ORDINANCE NO. 02 - 2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA AMENDING APPENDIX A-ZONING CODE; BY AMENDING SECTION 1. DEFINITIONS AND RULES OF CONSTRUCTION. IN ORDER TO ADD DEFINITIONS OF "FLOOR AREA," "SINGLE STORY RESIDENCE," AND "TWO STORY RESIDENCE"; BY AMENDING SECTION 3. AUTHORITY. SUBSECTION (A) IN ORDER TO REVISE THE REVIEW AUTHORITY OF THE BUILDING AND ZONING COMMITTEE; BY AMENDING SECTION 10. RESTRICTIONS UPON LANDS, BUILDING AND STRUCTURES TO ADD A NEW SUBSECTION (C)(4) TO PROVIDE THAT NO LESS THAN SEVENTY PERCENT (70%) OF THE FRONT SETBACK AREA OF EVERY RESIDENCE SHALL BE PLANTED WITH LANDSCAPE MATERIALS; BY FURTHER AMENDING SECTION 10. RESTRICTIONS UPON LANDS, BUILDING AND STRUCTURES IN ORDER TO REMOVE ASPHALT AS AN APPROVED MATERIAL FOR A RESIDENTIAL DRIVEWAY; BY AMENDING SECTION 14. FRONT, REAR AND SIDE YARDS REGULATIONS. TO PROVIDE THAT MINIMUM YARD SETBACKS FOR LOTS 44, 45, 46, 47, 52, 55, 182 AND 210 FOR A SINGLE STORY RESIDENCE SHALL BE 23 FEET FOR THE FRONT YARD, 9 FEET FOR THE SIDE YARD AND 10 FEET FOR THE REAR YARD; PROVIDING THAT EACH AND EVERY PROVISION OF APPENDIX A-ZONING CODE NOT AMENDED HEREIN SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on January 11, 2017, the Town Commission duly adopted Ordinance No. 07-2016 thereby enacting substantial amendments to the Town's Zoning Code; and

WHEREAS, the Town Commission finds that it is necessary to adopt additional Zoning Code revisions in order to clarify and supplement certain provisions contained in Ordinance No. 07-2016.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA, THAT:

SECTION 1: The above recitals are hereby ratified, confirmed and incorporated herein by reference.

SECTION 2: APPENDIX A-ZONING CODE, Article I. General Provisions, Section 1. Definitions and Rules of Construction. of the Code of Ordinances of the Town of Jupiter Inlet Colony is hereby amended to add the following definitions:

Section 1. Definitions and Rules of Construction.

Floor area. The sum of all areas of building floors covered by buildings measured in the following manner.

a) All areas on all floors of all buildings including the areas lying within the building perimeter established by the interior side of the exterior wall of all floors of the building, including garages, together with covered patios, open air exterior areas that are under roof and balconies that project beyond the exterior walls of the building; plus
b) If any portion of a building is taller than one-story, a second floor will be included in the total floor area calculation for that portion of the building, regardless of whether the floor is in place.

Single story residence. A building or a portion of a building is one-story if it appears to contain one story, in that the exterior walls of the building are no taller than fourteen (14) feet, and:

a) If the roof is flat, and the building is no taller than sixteen (16) feet in height.
b) If the roof is sloped at an angle of less than or equal to three (3) feet of height for every twelve (12) feet of length, or is sloped but does not terminate at a peak or ridge, and the building is no taller than eighteen (18) feet.
c) If the roof terminates at a peak or ridge and is sloped at an angle of greater than three (3) feet of height for every twelve (12) feet of roof length, and the building is no taller than twenty one (21) feet in height.

Two story residence. A building or portion of a building is two (2) stories if it appears to contain more than one (1) story, and:

a) If the roof is flat, the building is taller than sixteen (16) feet in height and not taller than twenty five (25) feet in height.
b) If the roof is sloped at an angle of less than or equal to three (3) feet of height for every twelve (12) feet of length, or is sloped but does not terminate at a peak or ridge, the building is taller than eighteen (18) feet and not taller than twenty five (25) feet in height.
c) If the roof terminates at a peak or ridge and is sloped at an angle of greater than three (3) feet of height for every twelve (12) feet of roof length, the building is taller than twenty one (21) feet in height and not taller than twenty five (25) feet in height.

