

ORDINANCE NO. 06-2018

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA AMENDING ARTICLE I. IN GENERAL OF APPENDIX A-ZONING CODE AS FOLLOWS: BY AMENDING SECTION 1. DEFINITIONS AND RULES OF CONSTRUCTION TO ADD DEFINITIONS OF “ENTRY FEATURE,” “GROUND COVER,” “IMPERMEABLE MATERIAL,” “LANDSCAPE MATERIAL,” “RESIDENCE,” “ROOF ENVELOPE,” “SIDE LOADED GARAGE,” “STEPPING STONES” AND “WAIVER;” BY FURTHER AMENDING SECTION 1. DEFINITIONS AND RULES OF CONSTRUCTION TO DELETE THE DEFINITIONS OF “SINGLE STORY RESIDENCE” AND “TWO STORY RESIDENCE” AND TO AMEND THE DEFINITIONS OF “FLOOR AREA” AND “LOT COVERAGE BY BUILDINGS;” BY AMENDING SECTION 3. AUTHORITY. IN ORDER TO AUTHORIZE THE BUILDING AND ZONING COMMITTEE TO GRANT WAIVERS FROM SWIMMING POOL AND SCREEN ENCLOSURE REGULATIONS; BY AMENDING SECTION 10. RESTRICTIONS UPON LANDS, BUILDING AND STRUCTURES, SUBSECTION (C) TO REVISE AND CLARIFY PROVISIONS PERTAINING TO THE CALCULATION OF LOT OCCUPANCY AND REQUIRED FRONT YARD LANDSCAPING AND BY AMENDING SUBSECTION (J) TO REVISE AND CLARIFY PROVISIONS PERTAINING TO OFF-STREET RESIDENTIAL PARKING; BY AMENDING SECTION 10.1 DEVELOPMENT STANDARDS FOR SINGLE FAMILY RESIDENCES TO AMEND THE PROVISIONS APPLICABLE TO SINGLE STORY AND TWO STORY RESIDENCES; BY AMENDING SECTION 13 BUILDING HEIGHT REGULATIONS TO PROVIDE HEIGHT LIMITATIONS AND ROOF ENVELOPE REGULATIONS FOR ONE-STORY RESIDENCES AND WALL HEIGHT REGULATIONS FOR ONE-STORY AND TWO-STORY RESIDENCES; BY AMENDING SECTION 14. FRONT, REAR AND SIDE YARD REGULATIONS IN ORDER TO AMEND SETBACK PROVISIONS; BY AMENDING SECTION 17. GENERAL PROVISIONS AND EXCEPTIONS, SUBSECTION B TO FURTHER REVISE AND CLARIFY YARD SETBACK PROVISIONS, BY AMENDING SUBSECTION D TO REVISE THE PROVISIONS PERTAINING TO THE MINIMUM DISTANCE BETWEEN DWELLINGS AND BY AMENDING SUBSECTION F TO REVISE AND CLARIFY SETBACK AND OTHER PROVISIONS PERTAINING TO SWIMMING POOLS AND SCREEN ENCLOSURES AND TO PROVIDE A SETBACK WAIVER PROCEDURE; BY AMENDING CHAPTER 19 VEGETATION, ARTICLE I. IN GENERAL. SECTION 19-2 REQUIRED RESIDENTIAL LANDSCAPING OF THE CODE OF ORDINANCES TO REVISE AND CLARIFY LANDSCAPE REQUIREMENTS FOR ONE-STORY

AND TWO-STORY RESIDENCES; PROVIDING AUTHORITY TO CODIFY;
PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AN
EFFECTIVE DATE; AND FOR OTHER PURPOSES

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

SECTION 1. 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 modify, delete and add the following definitions:

Entry feature. A non-habitable, non-enclosed space associated with the front or side
street entrance to a building or structure that does not exceed two hundred (200) square
feet in area.

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.

Ground cover. Pebbles, gravel, stones, and other inorganic or organic material used as
a mulch or protective ground cover immediately around the base of landscape material
in accordance with typical horticultural practices.

