

ORDINANCE NO. 07-2016

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA MAKING SUBSTANTIAL REVISIONS TO APPENDIX A-ZONING CODE; BY AMENDING SECTION 1. DEFINITIONS AND RULES OF CONSTRUCTION. IN ORDER TO ADD, DELETE AND REVISE DEFINITIONS; BY AMENDING SECTION 3. AUTHORITY. TO CLARIFY THE AUTHORITY AND RESPONSIBILITIES OF THE BUILDING AND ZONING COMMISSIONER AND BUILDING AND ZONING COMMITTEE; BY AMENDING SECTION 4. VARIANCES; APPLICATION PROCEDURES; NOTICE OF HEARING TO PROVIDE THAT NOTICE OF HEARING FOR A VARIANCE REQUEST SHALL BE POSTED ON THE TOWN WEBSITE; BY AMENDING SECTION 5. VARIANCES; CRITERIA FOR CONSIDERATION TO DELETE THE SPECIAL PRIVILEGE CRITERIA; BY AMENDING SECTION 9. NONCONFORMING LOTS, NONCONFORMING USES OF LAND AND NONCONFORMING STRUCTURES IN ORDER TO ADDRESS NONCONFORMITIES TO STRUCTURES CAUSED BY THE ADOPTION OF REVISED DEVELOPMENT STANDARDS AS SET FORTH IN THIS ORDINANCE; BY FURTHER AMENDING SECTION 9 TO PROVIDE THAT AN OWNER OF LAND SHALL NOT CREATE OR INCREASE A NONCONFORMITY BY THE CONVEYANCE OF LAND; BY AMENDING SECTION 10. RESTRICTIONS UPON LANDS, BUILDING AND STRUCTURES TO REVISE THE LOT OCCUPANCY PROVISIONS; BY FURTHER AMENDING SECTION 10 TO PROVIDE THAT FOR PURPOSES OF LOT OCCUPANCY CALCULATIONS, THE TOTAL LOT AREA FOR LOTS 91 THROUGH 107, INCLUSIVE, SHALL INCLUDE ONLY THE LANDS LYING EAST OF THE INTRACOASTAL WATERWAY EASEMENT LINE; BY FURTHER AMENDING SECTION 10 TO REVISE THE DRIVEWAY REGULATIONS FOR SINGLE FAMILY RESIDENCES; BY CREATING A NEW SECTION 10.1 IN ORDER TO ADOPT NEW DEVELOPMENT STANDARDS PERTAINING TO COVERAGE OF LOTS BY BUILDINGS FOR BOTH ONE STORY AND TWO STORY RESIDENCES AND STRUCTURES; BY AMENDING SECTION 12. CONDITIONAL USES. TO DELETE ADULT CONGREGATE LIVING FACILITIES AS A CONDITIONAL USE; BY AMENDING SECTION 13. BUILDING HEIGHT REGULATIONS. TO PROVIDE THAT THE BUILDING OFFICIAL SHALL BE CHARGED WITH REVIEW AND APPROVAL OF BUILDING HEIGHTS; BY AMENDING SECTION 14. FRONT, REAR AND SIDE YARD REGULATIONS TO REDUCE THE REQUIRED SIDE YARD FOR CORNER LOTS CONTAINING AN AREA OF 11,000 SQUARE FEET OR LESS; BY AMENDING SECTION 15. MINIMUM FLOOR AREA. TO REFERENCE "HABITABLE SPACE" RATHER THAN "LIVING AREA"; BY AMENDING SECTION 16. NONCONFORMING USES. IN ORDER TO DELETE AN OBSOLETE PROVISION; BY AMENDING SECTION 17. GENERAL PROVISIONS AND EXCEPTIONS IN ORDER TO MAKE EDITING REVISIONS; BY AMENDING SECTION 18. SATELLITE DISH ANTENNAE IN ORDER TO UPDATE SAID PROVISIONS TO COMPLY WITH NEWER TECHNOLOGY AND FEDERAL REGULATIONS; BY AMENDING SECTION 20. ADULT CONGREGATE LIVING FACILITIES IN ORDER TO DELETE THE SECTION IN ITS ENTIRETY; BY AMENDING SECTIONS 21, 22, 23, 24 AND 25 IN ORDER TO RENUMBER THE SAME AND TO MAKE EDITING REVISIONS; BY PROVIDING AUTHORITY TO CODIFY; BY 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 read as follows:

Section 1. Definitions and Rules of Construction.

All words used in the present tense include the future; all words in the singular number include the plural and the plural the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and the word "person" includes a firm or corporation as well as a natural person. The word "commission" shall mean the commission of Jupiter Inlet Colony. Any word or terms not integrated or defined by this section shall be used with a meaning of common or standard utilization.

For definitions not defined but related specifically to the usage in zoning matters, the Palm Beach County Unified Land Development Code ~~Definitions and Standard Florida~~ Building Code ~~Definitions will~~shall be used.

Access, (Legal). A dedicated or recorded road, lane, place, walkway, or easement affording perpetual ingress and egress from a subject property to a public thoroughfare.

Accessory building. A detached, subordinate structure, the use of which is clearly incidental and related to that of the principal structure and which is located on the same lot as the principal structure, e.g. garage and bath house.

~~Adult congregate living facility. An establishment, building, residence or home for the elderly, dependent, physically disabled, developmentally disabled, and for non dangerous mentally ill persons.~~

Base building line. A line, measured at right angles and running parallel to the centerline of the street right-of-way from which all front yard, street side yard, and lot requirements of this Code shall be measured and beyond which no building will extend except as may be specifically provided by this Code. As shown in Figure 1.

Building. Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind.

Building code(s) The Florida Building Code as provided for and adopted in Chapter 553, Florida Statutes.

Building, height of. The vertical distance from the average finish grade to the highest finished roof surface of a flat roof or to the highest point of the ridge for gable, hip or gambrel roofs.

Building Official. The employee or agent retained by the Town with building construction regulation responsibilities who is charged with the responsibility for direct regulatory administration or supervision of plan review, enforcement or inspection of building construction.

erection, repair, addition, remodeling, demolition or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility and other construction codes as required by state law or Town ordinance.

Chimney. A vertical structure incorporated into a building and enclosing a flue or flues that carry off smoke to outside air.

Club. Buildings and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated primarily for profit or to render a service that is customarily carried on as a business.

Conformity. In compliance with current codes and ordinances.

Construction cost. The sum of all costs, direct and indirect, inherent in converting a design plan into a finished project, including labor, materials, supervision, administration, tools, equipment and subcontractor costs.

Cupola. A small structure that is built on top of a roof and typically used to provide a lookout or to admit light and air.

Coverage of lot by buildings. Coverage of a lot by buildings is that 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 by buildings includes the area 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 24 inches in width.

Design professional. A person registered in the State of Florida who can practice in one of the following professions per the Florida Statutes: Interior designer, landscape architect, licensed architect, professional engineer, professional geologist, and registered surveyor. Said professionals must be functioning in their area of responsibility as it relates to the construction process.

Dock. An unenclosed accessory structure built on pilings over water, which is designed or used to provide dockage for and access to one or more boats and which may have davits, vertical lifts, gates, water and electrical service, other similar public utility services and additional accessory uses customarily incident to a dock, such as but not limited to storage chests and low-intensity lighting approved by the town and installed in a manner as not to have an adverse effect upon adjacent properties.

Driveway. A private road extending from a public right-of-way to a garage(s) on the abutting property. A driveway shall be constructed to extend to the entrance of each garage on the property.