SECTION 3: APPENDIX A-ZONING CODE, Article I. General Provisions, Section 3. Authority. Subsection (A) of the Code of Ordinances of the Town of Jupiter Inlet Colony is hereby amended to read as follows:

Section 3. Authority and Responsibility.

(A) The building and zoning commissioner shall be charged with the administration and enforcement of the provisions of this zoning code as agent of and acting under the direction of the commission of Jupiter Inlet Colony. The building and zoning commissioner shall appoint building and zoning committee members who shall be approved by the Jupiter Inlet Colony Commission before becoming official members. Such committee shall consist of no less than two (2) members, other than the building and zoning commissioner, who shall act as chairman of the committee. The members of the committee will act in an advisory capacity to review plans for conformity to the requirements of all applicable codes and zoning ordinances of the Town ~~for conformity with Article IV of the "Jupiter Inlet Beach Colony Declaration of Restrictions to the Public" dated December 17, 1954 as filed in Deed Book 1074, page 451 of the Official Records of Palm Beach County, Florida~~. The committee shall also interpret zoning code regulations and provide recommendations for action on variance applications, as required by the building and zoning commissioner. The building and zoning commissioner and no less than two (2) members of the building and zoning committee shall review building plans that have an impact on zoning issues such as setbacks, building height or elevation, sight lines, grade or lot coverage. No permit shall be issued until the building and zoning commissioner has approved all plans submitted for compliance with the zoning code. Applications for building permits for work that have no effect or impact on zoning issues such as setbacks, building height or elevation, building mass, sight lines, grade or lot coverage need only be reviewed by the Town Administrator and Building Official and no opinion for the issuance of a permit shall be required by the building and zoning committee. The signature of the building and zoning commissioner on the application for permit shall be authorization for issuance of the permit by the Building Official, provided that if the applicant fails to obtain a building permit within six (6) months of approval by the building and zoning commissioner, then said approval shall be void and the application process must be recommenced.

(B through E, inclusive) Unchanged.

SECTION 4: APPENDIX A-ZONING CODE, Article I. General Provisions, Section 10(C) and (J) Restrictions Upon Lands, Building and Structures. of the Code of Ordinances of the Town of Jupiter Inlet Colony are hereby amended to read as follows:

Section 10. - Restrictions Upon Lands, Building, and Structures.

(A) Unchanged.

(B) Unchanged.

(C) Percentage of Lot Occupancy. No building or structure shall be erected, nor shall any existing building or structure be moved, altered, enlarged, or rebuilt, nor shall any open spaces surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the building site requirements and yard regulations established by this Code or amendments thereto. In order to minimize the effect on natural environment conditions, maximize surface water drainage and run off, and controlling building mass and density, the following development standards shall apply:

1) For a one-story residence, a maximum of sixty (60%) percent of any lot area may be developed provided a) the driveway(s) and parking area(s) are constructed of a permeable material and b) the owner(s) of the real property execute and deliver to the Town a deed restriction, in recordable form, covenanting that the structure(s) shall not be renovated or improved in any manner so as to add a second story to the structure(s) unless the maximum lot occupancy is reduced to fifty (50%) percent or less. Said deed restriction shall run with the land and be binding on the heirs, successors and assigns of the owner(s). An owner(s) of a single story residence existing on the effective date of this Ordinance may increase the lot occupancy to no more than sixty (60%) percent of any lot area provided the owner(s) complies with the provisions set forth in a) and b) as referenced in this Subsection.
2) For a two-story residence, a maximum of fifty (50%) percent of any lot area may be developed.
3) Developed, for purposes of this Section, shall include pools, patios, porches, ponds, concrete pads, stepping stones, concrete walls, walks, driveways and parking areas. Walks, driveways and parking areas composed of any material shall be included in the calculation of lot occupancy.