Impermeable material. A ground cover or material through which water cannot
penetrate.

Landscape material. Lawn, turf, sod, ground cover, flowers, vines, bushes, shrubs,
hedges, palms, trees, or other type of organic material typically used in residential
landscapes.

Lot coverage of lot by buildings. Coverage of a lot by buildings is that The percentage
of lot area that is or may be covered or occupied by buildings, including accessory
buildings and garages, under this Zoning Code. For purposes of calculation, coverage
of a lot coverage by buildings includes the all areas lying within the building perimeter
established by the exterior side of the exterior wall of all floors of the building,
including garages, covered patios, open air exterior areas that are under roof, and

balconies that project beyond the exterior walls ~~of all floors of a building~~. Coverage of lot by building shall not include the area of eaves around the perimeter of a building provided eaves shall be no greater than twenty-four (24) inches in width, but shall include the complete area of a balcony and cantilevered second floor area that projects beyond the exterior wall of a first floor building.

Residence. A single family home, including accessory buildings and garages, on a residential lot or combination of lots.

Roof envelope. The area of a lot where the roof of a one-story residence may have a maximum building height of twenty-five (25) feet.

Side loaded garage. A private garage with the garage door(s) parallel to the adjacent side lot line.

~~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.~~

Stepping stones. Individual stones or pavers placed directly on the ground for infrequent stepping or walking. Typical uses include walkways and paths that are separate and distinct from patios and decks.

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

- ~~(1) 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.~~
- ~~(2) 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.~~
- ~~(3) 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.

Waiver. A request to alter a specific Zoning Code provision where alternative solutions to Code requirements are provided, subject to standards, performance criteria or limitations. Waivers are not intended to relieve specific financial hardship nor circumvent the intent of the Zoning Code.

SECTION 2. APPENDIX A-ZONING CODE, Article I. General Provisions, Section 3. Authority of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida is hereby amended to read as follows:

Section 3. Authority.

(A) Unchanged.

(B) The Town Commission shall appoint building and zoning committee members. Such committee shall consist of no less than three (3) and no more than seven (7) members. 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. The committee shall select a chairperson to preside at its meetings. The responsibilities of the committee shall be to 1) assist the planning and zoning administrator in the interpretation of zoning code regulations, 2) consider, review and recommend potential zoning code amendments, 3) review plans for new construction; exterior renovations, additions and remodels; and significant renovations deemed necessary by the planning and zoning administrator, ~~and~~ 4) provide recommendations for action on variance applications, as required by the planning and zoning administrator, ~~and~~ 5) grant, if appropriate, setback waivers for swimming pools and screen enclosures as provided in Section 17(F)(8) of the Zoning Code.

(C through G) Unchanged.

SECTION 3. APPENDIX A - ZONING CODE, Article I, General Provisions, Section 10. Restrictions Upon Lands, Building and Structures. of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida is hereby amended to read as follows:

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

(A) No change.

(B) No change.

(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%)~~ fifty (50%) 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 may develop a maximum of sixty (60%) of the lot area on the condition that the owner(s) 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) No change.

(3) Developed, for purposes of this Section, shall include pools, patios, porches, ponds, concrete pads, stepping stones, concrete walls, seawalls, walks, walkways, pathways, driveways, and parking areas, and similar paved or impervious areas, except as provided herein. Walks, driveways, and parking areas composed of any material(s), ~~including turf and artificial turf~~, shall be included in the calculation of lot occupancy.

(a) For the purposes of this Section, the following shall not be included as developed, for purposes of this Section in the calculation of lot occupancy:

~~(a)~~ (i) Boundary walls with a width of no greater than nine (9") inches and a cap width of no greater than twelve (12") inches; and

~~(b)~~ (ii) Seawalls with a cap width of no greater than twenty-four (24") inches; and

~~(c)~~ (iii) Equipment pad(s) up to a maximum of one hundred (100) square feet per lot or property; and

~~(d)~~ (iv) A single path of stepping stones or pavers laid in a pattern less than or equal to two (≤ 2) feet in width, and less than or equal to four (≤ 4) square feet in area per stone or paver.