Dwelling. Any single-family building designed for and used exclusively for residential purposes and occupied by one (1) family. No boat, houseboat, watercraft, or recreational vehicle shall be considered a single-family dwelling. A dwelling shall be only those living facilities that supply permanent provisions for living, sleeping, eating, cooking and sanitation for periods greater than thirty (30) days.

Easement. An area of land established for the purpose of installation, operation, repair, or maintenance of facilities and equipment used to provide utility services and drainage.

Family. One (1) or more persons related by blood, marriage, adoption, or guardianship, or not more than three (3) persons not so related occupying a dwelling unit and living as a single housekeeping unit in a dwelling.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose or screen an area of land.

Frontage. (See Figure 1)

- (a) *Street frontage.* All the property on one side of a street between two (2) intersecting streets (crossing or terminating), or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
- (b) *Lot frontage.* The distance for which the front boundary line of the lot and the street line are coincident.

Garage, private. An accessory building or a portion of a main building normally used for the parking or storage of automobiles of the occupants of the principal structure.

Grade. The finished surface of the ground (soil) based on NGVD datums of a lot. The grade will be approved by the building commissioner on the basis of conformity with original plat topography, neighboring properties, and as required by state or federal laws.

Grade, average finish. The average (calculated) level of finished surface of the ground adjacent to the exterior walls of the structure. The average is determined by the NGVD along the side of the four (4) primary walls of the structure and averaged on 16 locations for the structure. The four (4) locations shall be determined as equally spaced along the primary wall of a structure. Grade exterior to a pool deck will be counted as locations for this average. As defined by the following equation:

$$\frac{\sum_1^4 \textit{Front} + \sum_1^4 \textit{Right_Side} + \sum_1^4 \textit{Left_Side} + \sum_1^4 \textit{Back}}{4} = \textit{AFG}$$

Equation

In event a structure is not present on a lot, from original plat, then the grade is determined by the adjacent grades located beside the direct neighboring properties.

Grade, finish. The average level of finished surface of the ground (soil) adjacent to the exterior walls of the structure based on NGVD datums. The finish grade height shall be approved by the building commissioner on the basis of conformity with neighboring properties and as required by state or federal laws.

Habitable Space. The space or area in or on a structure used or intended to be used for living, sleeping, eating, cooking or recreation.

Handicapped accessible. Handicapped accessible means modifications or improvements to an existing structure that are designed or constructed in such a manner that the structure is readily accessible to and usable by individuals with disabilities.

Home occupation. Any occupation or activity carried on by a member of the family residing on the premises, in connection with which there is no construction, assembly, or activity with no sign or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; there is no commodity or service sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except that which is normally used for purely domestic or household purposes including home hobbies.

Kitchen unit. A portion of the habitable space structure used or designed, or arranged to be used for the preparation of food, and including or designed to include a stove, ~~refrigerator,~~ and sink.

Living area. That area within any dwelling made usable for human habitation with the following exceptions:

- (a) Any utility room or storage space that is not accessible from within the principal structure.
- (b) All common corridors, hallways, or exits provided for access or vertical travel between stories.
- (c) That area of a screened porch or screened breezeway over ten (10) percent of the required living area.

Lot. A parcel of land occupied or intended for occupancy by a use permitted in this Code including one (1) main building, together with its accessory buildings, the yard areas and parking spaces required by this Code and having its principal frontage upon a legally constituted access.

Lot of record. A duly recorded lot as a part of a land subdivision, the map, or metes and bounds of which has been recorded in the Office of the Clerk of the Circuit Court of Palm Beach County, Florida.

Lot line. The lines bounding a lot established by ownership.

Lot, corner. A lot abutting upon two (2) or more streets at their intersection. As shown in Figure 1.

INSERT REVISED DRAWING

Figure 1. Yard Definitions Corner—Lot

Lot coverage Occupancy. $\text{Lot Developed Area} \div \text{Total Lot of Record Area} = \% \text{ of Lot Area Occupancy.}$

Lot, double frontage. A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.

Lot, depth. The depth of a lot is the distance measured in a mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite rear line of the lot.

Manufactured or modular building. A closed structure, building assembly or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer certified in compliance with Chapter 553, Part I, Florida Statutes. The term does not apply to mobile homes.

Mobile Home. A detached, transportable single family dwelling unit, manufactured on a chassis or undercarriage as an integral part thereof, without independent motive power, designed for long term occupancy as a complete dwelling unit and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems.

~~Modular home.~~

NGVD. National Geodetic Vertical Datum

Open-space. Open spaces shall be defined for purposes of this Zoning Code as undeveloped areas suitable for passive recreation or conservation uses.

Parking lot or Parking area. An area, or plot of ground, used, or intended to be used, for the storage or parking of motor vehicles or to provide an accessory service to a recreational or residential use.

Permeable Material. A ground cover or material through which water can penetrate at a rate comparable to that of water through undisturbed soils.

Pond. A structure designed or utilized to contain water.

Property line. See definition for Lot line.

Recreational unit. Boat, personal water craft, boat trailer, motor home, travel trailer, camper, truck or bus camper, expandable tent trailer or any vehicle or unit designed and constructed for temporary or intermittent use for vacationing or recreation.

Replacement cost. The current cost of replacing or duplicating an existing structure with the same quality of construction, materials and operational utility, without taking into account the depreciated value of the structure.

Residential use means the use of land or structures thereon or portions thereof for residential occupancy of a permanent or semi-permanent nature. This use allows occupancy, by any one individual or family, with or without bona fide nonpaying guests, in any individual dwelling of not less than thirty (30) days. The rental of a single-family residential dwelling for a term of less than thirty (30) days or more frequently than three (3) times in a calendar year shall be considered a commercial use and is prohibited. The term residential use does not include occupancy of a transient nature such as a hotel, motel, timeshare, resort dwelling or bed and breakfast inn use as defined by F.S. ch. 509. Such transient uses are declared to be incompatible with the residential character of the town and are prohibited.

Right-of-way. Section of land dedicated or deeded to the perpetual use of the public.

Setback. A specified minimum distance that a structure must be located from a lot line.

Sight line. An uninterrupted line of vision extending from an observer's eye to a viewed object or area.

Spa. Small structure holding water primarily meant to be used for relaxation with limited body emersion.

Street. A public, or private, right-of-way which affords the principal means of vehicular access to abutting property.

Street centerline. The line midway between the street right-of-way lines as designated on the plot plan as approved for Jupiter Inlet Colony.

Street right-of-way line. The dividing line between a lot, tract, or parcel of land and a contiguous street.

Structure. Anything constructed or erected, the use of which requires, more or less, permanent location on the ground or attached to something having a permanent location on the ground and shall include antennas, service sheds, docks and piers or other structures and supports used for living purposes. Utility poles, fences, and walls used as fences shall not be considered as structures for setback purposes under the conditions set forth herein.

Structure, principal. A main and foremost structure located on a lot and in which is conducted the main and foremost use of the lot on which the building or structure is situated.

Structural alterations. Any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists, or roof rafters.

Submerged lands. Land that is under water or partially under water as defined by the State of Florida Department of Environmental Protection.

Swale. The portion of a public road right-of-way located between the paved roadway and extending to the lot line of the abutting privately owned lands.

Swimming pool. A structure below ground level used for bathing or wading purposes and being over eighteen (18) inches deep and with a surface area of more than forty (40) square feet.

Variance. An abatement of the terms of the Zoning Code for a use which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

Walkover, dune. A structure built on pilings over the dune, which is designed or used to provide access to the water without causing damage to the ecosystem below.

Walkway/bike path. Strip of land designated for the purpose of walking and or bicycling that may separate two (2) properties or be along a side of a public road.

Water line, mean high. Water height based on maximum tide flow as defined by the State of Florida Department of Environmental Protection.