4) The term "landscape" or "landscape material" shall mean the planting of lawn, ground cover, flower beds, organic mulch, shrubs, hedges, trees or other types of botanical materials. No less than seventy (70%) of the front setback area of every residence shall be planted with landscape material. The use of pebbles, gravel and stones as ground cover between botanical materials as permitted and limited by Section 19-2 of the Code may be included in the calculation of landscape material.

(D through H, inclusive) Unchanged.

(J) Off-Street Parking Residential. These regulations apply to all residential uses throughout the town:
(1) Each single-family dwelling shall provide a driveway and no less than two (2) outdoor parking spaces per dwelling. Such parking spaces may be located on a driveway.
(2) The driveway(s) and parking area(s) shall be constructed so as to not encroach on side or rear setbacks.
(3) Each driveway and parking area shall consist of one or a combination of the following materials:
~~a. Asphalt;~~
~~b.~~ a. Concrete;
~~c.~~ b. Paver stones or bricks;
~~d.~~ c. Gravel, crushed rock, crushed shells, pea rock, turf, artificial turf or turf block;
~~e.~~ d. No portion of the outermost border of a driveway or parking area shall consist of turf or artificial turf. No more than thirty percent (30%) of a driveway or parking area shall consist of turf, artificial turf or a combination thereof. No area of a driveway or parking area consisting of turf, artificial turf, or a combination thereof, shall exceed thirty-six inches (36") in its narrowest dimension.
(4) Driveway(s) and parking areas shall be drained so as to not cause any nuisance or detriment to adjacent private or public property through the use of on-site control

techniques for storm-water run-off, such as, but not limited to permeable surfaces, French drains, catch basins, swales or other accepted methods of storm-water run-off control.

(5) Landscaping adjacent to all parking areas shall be provided in accordance with section 4-2 of the Town Code.

(K) Unchanged.

(L) Unchanged.

SECTION 5: APPENDIX A-ZONING CODE, Article I. General Provisions, Section 14. Front, Rear and Side yard Regulations. of the Code of Ordinances of the Town of Jupiter Inlet Colony is hereby amended to read as follows:

Section 14. - Front, Rear, and Side Yard Regulations.

Except as set forth in subsection (D), the following minimum front, rear and side yard setbacks shall be observed, as measured from the lot line to the finished surface of the foundation.

(A) Front yards shall not be less than twenty-five (25) feet in depth measured from the front lot line to the nearest point of any structure.

(B) Rear yards shall not be less than ten (10) feet in depth.

(C) Side yards shall be provided on each side of every structure of not less than ten (10) feet, except that any side yard for lots with an area of 11,000 square feet or less abutting a street shall have a minimum width of fifteen (15) feet.

(D) Minimum yard setbacks for Lots 44, 45, 46, 47, 52, 55, 182 and 210 for a single story residence when conforming to Sections 10 and 10.1 of Appendix A-Zoning Code shall be as follows: front yard 23 feet; side yard 9 feet and rear yard 10 feet.

SECTION 6. Each and every provision of Appendix A-Zoning Code not amended herein shall remain in full force and effect as previously enacted.

SECTION 7. Specific authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Jupiter Inlet Colony.

SECTION 8. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 9. Should any section or provision of this Ordinance or any portion thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this Ordinance.

SECTION 10. This Ordinance shall become effective immediately upon passage. Applications for building permits where a full set of plans have been submitted to the Building Official in conformance with the Plan Submittal Checklist attached as Exhibit "A" prior to the effective date of this Ordinance shall not be required to comply with the revised provisions set forth herein.
FIRST READING this 10th day of April, 2017.

SECOND READING and FINAL PASSAGE this 8th day of May, 2017.

TOWN OF JUPITER INLET COLONY, FLORIDA

_____
MAYOR DANIEL J. COMERFORD, III

_____
VICE-MAYOR THOMAS M. DISARNO

_____
COMMISSIONER JEROME A. LEGERTON

_____
COMMISSIONER MILTON J. BLOCK

_____
COMMISSIONER RICHARD D. BUSTO

ATTEST:

_____
TOWN CLERK JUDE M. GOUDREAU