(b) In the event a wall, seawall, or equipment pad(s), or stepping stones exceeds the above-referenced dimension or threshold, then the area in excess of the

specified dimension or threshold shall be considered as developed for included in the calculation of lot occupancy calculations.

(4)

~~(a) 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%) thirty (30%) percent of the front setback area yard of every residence with a lot area less than or equal to 11,000 square feet shall be planted with landscape material; no less than fifty (50%) percent of the front yard of every residence with a lot area greater than 11,000 square feet and less than 20,000 square feet shall be planted with landscape material and no less than seventy (70%) percent of the front yard of every residence with a lot area of 20,000 square feet or greater shall be planted with landscape material. The use of pPebbles, gravel, and stones used as ground cover between botanical materials as permitted and limited by in accordance with Section 19-2 of the Code of Ordinances may be included in the calculation of landscape material required residential landscaping.~~

~~(b) On corner lots, the driveway and parking area shall be permitted on only one of the front setback yard area or the side street setback yard area. In the event the driveway and parking area are developed in the front setback area, no less than seventy (70%) percent of the front setback area shall be planted with landscape material. In such case, no less than ninety (90%) percent of the side street setback yard area shall be planted in landscape material and no driveway or parking area shall be permitted in the side street setback yard area. In the event the driveway and parking area are developed in the side street setback yard area, no less than sixty (60%) percent of the side street yard area shall be planted with landscape material. In such case, no less than ninety (90%) percent of the front setback yard area shall be planted in landscape material and no driveway or parking area shall be permitted in the front setback area. Landscape material in each case shall be as defined in Section 4(a).~~

~~(5) Artificial turf utilized in a driveway may have a hardscape underlayment. Artificial turf utilized in landscaping shall not have a hardscape underlayment.~~

- (D) No change.
- (E) No change.
- (F) No change.
- (G) No change.

(H) No change.

(I) No change.

(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~~ All driveway(s) and parking area(s) shall be constructed so as to not encroach on side or rear setbacks; provided, a driveway may encroach one (1) side yard setback on a lot with a lot area of 11,000 square feet or less that conforms to Sec. 10(C)(1) of the Zoning Code.

(a) The driveway shall be setback a minimum of two (2) feet from the side property line.

(b) The driveway shall not encroach an easement without a signed release from the easement holder.

(c) All driveways with a permit issued by the town that are located in a side or rear setback, as of the effective date of this ordinance, shall be considered conforming for the purposes of Sec. 9(D). *Nonconforming Structures*.

(3) ~~Each~~ All driveways and parking areas shall consist of one (1) or a combination of the following materials:

~~a. (a)~~ Concrete;

~~b. (b)~~ Paver stones or bricks;

~~e. (c)~~ Gravel, crushed rock, crushed shells, shell rock, pea rock, turf, artificial turf, or turf block;

~~d.~~

(4) Turf, artificial turf, or turf block.

(a) No portion of the outermost border of a driveway or parking area shall consist of turf, ~~or~~ artificial turf, or turf block.

(b) No more than thirty percent (30%) of a driveway or parking area shall consist of turf, artificial turf, turf block, or a combination thereof.

(c) 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.~~ width.

(d) Artificial turf or turf block utilized in a driveway or parking area shall have a hardscape underlayment suitable to support the weight of a vehicle.

(e) A driveway or parking area designed to park or store vehicles exclusively on turf is prohibited.

~~(f) (4)~~ No change.

~~(g) (5)~~ No change.

(K) No change.

(L) No change.

SECTION 4. APPENDIX A - ZONING CODE, Article I, General Provisions, Section 10.1. Development Standards for Single Family Residences. of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida, is hereby amended to read as follows:

Section 10.1. - Development Standards for Single Family Residences.

(1) (A) No change.

(2) (B) No change.

(3) (C) No change.