Water line, mean low. Water height based on minimum tide flow as defined by the State of Florida Department of Environmental Protection.

Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used. As shown in Figures 2.a, 2.b.

INSERT REVISED FIGURE

Figure 2.a. Yard Definitions—Interior Lot

INSERT REVISED FIGURE

Figure 2.b. Yard Definitions—Double Frontage Lot

Yard, front. A yard extending across the full width of a lot between the side lot lines, and being the minimum horizontal distance between the front property line or right-of-way line and the building or structure other than the projections of uncovered steps, uncovered balconies, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its address location.

Yard, rear. A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear of any building or any projections thereof. On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard and extended from the side lot line to the side street side yard line.

Yard, side. A yard between any building and the side line of the lot, and extending from the front yard line to the rear yard line and being the minimum horizontal distance between a side lot line and the side of any building or any projections therefrom. On corner lots the side yard will extend from front yard line to rear property line on the side street.

Zoning Code. The Ordinance(s) duly adopted by the Town Commission intended to implement and ensure that all development orders approved in the Town are consistent with the Town's Comprehensive Plan and the regulations and restrictions set forth in said Ordinance(s).

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 is hereby amended to read as follows:

Section 3. Authority and Responsibility.

(A) ~~(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 ~~will~~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 ~~will~~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 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 ~~will~~shall be issued until the building and zoning commissioner ~~and no less than two (2) members of the building committee have~~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, sight lines, grade or lot coverage need only be reviewed by the ~~building and zoning commissioner~~Town Administrator and Building Official and no ~~consent~~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 ~~town clerk~~Building Official, provided that, if the applicant fails to obtain a permit within six (6) months of approval by the ~~building~~Building Department, ~~committee~~ or building and zoning commissioner, then said approval shall be void and the application process must be recommenced.

- (B) The building and zoning commissioner shall upon awareness of evidence of a zoning code violation during construction ~~have the right~~issue a Stop-work Order to suspend any building permit temporarily until the reason for suspension has been eliminated or corrected or until an appeal is reviewed by the Jupiter Inlet Colony Commission.
- (C) Any decision of the building and zoning commissioner; may be appealed, as of right, to the Jupiter Inlet Colony Commission unless a variance is involved. In which case, the applicable procedure for requesting a variance is to be followed.
- (D) The commission shall serve as the appellate board of the municipality;
 - (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter [Appendix A, Zoning Code].
 - (2) To authorize upon application in specific cases a variance from the terms of this chapter [Appendix A Zoning Code] as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter [Appendix A Zoning Code] will result in unnecessary hardship. However, the commission shall not be empowered or authorized to grant a variance to permit a use in a zone or district in which use is not permitted by this chapter [Appendix A, Zoning Code].
 - (3) In exercising the above mentioned powers, the commission may, in conformity with the provisions of this article [Appendix A, Zoning Code], reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be

made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of three (3) commissioners shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any variance under this chapter [Appendix A, Zoning Code].

- (E) ~~As a courtesy to abutting owners,~~†The town clerk shall provide notice by regular mail to owners of property directly abutting a property for which a building or development permit application has been filed and a hearing has been scheduled for consideration or review by the building and zoning committee. Said notice shall be mailed to abutting owner(s) as shown on the records of the Property Appraiser of Palm Beach County, Florida no less than five (5) days prior to the meeting of the building and zoning committee. The failure of the town clerk to provide the notice as specified herein or the failure of an abutting owner(s) to receive such notice shall in no way invalidate or otherwise affect any action either taken or not taken by the building and zoning committee.

SECTION 3: APPENDIX A-ZONING CODE, Article I, General Provisions, Section 4.
Variances; Application Procedures; Notice of Hearing of the Code of Ordinances of the Town of Jupiter Inlet Colony is hereby amended to read as follows:

Section 4. Variances; Application Procedures; Notice of Hearing.

The commission shall have the authority, upon appeal in specific cases to grant such variances from the terms of this chapter [Appendix A—Zoning Code] as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter [Appendix A Zoning Code] would result in unnecessary hardship. A variance from the terms of this chapter [Appendix A—Zoning Code] shall not be granted by the commission unless and until:

- (A) A written application for variance on a form authorized by the Town Commission is submitted along with the applicable application fee. Such application shall be filed in triplicate and shall specifically address the criteria set forth in Section 5. Additionally, the application for variance shall, at a minimum, contain the following information:
- (1) A statement of the applicant's interest in the property and:
 - (a) If individual and/or joint and several ownership, a written consent to the petition of all owners of record; and
 - (b) If an authorized agent, a copy of the agency agreement or written consent of all the principal(s)/owner(s); or
 - (c) If a lease, a copy of the lease agreement and written consent of all of the owners; or
 - (d) If any share of ownership is held by a corporation or other business entity, the name of the officer or person responsible for the application shall present a corporate resolution that the representative has the delegated authority to represent the corporation or other business entity.

- (2) A certified boundary survey by a surveyor registered in the state. Such survey shall include all pertinent information relative to the variance request and shall include an accurate legal description of the property.
- (3) The location of the subject property on an official municipal map sheet and a listing of the names and addresses of the property owners of record whose properties exist within a radius of three hundred (300) feet of any boundary of the subject property.
- (4) A statement of special reasons or basis for the request, including the intended use and development of the property shown on a site plan. Such site plan shall show the following as applicable:
 - (a) All existing and proposed improvements on the site, including construction fill, regrading, landscaping, and the like;
 - (b) Access to a dedicated public road;
 - (c) Access to or proposed provisions for utilities.
- (5) Such other information that may be essential to the town commission in its consideration of the application.

Before the town clerk may accept an application, it must fully comply with all required information enumerated herein, unless expressly waived by the town commission.

- (B) All properties within a single application must be contiguous and immediately adjacent to one another or be subject to separate applications and filing fees.
- (C) Upon acceptance of a completed application, the town clerk shall inform the building and zoning commissioner. The building and zoning commissioner, or his designated representative, shall examine the application for completeness and may make suggestions to the applicant, if necessary, to present additional factual and evidentiary material to support the application.
- (D) Upon acceptance of a completed application, the town clerk shall publish a notice of public hearing, as hereinafter required, said notice shall be posted on the web site of the Town of Jupiter Inlet Colony and shall ~~to be~~ published at least two (2) times in a newspaper of general circulation in the town, the first publication of which shall be at least fifteen (15) days before the public hearing, and the second such publication to be at least five (5) days prior to the public hearing. In addition to the publication, the town clerk, at petitioner's cost, shall mail a notice containing substantially the same information set forth in the published notice, by certified mail, return receipt requested, at least twenty (20) days prior to the hearing, to the addresses of record of the property owners of record whose properties exist within a radius of three hundred (300) feet of any boundary of the described property; provided that failure to receive the receipted returns of such notices shall not affect any action or proceedings taken hereunder, so long as the town clerk certifies at the public hearing that all notices were sent to those property owners as required hereunder.

The notice of public hearing and notice mailed to property owners shall, at a minimum, set forth the following:

- (1) The time, date, and place of the public hearing;
 - (2) The name(s) of the owner(s) and applicant(s);
 - (3) A short legal description of the subject property along with the street address of the property;
 - (4) A description of the variance requested specifying the Section(s) of the Zoning Code from which relief is requested; and
 - (5) A statement that the completed application for variance may be inspected in the office of the town clerk.
- (E) Prior to the public hearing before the town commission, the application for variance shall be reviewed by the building and zoning committee. The applicant shall be notified in writing at least five (5) days prior to the meeting of the building and zoning committee and shall be entitled to attend and comment before the committee. In reviewing the application, the building and zoning committee shall consider the criteria set forth in section 5, and upon the conclusion of its meeting, shall transmit its recommendations to the town commission (with or without conditions); such recommendations shall be advisory and shall become part of the hearing file and record and be open for public inspection.
- (F) The applicant may not amend his application after the notice of the public hearing has been transmitted and receipt acknowledged by the newspaper for publication. If the applicant withdraws his application, subject to the provisions of section 7, a new application must be filed as set forth in this section.

