 The Town shall coordinate with Palm Beach County, other local governments, and other federal, state and regional agencies and private property owners to develop initiatives and goals to address climate change.

Policy 2.6.4 By December ~~2018~~2020, the Town shall investigate the feasibility of integrating consideration of climate change impacts, and adaptation and mitigation strategies, into existing Comprehensive Plan goals, objectives and policies and land development regulations.

Policy 2.6.5 By December ~~2018~~2020, the Town shall investigate the feasibility of the use of Adaptation Action Areas as provided by Section 163.3177(6)(g)(10), Florida Statutes, to identify areas vulnerable to coastal storm surge and sea level rise impacts.

Policy 2.6.7 The Town shall continue to promote the use of mitigation strategies to increase energy efficiency and conservation, and to reduce greenhouse gas emissions. The mitigation strategies may include, but are not limited to, the adoption of Comprehensive Plan policies or land development regulations pertaining to land use and transportation strategies such as requiring compact residential development, incentives for mixed use and redevelopment projects that maximize internal trip capture, clustering residential densities along transit routes, improving access to transit and non-motorized movement, requiring interconnectivity among adjoining parcels of land, and incentives for green building methods.

Policy 2.6.8 The Town shall utilize best practices and initiate mitigation strategies to reduce the flood risk in coastal areas that result from high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.

Policy 2.6.9 The Town shall implement engineering solutions to reduce the risk of flood in coastal areas, which may include the installation of stormwater drainage improvements as identified in the Stormwater Master Plan.

Policy 2.6.10 The Town shall utilize the 1-Foot, 2-Foot, and 3-Foot Sea Level Rise in Palm Beach County – Jupiter Area maps identified in the Vulnerability Analysis prepared by the South Florida Regional Climate Change Compact when determining the risks of coastal flooding due to sea level rise.

Policy 2.6.11 The Town's Floodplain Management Regulations shall be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

Upon First Reading this 20<sup>th</sup> day of September, 2018, the foregoing Ordinance was offered by Councilor Wayne R. Posner, who moved its adoption. The motion was seconded by Councilor Ilan Kaufer, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR TODD R. WODRASKA	X	
VICE-MAYOR RON DELANEY	X	
COUNCILOR ILAN KAUFER	X	
COUNCILOR JIM KURETSKI	X	
COUNCILOR WAYNE R. POSNER	X	

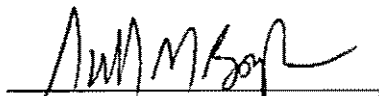
Upon Second Reading this 15<sup>th</sup> day of January, 2019 the foregoing Ordinance was offered by Councilor Wayne R. Posner, who moved its adoption. The motion was seconded by Vice-Mayor Ron Delaney, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR TODD R. WODRASKA	X	
VICE-MAYOR RON DELANEY	X	
COUNCILOR ILAN KAUFER	X	
COUNCILOR JIM KURETSKI	X	
COUNCILOR WAYNE R. POSNER	X	

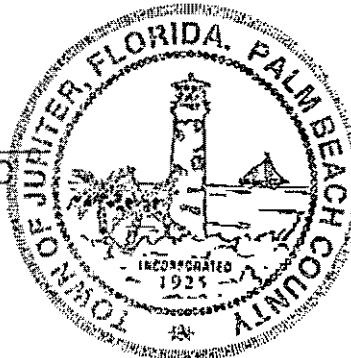
The Mayor thereupon executed Ordinance 14-18 on this 18<sup>th</sup> day of January, 2019.


TOWN OF JUPITER, FLORIDA

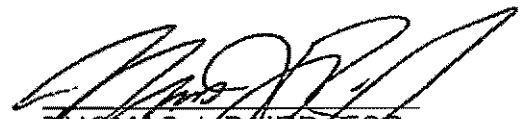
ATTEST:

  
SALLY M. BOYLAN, MMC  
TOWN CLERK

(TOWN SEAL)



BY:   
TODD R. WODRASKA  
MAYOR

  
THOMAS J. BAIRD, ESQ.  
Approved as to form and  
legal sufficiency