(4) (D) No change.

~~(5) Lot coverage, single story residence. The maximum percentage of coverage of a lot by buildings, including accessory buildings and garages, shall be forty (40%) percent.~~

(6) (E) Lot coverage by buildings; and maximum floor area; regulations for two-story residences. The maximum percentage of lot coverage of a lot by buildings; ~~including accessory buildings and garages,~~ for a two-story building residence shall be thirty-two (32) percent.

(1) The floor area of the second story of a two-story residence shall not exceed a floor area equivalent to a ratio of sixty (60) percent of the first story floor area.

(2) Additionally, the total floor area total for the combined first floor and second floor of a two-story residence shall not exceed an area equivalent to a ratio of fifty (50) percent of the total lot area.

(7) (F) No change.

SECTION 5. APPENDIX A - ZONING CODE, Article I, General Provisions, Section 13. Building Height Regulations. of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida, is hereby amended to read as follows:

Section 13. - Building and Wall Height Regulations.

(A) Maximum building height. No building or structure shall exceed twenty-five (25) feet in height at the highest point of the roof measured from the average finish grade, as approved by the Building Official. The roof of a one-story residence shall not exceed twenty-three (23') feet in height, unless located within the roof envelope. The roof of a one-story residence may have a maximum building height of twenty-five (25') feet within the roof envelope only. The roof envelope shall be measured from the adjacent property line and shall be determined as follows:

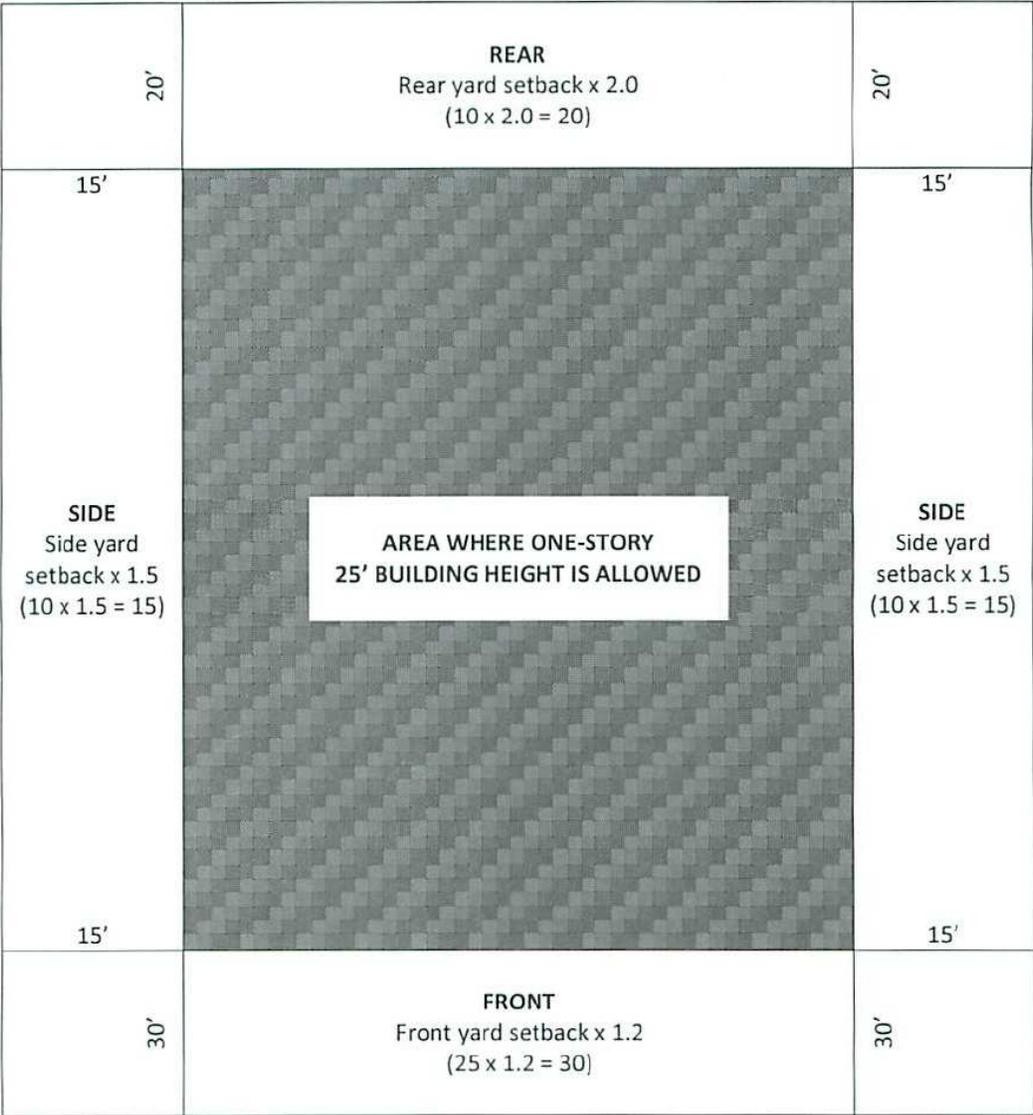
1) Front: front yard setback x 1.2

2) Side/ Side Street: side or side street yard setback x 1.5

3) Rear: rear yard setback x 2.0

An example of the roof envelope for a typical lot is shown in Figure 3.

Figure 3. Roof Envelope



(B) Maximum wall height for a one-story residence. The exterior walls of a single story building or structure shall not exceed fourteen (14) feet in height at the highest point of the wall, measured from the average finished grade as approved by the Building Official; *provided*, the exterior walls of non-habitable, non-enclosed entry features and spaces may exceed fourteen (14) feet in height. The maximum height of an entry feature shall not exceed eighteen (18') feet.

(C) Maximum wall height for a two-story residence. The exterior walls of a two story building or structure shall not exceed the following height at the highest point of

the wall, measured from the average finished grade as approved by the Building Official:

- (1) If the roof is flat, the exterior walls shall not exceed twenty-four (24) feet in height.
- (2) 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 exterior walls shall not exceed twenty-one (21) feet in height.
- (3) 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 exterior walls shall not exceed eighteen (18) feet in height.

SECTION 6. 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, Florida, 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 in Table 1 shall be observed provided for all buildings and structures, as measured from the lot line to the finished surface of the foundation nearest point of any building or structure.

- ~~(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) (A) The minimum yard setbacks in Table 1 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 shall only apply to a lot with a lot area of 11,000 square feet or less that conforms to Sec. 10.(C)(1) of the Zoning Code shall be as follows: front yard 23 feet; side yard 9 feet and rear yard 10 feet. Otherwise, the Standard District setbacks shall apply.~~
- ~~(E) (B) A non-elevated walkway of no greater than three (3) feet in width may be installed in a side yard area; for the purpose of providing pedestrian and maintenance access to the front and rear yards. Under no circumstances shall a walkway in the side yard be designed or intended to extend any part of a patio, deck, or pool deck into a side yard area. For purposes of this provision, the side yard area shall include only the side yard area between the front and rear setback lines. Except as provided herein, and also excepting equipment pads, no other~~

structure or improvement of any nature shall be constructed or placed in a side yard area.

(F) (C) ~~A Non-elevated patios, or decks and pool decks on a lot with a lot area of 11,000 square feet or less that conforms to Sec. 10.(C)(1) of the Zoning Code may extend no more than three (3') a maximum of two and one-half (2.5) feet into the side or rear yard areas. For purposes of this provision, the rear yard area shall include only the rear yard area between the side setback lines. Except as provided herein, no other structure or improvement of any nature shall be constructed or placed in a rear yard area.~~

Table 1. Building Setbacks			
	Lot Area		
	≤ 8,500 sf	8,501 sf - 11,000 sf	Over 11,000 sf (Standard District)
Front ¹	<u>23'</u>	<u>23'</u>	<u>25'</u>
Side	<u>9'</u>	<u>10'</u>	<u>10'</u>
Side Street	<u>15'</u>	<u>15'</u>	<u>20'</u>
Rear	<u>10'</u>	<u>10'</u>	<u>10'</u>

1. Exception for a side loaded garage. The front setback for a side loaded garage on a lot with an area of 11,000 square feet or less shall be fifteen (15) feet, measured from the lot line to the nearest point of the structure. A side loaded garage located within twenty-five (25) feet of the front lot line shall be limited to a maximum building height of fifteen (15) feet.