SECTION 4: APPENDIX A-ZONING CODE, Article I. General Provisions, Section 5. Variances; Criteria for Consideration. of the Code of Ordinances of the Town of Jupiter Inlet Colony is hereby amended to read as follows:

Section 5. Variances; Criteria for Consideration.

- (A) In order to authorize any variance from the terms of this zoning ordinance, the town commission must find all of the following:
- (1) That 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.
 - (2) That the special conditions and circumstances do not result from the actions of the applicant.
 - ~~(3) That granting the variance requested would not confer on the applicant any special privilege that is denied by this ordinance [Appendix A, Zoning Code] to other lands, buildings, or structures in the same zoning district.~~
 - (43) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

(54) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

(65) That the grant of the variance will be in harmony with the general intent and purposes of this ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

(B) In granting a variance:

(1) The town commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

(2) The town commission may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed, or both.

(3) Under no circumstances shall the town commission grant a variance to permit a use not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in another zoning district shall be considered grounds for the authorization of a variance.

SECTION 5: APPENDIX A-ZONING CODE, Article I. General Provisions, Section 9. Nonconforming Lots, Nonconforming Uses of Land and Nonconforming Structures. of the Code of Ordinances of the Town of Jupiter Inlet Colony is hereby amended to read as follows:

Section 9. - Nonconforming Lots, Nonconforming Uses of Land, and Nonconforming Structures.

(A) *Intent.* Within the town, there exist lots, structures, uses of land, and structures that were lawful before this Zoning Code was adopted or amended, but which would be prohibited, regulated or restricted under the terms of this chapter [Appendix A, Zoning Code]. It is the intent of this section to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter [Appendix A, Zoning Code] to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter [Appendix A, Zoning Code] that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(B) *Nonconforming Lots of Record.* Notwithstanding limitations imposed by other provisions of this chapter [Appendix A, Zoning Code], a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of the adoption or amendment of this chapter [Appendix A, Zoning Code]. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the town, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district, in which such lot is located. Variance of area, width and yard requirements shall be obtained only through action of the town commission.

(C) *Nonconforming Uses of Land.* Where, at the effective date of adoption or amendment of this chapter [Appendix A, Zoning Code], a lawful use of land exists that is made no longer permissible under the terms of this chapter [Appendix A, Zoning Code] as enacted and amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter [Appendix A, Zoning Code].
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter [Appendix A, Zoning Code].
- (3) If any nonconforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this chapter [Appendix A, Zoning Code] for the district in which land is located.

(D) *Nonconforming Structures.* When a lawful structure exists at the effective date of adoption or amendment of this chapter [Appendix A, Zoning Code] that could not be built under the terms of this chapter [Appendix A, Zoning Code] by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such structure may be enlarged or altered in a way that increases its nonconformity.
- (2) Should any nonconforming structure be damaged or destroyed by any means to an extent of one hundred thousand dollars (\$100,000.00) or in an amount of more than fifty (50) percent of its replacement cost at the time of damage or destruction, whichever is greater, such structure shall not be constructed or repaired except in conformity with the provisions of this chapter [Appendix A, Zoning Code]. Replacement cost shall be determined by the improvement value as set forth by the Palm Beach County Property Appraiser on its most recent assessment roll.
- (3) Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (4) If, within a three-year period (as calculated from the date of the issuance of building permits), an owner should choose to renovate, remodel, or structurally alter such nonconforming structure to an extent of one hundred thousand dollars (\$100,000/00) or in an amount of more than fifty (50) percent of its replacement cost, whichever is greater, said structure shall not be renovated, remodeled, or structurally altered except in conformity with the provisions of this chapter [Appendix A, Zoning Code]. Replacement cost shall be determined by the improvement value as set forth by the Palm Beach County Property appraiser on its most recent, assessment roll. For purposes of this subsection, the terms “renovate,” “remodel” and “structurally alter”

shall not include the repair or replacement of a roof, ~~or a~~ the repair or replacement of windows or doors or modifications to a structure to provide handicapped accessibility in a nonconforming structure.

(5) Notwithstanding the monetary limitations set forth in Subsections (D)(2) and (4) of this Subsection, an owner(s) making repairs or renovations to a) a one story residence that is nonconforming as to coverage of lot by buildings as of the effective date of this Ordinance shall not be required to comply with the maximum lot coverage provisions set forth in Section 10.1(5) and b) a two story residence that is nonconforming as to coverage of lot by buildings or maximum floor area (total or second story) as of the effective date of the Ordinance shall not be required to comply with the second story setback provisions set forth in Section 10.1(2) and the lot coverage and maximum floor area provisions as set forth in Section 10.1(6).

(E) *Creation of Nonconformity Prohibited.* No owner of real property shall convey or otherwise transfer all or any portion of said real property where the conveyance has the effect of creating or increasing a nonconforming condition(s) on the subject property.

SECTION 6: 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 is amended to read as follows:

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

(A) *Use.* No building, fence, grading, wall, walk, pier, dock, sea wall or other structure, shall be commenced, erected, maintained, moved, altered or added to until the plans and specifications showing the nature of such structure or work to be done, and the grading plan of the plat to be built upon shall have been submitted to the Jupiter Inlet Colony Clerk, and approved by the building and zoning commissioner and a permit issued. No land, building structure or premises shall be designed or intended to be used for any purpose or in any manner other than as permitted by this Code or amendments thereto.

(B) *Height.* No building or structure shall be erected nor shall any existing building or structure be moved, reconstructed or structurally altered to exceed the height limit established by this Code or amendments thereto.

Functional Chimneys~~chimneys~~, faux chimneys, non-habitable cupolas, and flag poles may be erected above the height limits, herein established with the approval of the building and zoning commissioner. However, the heights of these structures or appurtenances thereto shall not exceed the height limitations prescribed by the Civil Aeronautics Agency with the flight approach pattern of airports and shall not exceed the height of allowed functional chimney for the respective structure as prescribed by the Florida Building Code.

(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, ~~a maximum of fifty (50) percent of any lot area may be developed including pool, patios, porches, concrete pads, stepping stones, concrete walls, walks and driveways. Walks and driveways composed of any material shall be included in the calculation of lot occupancy.~~ 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) For purposes of lot occupancy calculations, the total lot area for Lots 91 through 107, inclusive, as shown on the plat of Jupiter Inlet Beach Colony (recorded at Plat Book 24, Page 139) shall include only those lands lying east of the Intracoastal Waterway easement line as recorded in Deed Book 493, Page 417 of the Public Records of Palm Beach County, Florida.
- (D) *Open Space Use Limitation.* No yard or open space provided about any building or structure for the purpose of complying with the regulations of this resolution [Appendix A, Zoning Code] or amendments thereto shall be considered as providing a yard or open space for any other building or structure.
- (E) *Required Lot and Occupancy.* Every building or structure hereafter erected shall be located on a lot or parcel of land; and in no case shall there be more than one main building and its accessory buildings on one lot except as hereinafter provided.
- (F) *Occupancy Limitations.* Every residence shall be used only as a single-family dwelling. (Family as defined in this Code.) Only one (1) kitchen unit is permitted in the habitable space per dwelling and no business activity is permitted except as allowed under the definition of home occupation.
- (G) All residential lots shall develop consistent with the low density classification (0—5.0 dwelling units/acre) established on the future land use map in the future land use element of the adopted Town of Jupiter Inlet Colony's Comprehensive Development Plan. In

accordance with the low density classification, no more than one (1) single family residence shall be constructed on a platted lot of record.