SECTION 7. APPENDIX A - ZONING CODE, Article I, General Provisions, Section 17. General Provisions and Exceptions. of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida, is hereby amended to read as follows:

Section 17. - General Provisions and Exceptions.

(A) No change.

(B) Yards.

(1) Every part of a required yard shall be open, from its lowest point to the sky; unobstructed, except for the ordinary projections ~~under eight (8) less than ten and one-half (10.5) inches consisting of in width protruding from the side of a home or structure, such as~~ impact protection (hurricane shutters, excluding awning type), sills, belt courses, cornices, buttresses, ornamental features, chimneys, flues, dryer vents, electric outlets, meters, water spigots, and eaves the like. If eaves, canopies, or cantilevered roofs project more than twenty-four (24) inches, the minimum yard requirement ~~in all cases,~~ shall be extended a distance equal to the amount such projection exceeds twenty-four (24) inches. ~~All other projections not specifically permitted herein are prohibited.~~

Except as provided in this Section and Section 14. - Front, Rear, and Side Yard Regulations, no other structure or improvement of any nature, other than fences, privacy walls, seawalls, landings, walks, walkways, driveways, mailboxes, landscape lighting, light posts, clean-outs, and equipment on equipment pads, shall be constructed or placed in a required yard area. Sufficient side yard area shall be maintained at all times to allow access to the rear yard for maintenance purposes. All other projections, structures, and improvements not specifically permitted by the Zoning Code or required by the Florida Building Code or other governmental entity are prohibited.

- (2) No change.
- (3) No change.
- (C) No change.
- (D) Location.
 - (1) There shall be a distance of not less than twenty (20) feet between any two (2) dwellings. If the projection of eaves on either or both dwellings exceed twenty-four (24) inches, the distance between the two (2) dwellings shall be increased by an amount equal to the projection in excess of twenty-four (24) inches; provided, on lots that allow nine (9) foot side setbacks, the distance between dwellings may be reduced to eighteen (18) or nineteen (19) feet based on the side setback required on the adjacent lot.
 - (2) No change.
 - (3) No change.
- (E) No change.
- (F) Swimming Pools, and spas, and screen enclosures.
 - (1) No change.
 - (2) No change.
 - (3) ~~The pool and spa yard setbacks are defined as follows:~~ The minimum yard setbacks and dimensions in Table 2 shall be provided for all pools, spas, and screen enclosures.

ENCLOSED POOLS

Yard Location	Front & Double Frontage (feet)	Side Interior (feet)	Street Side Corner (feet)	Rear (feet)
Pool Deck Width, Minimum	3.0	3.0	3.0	1.0
Setback to Pool Deck Edge From lot line	25.0	10.0	20.0	10.0

UNENCLOSED POOLS

Yard Location	Front & Double Frontage (feet)	Side Interior (feet)	Street Side Corner (feet)	Rear (feet)
Pool Deck Width, Minimum	None	None	None	None
Setback to Pool Wall, Water Edge From lot line	25.0	10.0	20.0	10.0

Table 2. Pool, Spa, and Screen Enclosure Setbacks					
		Front	Side	Side Street	Rear
Setback to Water Edge		<u>25'</u>	<u>10'</u>	<u>20'</u>	<u>10'</u>
Setback to Pool Deck Edge	<u>≤ 11,000 sf lot</u>	<u>20'</u>	<u>7.5'</u>	<u>15'</u>	<u>7.5'</u>
	<u>> 11,000 sf lot</u>	<u>25'</u>	<u>10'</u>	<u>15'</u>	<u>10'</u>
Pool Deck, Minimum Width ¹		<u>3'</u>	<u>1'</u>	<u>3'</u>	<u>1'</u>
Screen Enclosure Setbacks		<u>20'</u>	<u>10'</u>	<u>15'</u>	<u>10'</u>