- (H) *Conservation Uses.* The submerged lands within the ~~Inter-coastal~~ Intracoastal Waterway shall be in conservation use as depicted on the future land use map in the future land use element of the adopted Town of Jupiter Inlet Colony's Comprehensive Development Plan. Conservation use shall be defined as: "activities within land areas designated for the purpose of conserving or protecting natural resources or environmental quality and includes areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats."
- (I) *Off-Street Parking Nonresidential.* These regulations apply to parking areas for all nonresidential uses throughout the town:
- (1) For the purpose of this section, the term "off-street parking space" shall consist of parking space having minimum dimensions of ten (10) feet in width by twenty (20) feet in length for the parking of each motor vehicle, exclusive of access drives or aisles thereto. The parking plan shall be so arranged that each motor vehicle may be replaced and removed from the parking spaces assigned thereto and taken to and from the property without the necessity of moving any other motor vehicle to complete the maneuver.
 - (2) Required yards and setbacks may not be used for off-street parking. ~~;~~ ~~provided that~~ Access drives or aisles and turning spaces shall be located within the lot lines. Except as dedicated or as driveways to parking structures, Streetsstreets, public rights-of-way, easements or sidewalk areas shall not be used for off-street parking purposes.
 - (3) Where a parking space is provided in open areas adjacent to or beneath any building, structure or portion thereof, such parking spaces shall have a solid surface.
 - (4) Parking spaces for persons with disabilities shall be provided in all required parking lots pursuant to state and federal laws regulating the same. Such spaces shall not be in addition to, but shall substitute for, required parking.
 - (5) There shall be provided at the time of the erection of any main building or structure, or at the time that any main building or structure is enlarged by more than twenty-five (25) percent of the square footage of the existing building or structure, minimum off-street motor vehicle parking space with adequate provisions for ingress and egress by a motor vehicle of standard size, in accordance with the following:
 - (a) *Public buildings and grounds:* One (1) space for each two hundred (200) square feet of gross floor area.
 - (b) *Private or community owned clubs and associations:* One (1) space for each three hundred (300) square feet of gross floor area.
 - (c) ~~Adult congregate living facilities: One (1) parking space per four (4) patients or tenant beds, plus one (1) parking space per employee on the shift with the greatest employment.~~
 - (6) *Miscellaneous provisions.*

- (a) Parking spaces for all permitted uses shall be located on the same lot with the main building or structure to be served.
- (b) The plan for off-street parking areas shall be subject to the approval of the town commission.
- ~~(c) A certificate of occupancy for the given structure or premises shall not be issued until the required parking area has been inspected and approved.~~
- ~~(d)~~ (dc) The minimum parking space size, aisle width and driveway width shall be based upon the degree of angle of the individual parking space and shall be in accordance with the Minimum Parking Bay Dimensions by Parking Angle and Parking Bay Illustrations, as established within the Palm Beach County, Florida, Unified Land Development Code, and all other provisions of this section.
- (e) Each parking space shall be marked either by painted lines, pre-cast curbs, or in a similar fashion so as to indicate the individual parking spaces.
- (f) Each parking space shall be a solid surface consisting of one of the following materials:
 - (i) Asphalt;
 - (ii) Concrete;
 - (iii) Paver stone;
 - (iv) Other permeable materials including gravel;
 - ~~(v)~~ (v) Other solid surface approved by the town commission.
- (g) All off-street parking facilities shall be drained so as not to cause any nuisance or detriment to adjacent private or public property through the use of on-site control techniques for stormwater run-off, such as, but not limited to, permeable surfaces, French drains, catch basins, swales, etc. or other accepted methods of stormwater runoff control.
- (h) Loading space, off-street. Off-street loading/delivery space logically and conveniently located for bulk pickups and deliveries, at a size as provided for in this paragraph, and accessible to such vehicles when required off-street parking spaces are filled shall be provided. Required off-street loading spaces of two (2) per principal use are not to be included as off-street parking space in the computation of required off-street parking. The size of a required loading space shall not be less than twelve (12) feet by twenty-five (25) feet with a vertical clearance of not less than fourteen (14) feet.
- (i) Each parking site or lot shall be designed individually with reference to the size, street pattern, adjacent properties, buildings, and other improvements in the general neighborhood, number of motor vehicles to be accommodated, hours, and kinds of use.
- (j) Landscaping for all parking areas shall be provided in accordance with section 4-2 of the Town Code.

(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 ~~yards~~ areas set backs.
- (3) Each driveway and parking ~~space~~ area shall be a solid surface consisting of one or a combination of the following materials:
 - a. Asphalt;
 - b. Concrete;
 - c. Paver stones or bricks.
 - d. Gravel, crushed rock, crushed shells, pea rock, turf, artificial turf or turf block.
 - e. 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 stormwater run-off, such as, but not limited to permeable surfaces, French drains, catch basins, swales or other accepted methods of stormwater run-off control.
- (5) Landscaping ~~for~~ adjacent to all parking areas shall be provided in accordance with section 4-2 of the Town Code.

(K) *Coastal Vegetation*. Development and redevelopment in the coastal area, as defined in the Town of Jupiter Inlet Colony's Comprehensive Development Plan, that will adversely impact wetland vegetation including sea grasses, mangroves and the dune system, marine and wildlife habitats and coastal resources is prohibited.

(L) *Single-Family Attached Residence*. All single family resident structures and accessory buildings will be attached except where otherwise allowed by this Code for detached parking garage and bathhouses.

SECTION 7. APPENDIX A-ZONING CODE, Article I. General Provisions of the Code of Ordinances of the Town of Jupiter Inlet Colony is hereby amended to create a new Section 10.1. Development Standards for Single Family Residences. which shall read as follows:

Section 10.1. Development Standards for Single Family Residences.

- (1) *Mass and Volume Distribution*. Because lots within the Town are limited in size, the massing and volume of any new residential building or addition should be sensitive to

- the profiles of adjacent buildings and should locate second stories adequately to reduce the apparent overall scale of the building.
- (2) Setbacks. The first story of all buildings shall adhere to established zoning setbacks. The second story of any two story residence shall be setback on its front elevation a minimum of seven (7) feet from the exterior of the wall immediately beneath it and on its rear elevation five (5) feet from the exterior of the wall immediately beneath it.
 - (3) Lot Occupancy. Overall lot occupancy shall be governed by the provisions of Section 10(C) of the Zoning Code.
 - (4) Building elevations. All building elevations shall provide for a minimum of ten (10%) percent wall openings. Wall openings are defined as windows, doors or transitional spaces defined by porches, porticoes or colonnades. New windows shall be placed to avoid direct views into existing neighboring windows. Open air balconies shall be permitted a) only on the front and rear of a second story of a two story residence on Lots 1-24, 75-107 and 241-243, inclusive and b) on all other lots, only on the front, or the side street side, if a corner lot, of the structure, or in the rear of the structure, provided, the rear most portion of the balcony is a minimum of twenty (20) feet from the rear lot line.
 - (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) Lot coverage; maximum floor area; two story residences. The maximum percentage of coverage of a lot by buildings, including accessory buildings and garages, for a two story building shall be thirty-two (32%) percent. The second story shall not exceed a floor area equivalent to a ratio of sixty (60%) of the first story floor area. Additionally, the floor area total for the combined first floor and second floor shall not exceed an area equivalent to a ratio of fifty (50%) percent of the total lot area.
 - (7) The restrictions in this Section pertaining to second story setbacks, wall openings, open air balconies and the maximum floor area of a second story and total combined first and second story floor area shall apply to new construction and to the renovation of or an addition to an existing structure that seeks to add a second story to the same.