1. Enclosed pools only, includes coping.

- (4) No change.
- (5) The areas of the swimming pools, spas, and pool decks shall be included in the percentage of the lot occupancy calculations as set forth in Section 10(C) of this Zoning Code.
- (6) ~~Pool screen enclosures will conform to the setback requirements as set forth in Section 14 of this Zoning Code and all required pool decking shall be located within the pool enclosure. Screen enclosures are allowed to be either screen or solid roof but must be in compliance with the rest of the requirements of Appendix A Zoning Code. Screen enclosures shall have a screen roof only.~~
- (7) All other fixed structures, elevated decks, slides, grottos, or similar customary and accessory outdoor appurtenances shall meet the zoning district setback and yard requirements.
- (8) Setback waivers. A 20% waiver from the minimum setback to water edge provisions and screen enclosure setbacks in Table 2 may be allowed on lots with an area of 11,000 square feet or less, subject to review and approval by the Building and Zoning Committee. In making a decision to grant a waiver, in full or in-part, the Building and Zoning Committee shall consider the recommendation of the Planning and Zoning Administrator and the following criteria:
 - (i) the request for a waiver is under unique circumstances;

- (ii) the waiver is necessary to replace an existing or previously approved nonconforming structure that was no fault of the current property owner; and
- (iii) granting the waiver will not create any adverse impact on adjacent properties. In granting a waiver, the B&Z Committee may impose conditions, restrictions, or limitations to mitigate any potential impact.

- (G) No change.
- (H) No change.
- (I) No change.
- (J) No change.

SECTION 8. Chapter 19, VEGETATION, Article I, Section 19-2. Required residential landscaping of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida, is hereby amended to read as follows:

Sec. 19-2. - Required residential landscaping.

- (A) One-story residence. For a one-story home that conforms to Sec. 10(C)(1), at least forty (40) percent of the land area of a residential property shall be developed, maintained and preserved as lawn, plants, bushes, shrubs, trees and other organic landscape material. For a one-story home that does not conform to Sec. 10(C)(1), the minimum required residential landscaping shall be fifty (50) percent.
- (B) Two-story residence. For a two-story home, ~~A~~at least fifty (50) percent of the land area of a residential property shall be developed, maintained and preserved as lawn, plants, bushes, shrubs, trees and other organic, permeable landscape materials.
- (C) Ground cover. Pebbles, gravel, and stones may be used as a mulch or protective ground covering immediately around the base of bushes, shrubs, and trees landscape material in accordance with typical horticultural practices. When used in such a manner, pebbles, gravel, and stones ground cover shall not be considered as development for lot occupancy purposes as regulated by section 10(C) of the Zoning Code count toward lot occupancy. When used in any other manner, pebbles, gravel, stones, and other inorganic materials shall be considered as development in the calculation of lot occupancy as regulated by section 10(C) of the Zoning Code count toward lot occupancy.

SECTION 9. Specific authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Jupiter Inlet Colony, Florida.

SECTION 10. That all ordinances or parts or ordinances, in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 11. If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

SECTION 12. This Ordinance shall become effective upon its passage and adoption.

FIRST READING this 9th day of April, 2018.

SECOND READING and FINAL PASSAGE this 14th day of May, 2018.

TOWN OF JUPITER INLET COLONY, FLORIDA

MAYOR DANIEL J. COMERFORD, III

VICE-MAYOR MILTON J. BLOCK

COMMISSIONER JEROME A. LEGERTON

COMMISSIONER SAEED A. KHAN

COMMISSIONER RICHARD D. BUSTO

ATTEST:

TOWN CLERK JUDE M. GOUDREAU