SECTION 8: APPENDIX A-ZONING CODE, Article I, General Provisions, Section 12. Conditional Uses. of the Code of Ordinances of the Town of Jupiter Inlet Colony is hereby amended to read as follows:

Section 12. Conditional Uses.

- (A) When, after review of an application and hearing thereon, the building and zoning commissioner finds as a fact that the proposed use is consistent with the general zoning plan

and with the public interest, the following uses may be permitted after approval of the town commission:

- (1) Public buildings and public utility service structures; including facilities for police department, town clerk and such major works and municipal sewage pumps stations, water pumping stations, electric generation stations.
 - (2) Private swimming, and tennis clubs, and community owned and operated clubs and associations.
 - (3) Noncommercial recreation areas neither owned nor operated by the county.
 - ~~(4) Adult congregate living facilities (see section 20).~~
- (B) To obtain a permit for conditional use the owner of the land, building or structure concerned must apply in writing, stating the name and address of the owner and lessee, if any, together with the conditional use for which a permit is requested. When, after review of an application and a public hearing thereon, the commission finds as a fact that the proposed use is consistent with the general zoning plan and with the public interest, the permit may be granted.
- (C) Any violation of the conditions for which a conditional use permit is granted shall render the permit null and void and the owners thereof subject to penalties that may by law be provided for such cases.
- (D) The commission reserves unto itself the sole right to grant, reissue, or deny a permit for conditional uses.

SECTION 9: 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 is hereby amended to read as follows:

Section 13. Building Height Regulations.

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 and zoning commissioner~~Building Official.

SECTION 10: 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.

The following minimum front, rear, and side yard setbacks shall be observed, as measured from the ~~boundary Lot Line to a~~ the finished surface of the fixed structure on the property excluding stucco 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 ~~except in such cases where the commission deems necessary to increase this minimum depth in order to conform to existing houses in the immediate area, i.e. sight lines.~~
- (C) Side yards shall be provided on each side of every dwelling 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 ~~twenty (20)~~ fifteen (15) feet.

SECTION 11: APPENDIX A-ZONING CODE, Article I. General Provisions, Section 15. Minimum Floor Area. of the Code of Ordinances of the Town of Jupiter Inlet Colony is hereby amended to read as follows:

Section 15. Minimum Floor Area.

The minimum floor area of a one-family dwelling shall be sixteen hundred (1,600) square feet of ~~living~~ habitable space.

SECTION 12: APPENDIX A-ZONING CODE, Article I. General Provisions, Section 16. Nonconforming Uses. of the Code of Ordinance of the Town of Jupiter Inlet Colony is hereby amended to read as follows:

Section 16. - Nonconforming Uses.

The lawful use of any building, structure, or land, existing at the time of the adoption of this Code, may be continued although such use does not conform with the provisions of this ordinance, provided the following conditions are met:

- (A) *Unsafe Structures or Buildings.* Any structure or building, or portion thereof declared unsafe, may be restored to a safe condition, subject to Section 16, subsection (G).
- ~~(B) Construction Approved Prior to Adoption of This Code. Nothing herein shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently carried on within nine (9) months of the date of such permit.~~
- ~~(C)~~ *Alteration.* A nonconforming building may be maintained, repaired, and altered, except that in a building which is nonconforming as to use regulations, no structural alterations shall be made except those required by law. Repairs such as plumbing or the changing of partitions or other interior alterations are permitted.
- ~~(D)~~ *Extension.* Buildings or structures, or uses of land which are nonconforming shall not be extended or enlarged, except as hereinafter provided.
- ~~(E)~~ *Nonconforming Use of Land.* When a nonconforming use of land has been discontinued, its future use shall revert to the uses permitted in the area in which said land is located.

(~~FE~~) *Change to Another Use.* A nonconforming use now existing may be changed to another nonconforming use of equal or improved character when approved by the commission after proper application in accordance with the variance procedure as defined in this Code.

(~~GF~~) *Restoration.* A nonconforming building or structure that is hereafter damaged or destroyed to the extent of fifty (50) percent or more of its Palm Beach County Property Appraiser assessed value by flood, fire, explosion, earthquake, war, riot, or Act of God, may not be reconstructed or restored for use except in compliance with the regulations of this resolution [Appendix A Zoning Code].

(~~HG~~) *Abandonment.* A nonconforming use of a building, which has been vacated or abandoned for one hundred eighty (180) days, shall not thereafter be occupied by a nonconforming use.

SECTION 13: 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 is hereby amended to read as follows:

Section 17. - General Provisions and Exceptions.

(A) *Location of Accessory Building and Uses.*

- (1) When an accessory building is attached to a main structure by a breezeway, passage, or otherwise, it shall conform to the setback and height requirements of the principal structure.
- (2) A detached accessory building shall not be closer than four (4) feet to the main building or other accessory building on the same lot.
- (3) No detached accessory building shall be located in the front yard area.

(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) inches consisting of impact protection (hurricane shutters excluding awning type), sills, belt courses, cornices, buttresses, ornamental features, chimneys, flues and eaves. 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.
- (2) On the double frontage through lots, the required front yard shall be provided on each street except where modified in this ordinance.
- (3) Screened areas shall conform to the setback requirements as pertaining to buildings in this Code.

(C) *General.*

- (1) Every single-family dwelling unit within the Town shall be required to have a garage of a sufficient size to house at least one standard size automobile.
- (2) There shall be no chain link fence in the front yard, or side yard, if such side yard abuts on a street or roadway.
- (3) No single-family dwelling shall be a mobile home, ~~manufactured, or modular~~ in construction.
- (4) No boat, houseboat, watercraft, or recreational vehicle shall be used as a dwelling or place of abode when located on a lot or dock area within the town limits.

(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.
- (2) Clear sight triangle. No fence, structure, or plantings (for visual sight lines) shall be maintained within fifteen (15) feet of the intersection of the ~~base building~~ lot lines of corner lots where the streets intersect to a height exceeding three (3) feet. As shown in Figure 3.

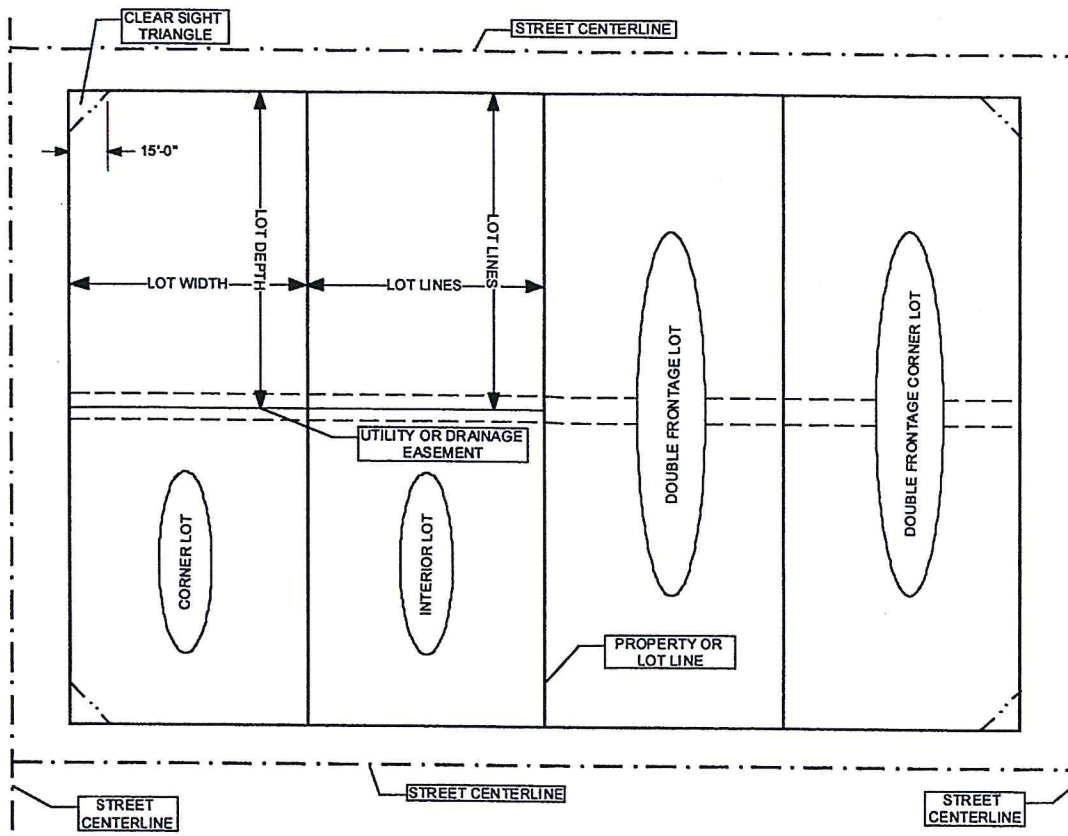


Figure 3. Yard Definitions

- (3) On any corner lot adjoining the rear of another lot which is in a residential district, no part of any structure within twenty-five (25) feet of the common lot line shall be nearer the side street lot line than the least depth of any front yard required for a dwelling on such adjoining lot along such side street.
- (E) *Removal of Sand, Rock, Etc.* The removal, alteration or addition of sand, rock, marl, or other earthy matters, may be permitted provided the applications for such operations have been reviewed and approved by the building and zoning commissioner.
- (F) *Swimming Pools and spas.*
 - (1) No swimming pool shall protrude more than six (6) inches above the approved or existing finish grade. Nor shall it be of a portable or collapsible in nature and shall not be exposed to open view from any public roadway. Built in spas or platforms may not exceed twenty-four (24) inches off approved deck height.
 - (2) The owners, their agents and employees shall install and operate all swimming pools and spas within the Jupiter Inlet Colony in accordance with the rules and regulations of the Florida Building Code, Chapter 4, Section 424.
 - (3) The pool and spa yard setbacks are defined as follows:

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 <u>From lot line</u>	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
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- (4) ~~For e~~Enclosed pools where the pool deck width is less than three (3) feet, the back pool wall shall have positive pool handholds permanently mounted to the pool wall where the pool depth is in excess of three (3) feet six (6) inches deep. Handholds shall be located no farther than four (4) feet apart and not more than twelve (12) inches above the waterline. Seat ledges are allowed instead of handholds.
- (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; provided, that for purposes of calculating percentage of lot occupancy for any unenclosed swimming pool, an area equivalent to the area of a pool deck three (3) feet in width surrounding the entire swimming pool shall be included in the lot occupancy calculations regardless of whether such pool deck is actually constructed.
- (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.

(G) *Utility Poles, Fences, and Walls Used as Fences.*

- (1) Utility poles as required by public utility companies shall not be required to meet the setback requirements for structures.
- (2) All property fences and walls used as fences may be erected or maintained along or adjacent to a lot line to a height not exceeding six (6) feet in the required side yard or required rear yard and to a height not exceeding four (4) feet in the required front yard or required side street yard. On lots where the street is not the front street for adjoining lots the provisions for a side yard may apply. The front and side street lines as referred to above shall be the base building lines. Where the main dwelling is set back beyond the twenty-five (25) foot setback line, a six (6) foot high fence on the side yard line may extend to the setback line. All fence heights are to be measured from approved grade and from property owner's side upon which the fence is to be constructed. Walls and fences abutting on adjacent property and the street, must be finished on both sides so as to be aesthetically pleasing.
- (3) Driveway gates are required to open on the property and not infringe on the road right of way. Maximum height of the gate is allowed per section 17(G)(2) as noted above.

(H) *Clotheslines.* All clotheslines shall be installed so as not to be visible from public street or from adjoining properties. Patio or bench railings shall not be used as clotheslines.

(I) *Combination of Lots; United of Title.* Whenever an owner(s) seeks to develop or construct improvements on lands that comprise more than one (1) lot of record, a unity of title shall be required from the owner(s) prior to the issuance of a building permit. The percentage of lot occupancy for any such combined lots shall be limited to development (as described in

section 10(C) of this Code), of a maximum of fifty (50) percent of the lot area of the larger lot of record. The development limitations set forth in this subsection shall not apply to any property on which a unity of title was provided to the town prior to April 4, 2005. Concerning any property on which a unity of title was provided prior to April 4, 2005, the following development regulations shall apply:

- (a) Existing buildings and improvements on the property may be expanded or enlarged by no more than ten (10) percent of lot occupancy existing prior to April 4, 2005 so long as the total lot occupancy does not exceed fifty (50) percent of the total lot area of the combined lots.
 - (b) In the event of the demolition or removal of buildings or improvements exceeding more than twenty-five (25) percent of the pre-April 4, 2005 lot occupancy, the percentage of lot occupancy shall be limited to development of fifty (50) percent of the lot area of the larger lot of record.
- (J) *Dune Walkovers.* A dune walkover may be constructed at Lots 1—24, inclusive, Lots 241, 242 and 243, and Lot A, Jupiter Inlet Beach Colony; provided all required state, county and town permits are obtained. In addition, all dune walkovers shall comply with the following:
- (a) A dune walkover may extend over and through the rear setback area as provided by section 14(1)(b) of this Code.
 - (b) A dune walkover shall be constructed generally perpendicular to the shoreline and shall not encroach into side yard setback areas for the subject property, as extended eastward toward the Atlantic Ocean, as provided by section 14(1)(c) of this Code.
 - (c) In the event a dune walkover extends onto town-owned property, the owner(s) of the subject property shall enter into a license agreement with the town upon such terms and conditions as the town may require.
 - (d) The walkway section of the dune walkover shall not exceed four (4) feet in width, outside edge to outside edge.
 - (e) One (1) sitting platform/observation area may be permitted on each dune walkover. Such area shall not exceed one hundred (100) square feet, shall not exceed ten (10) feet in width, outside edge to outside edge, and shall be constructed on the eastern end of the walkway or within the rear yard area of the subject property.
 - (f) No fixed structures such as canopies, walls or other structures shall be permitted on the dune walkover or sitting platform/observation area.
 - (g) All dune walkovers shall comply with State of Florida structural requirements for single-family residences except that any portion of a dune walkover that extends onto town property shall comply with State of Florida structural requirements for multifamily or public walkways.

SECTION 14: APPENDIX A-ZONING CODE, Article I. General Provisions, Section 18. Satellite Dish Antennae. of the Code of Ordinances of the Town of Jupiter Inlet Colony is hereby amended to read as follows:

Section 18. - Satellite Dish Antennae.

- ~~(A) No satellite dish antennae shall be installed, removed or substantially modified without first obtaining a permit from the building and zoning commissioner for structural, electrical, and set back purposes. The permit fee shall be the same as for other building permits. All applicants for such a permit shall be required to submit sealed engineering drawings sealed by a design professional for structural design in a form acceptable to the town building and zoning commissioner.~~
- ~~(BA) Except as provided in subsection (CB) below, all satellite dish antennae installed in the town shall be ground mounted. No satellite dish antennae shall be installed forward of the front of any building and shall not encroach into side or rear yard setbacks. All satellite dish antennae shall be screened from view from the public street and from adjacent property owners' view. The phrase "screened from view" shall, for purposes of this section, mean as viewed from eye level.~~
- ~~(CB) Satellite dishes twenty (20) inches in diameter or less may be attached to the building and/or roof of a dwelling structure provided such satellite dish is attached to the rear or side of the house in such a manner as not to be clearly visible from the street. All such satellite dish antennae shall be non-reflective and colored so as to blend in with the surroundings. Such satellite dish antennae may not have any writing on them and may not be used for display or advertising purposes.~~

SECTION 15: APPENDIX A-ZONING CODE, Article I. General Provisions, Section 20. Adult Congregate Living Facilities. of the Code of Ordinances of the Town of Jupiter Inlet Colony is deleted in its entirety as follows:

~~Section 20. Adult Congregate Living Facilities.~~

~~The following standards must be met for an adult congregate living facility regardless of the existence of lesser standards imposed by other sections of this Code or by other governmental agencies.~~

- ~~(A) Purpose. The purpose of this section is to establish reasonable guidelines, standards, and regulations for the development of an adult congregate living facility (ACLF) as a conditional use under provisions of the Town's Zoning Code.~~
- ~~(B) Development Standards. In addition to applicable regulations and requirements set forth in other sections of this Code, the following minimum standards and regulations shall apply to the development of property for an ACLF.~~

~~These standards shall be met regardless of the existence of lesser standards that may be imposed by other agencies or government:~~

- ~~(1) Design. Adult congregate living facilities shall be designed so as to minimize any adverse effects on adjacent property.~~

- ~~(2) *Lot Area.* The minimum lot area shall be thirty thousand (30,000) square feet.~~
- ~~(3) *Floor Area.* The maximum occupancy to be accommodated in an ACLF shall be determined by a ratio of one (1) person for every seventy (70) square feet of the net bedroom or net sleeping room floor area. The net bedroom or net sleeping room floor area shall not include closets and bathrooms appurtenant to such room, or common areas such as hallways, kitchen, dining room, living room, family room, or porches.~~
- ~~(4) *Height and Building Restrictions.* The building height, setbacks, coverage, and other site regulations, except for those otherwise specifically cited, shall be governed by those prescribed for single-family residential.~~
- ~~(5) *On-site Parking Areas.* Safe and clear access to the facility and on-site parking spaces and driveway areas shall be provided in compliance with the provisions of the off-street parking regulations as specified in this Code. There shall be provided at least one (1) space per employee on the shift with the greatest employment.~~
- ~~(6) There shall be no signs or other site advertising on the existence of the ACLF.~~
- ~~(C) *Standards for Issuance of Occupational License.* It shall be unlawful for any person to operate an ACLF within the town unless an occupational license has been issued by the town. Prior to the issuance of an occupational license by the town, the following standards must be met:~~
 - ~~(1) No occupational license shall be issued unless a license has first been obtained from the State of Florida, Department of Health, and any other permitting agency as required by law.~~
 - ~~(2) All ACLF's shall conform to applicable town codes and ordinances including building, electric, plumbing, fire prevention, and State of Florida, Department of Insurance Minimum Fire Safety Standards for adult congregate living facilities.~~
 - ~~(3) All ACLF's shall provide sufficient staff to operate the facility in a proper manner as required by the minimum standards of the State of Florida Department of Health.~~
 - ~~(4) No ACLF shall be issued an occupational license by the town unless a certificate of insurance is first filed with the building department evidencing coverage against injury and property damage caused by the tortuous conduct of the operator. Insurance coverage shall protect the residents and all other persons who enter the facility in connection with its business and shall be in amounts of not less than one hundred thousand dollars (\$100,000.00) per person and three hundred thousand dollars (\$300,000.00) per accident or occurrence for personal injury, and five thousand dollars (\$5,000.00) for property damage.~~
 - ~~(5) During operation of a licensed ACLF, any violation of a use regulation contained in this section regarding resident capacity, on-site deliveries, on-site parking spaces, compliance with applicable state and county regulations, or any other restriction herein, shall be grounds for the revocation of or the refusal to renew an occupational license in the discretion of the town commission or its designee.~~
- ~~(D) *Other Requirements.* In addition to the provisions and requirements established above, the following shall also apply:~~

- ~~(1) All facilities shall provide a central dining area and provide at least one (1) meal per day for residents. Food preparation shall be permitted in individual living quarters.~~
- ~~(2) All facilities containing more than one (1) story shall have an elevator large enough to carry a stretcher.~~
- ~~(3) No portable heaters or other dangerous appliance may be used in such facilities.~~
- ~~(4) All facilities shall be served by town water distribution and sewer collection/treatment systems.~~
- ~~(E) Exemptions. An ACLF providing housing for less than five (5) residents, including staff, shall be exempt from the provisions of this section.~~
- ~~(F) Conversion to Conventional Dwelling Units. No approval for an ACLF shall be abandoned through administrative action. Conversion of an ACLF to a conventional dwelling unit development shall be governed by the density limits and land development regulations of the applicable zoning district as set forth in this Code.~~

SECTION 16: APPENDIX A-ZONING CODE, Article I. General Provisions, Section 20. Interpretation, Purpose and Conflict. of the Code of Ordinances of the Town of Jupiter Inlet Colony is hereby amended to read as follows:

Section 2120. - Interpretation, Purpose and Conflict.

In interpreting and applying the provisions of this Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare of the community. It is not intended by this Code to interfere with, abrogate or annul any lawful easements, covenants or other agreements between parties; provided, however, that where this ordinance [Appendix A, Zoning Code] imposes a greater restriction upon the use of building or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other resolutions, rules, regulations, or by lawful easements, covenants or agreements, the provisions of this ordinance [Appendix A, Zoning Code] shall control.

SECTION 17: APPENDIX A-ZONING CODE, Article I. General Provisions, Section 22. Administration. of the Code of Ordinances of the Town of Jupiter Inlet Colony is hereby amended to read as follows:

Section 2221. - Administration.

The Town Commissioners shall be charged with the administration and enforcement of the provisions of this Zoning Code. ~~in accordance with the various provisions contained in Laws of Florida, Ch. 59-1686, Special Acts of 1959, and any past or future amendments thereto~~

The building and zoning commissioner, appointed by the town commissioners, shall be the administrative official, as agent of and acting under the direction of said ~~board~~ commission.

Section 18: Sections 23 and 24 of Appendix A-Zoning Code are hereby renumbered as Sections 22 and 23 respectively.

SECTION 19: APPENDIX A-ZONING CODE, Article I. General Provisions, Section 25. Regulations and Map. of the Code of Ordinances of the Town of Jupiter Inlet Colony is hereby amended to read as follows:

Section ~~25~~ 24. Regulations and Map.

(A) This set of regulations together with official zoning map with explanatory matter thereon, shall be known, used, and may be cited as the "Official Zoning Regulations of the Town of Jupiter Inlet Colony, Florida."

(B) Official Zoning Map.

(1) *Adoption.* The district boundaries set forth herein and delineated on the official zoning map, including all explanatory matter thereon, is hereby adopted. The official zoning map shall be identified by the signature of the mayor, attested by the town clerk, dated and having the seal of the town, certifying it as part of the official regulations.

(2) *Replacement.* If the official zoning map needs to be replaced, the town commission may by ~~ordinance~~ Resolution adopt a new official zoning map which supersedes the prior official zoning map.

SECTION 20. 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 21. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 22. 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 23. 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 prior to the effective date of this Ordinance shall not be required to comply with the revised provisions set forth herein.

FIRST READING this 12th day of December, 2016.

SECOND READING and FINAL PASSAGE this 9th day of January, 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