



Inst: # 3129576  
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Carolyn Timmann  
Clerk of the Circuit Court & Comptroller  
Martin County, FL  
Rec Fees: \$35.50

## ORDINANCE NO. 407

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING ARTICLE IV OF APPENDIX A OF THE CODE OF ORDINANCES ENTITLED, "SUPPLEMENTAL REGULATIONS" TO CREATE A NEW SECTION 3.23 ESTABLISHING PROCEDURES FOR PERMITTING NEW BEACHFRONT DEVELOPMENT; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AS FOLLOWS:**

**WHEREAS**, embodied within the Town's Comprehensive Plan is the Town Vision, which states in part that in Jupiter Island, the beauty of nature will always dominate the presence of man; and

**WHEREAS**, the Comprehensive Plan further includes a Conservation Element, the purpose of which is to promote the conservation, use and protection of natural resources and ultimately to protect and enhance the public health, safety and welfare and the quality of the environment; and

**WHEREAS**, the Comprehensive Plan includes a Coastal Management Element, the purpose of which is to plan for and where appropriate, restrict development activities where such activities would damage or destroy coastal resources, and to protect human life and limit public expenditure in areas that are subject to destruction by natural disaster or sea level rise; and

**WHEREAS**, consistent with its Comprehensive Plan, the Town's Land Development Regulations serve the following purposes, among others:

- Guiding and ensuring coordinated, orderly, and harmonious development in accordance with the existing and future needs of the Town;
- Protecting, promoting and improving the public health, safety, and general welfare;
- Conserving the value of land, buildings and resources, and protecting landowners from adverse impacts of adjoining developments;
- Protecting the character and maintaining the stability of residential, recreational, open space and public areas;

- Assuring that necessary public facilities are made available concurrently with the impacts of development;
- Balancing the interest of the general public in the Town with that of individual property owners; and

**WHEREAS**, the Town Commission is elected as the representative of the Town residents and is empowered by the Charter to enact legislation advancing these purposes; and

**WHEREAS**, the Town Commission has devoted significant time and resources to establishing a waterfront setback line (WFSBL) and beachfront development that balances all of these purposes, among others, and has through this process held public workshops and hearings and distributed materials to facilitate public input and debate; and

**WHEREAS**, the Town Commission has approved Ordinance 406, amending the WFSBL; and

**WHEREAS**, for various reasons not all property owners desire or are able to publicly participate in hearings regarding the WFSBL and/or beachfront development; and

**WHEREAS**, the Town Commission believes that it would benefit from more direct input from property owners regarding the location of the WFSBL and consideration of future beachfront development; and

**WHEREAS**, the ability to vote in a non-binding referendum would expand the opportunity for public input on potentially controversial issues; and

**WHEREAS**, a public hearing was properly noticed and held before the Commission on April 30, 2025, at which hearing Town property owners were afforded the opportunity to be heard; and

**WHEREAS**, the Town Commission was presented with text amendment to amend Appendix A of the Code of Ordinances which contains the Town's Land Development Regulations to provide procedures which must be met when considering any new beachfront development; and

**WHEREAS**, the Town Commission has determined the creation of Article IV, Division 3, Section 3.23, and its inclusion in the Town's Land Development Regulations is consistent with its Comprehensive Plan and its Future Land Use Element and Map.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE TOWN OF JUPITER ISLAND, FLORIDA:**

**Section 1. Recitals.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are incorporated herein.

**Section 2. Amended LDRs.** The Town Commission hereby amends its Land Development Regulations contained in Appendix A by creating a new Section 3.23 of Division 3 of Article IV – Supplemental Regulations, as follows:

**Sec. 3.23. – Procedures for Permitting New Beachfront Development.**

A. Prior to taking any future legislative action that would permit new beachfront development by amendment to the waterfront setback line, the Town Commission shall require the following to occur:

(i). Conduct a density analysis to evaluate whether, and to what extent, a proposed change to the waterfront setback line would permit the development of existing vacant land, which analysis shall be published on the Town’s website 60 days prior to the Town Commission’s consideration of an amendment to the waterfront setback line;

(ii). Following publication of the density analysis, the Town shall conduct at least two publicly noticed workshops at which public comment is solicited and permitted; and

(iii). After holding the two workshops, schedule a non-binding referendum asking the electors within the Town whether the proposed legislative action should be adopted.

B. The provisions of Paragraph 3.23.A. also shall apply to any approval of new structures seaward of the waterfront setback line with the exception of accessory features, (e.g., gazebos, trellises, porticos, pergolas, patios, carports, and porches), subject to the requirements in Division 5 of this Appendix A, governing variances.

C. Nothing herein is intended to delegate or limit the Town Commission’s legislative authority conferred upon it by the Town Charter, and the Commission retains the authority to exercise its discretion to act in the best interests of the Town, so long as the procedural requirements of this ordinance are satisfied. Nor does this ordinance place any condition or restriction on the Town’s quasi-judicial authority.

D. If repeal of this section or elimination of the requirements under Paragraph A is ever proposed, the Town shall hold a non-binding referendum asking Town voters whether they agree to such proposal.

**Section 3. Exemption for Amendment of the WFSBL.** The adoption of Ordinance 406 amending the WFSBL shall not be subject to the procedural requirements of this ordinance.

**Section 4. Repeal of Ordinances in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5. Severability.** If any court of competent jurisdiction holds any word, part, section, paragraph or provision hereof to be unlawful or unconstitutional, such ruling or finding shall not affect the remaining portions of this ordinance, which shall remain in full force and effect.

**Section 6. Codification.** This ordinance shall be codified and made a part of the Code of Ordinances of the Town of Jupiter Island, Florida.

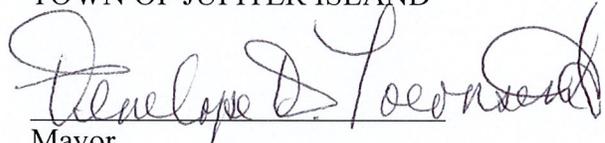
**Section 7. Effective Date.** This ordinance shall become effective immediately upon the first day following the entry of the stipulated final judgment in *Testa, et al. v. Town of Jupiter Island*, Case No. 2021-CA-000599 (Fla. 19th Cir. Ct.).

**PASSED UPON FIRST READING THE 30<sup>th</sup> DAY OF APRIL, 2025.**

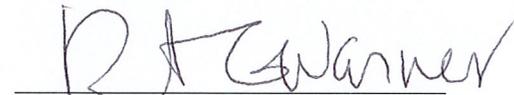
**PASSED AND ADOPTED UPON SECOND READING AT THE PUBLIC HEARING ON THE 20<sup>th</sup> DAY OF MAY, 2025.**

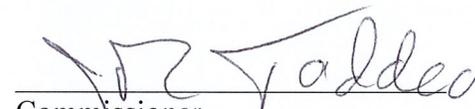
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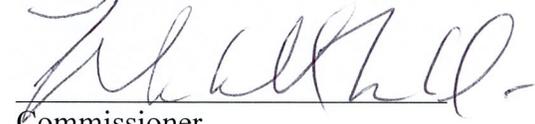
TOWN OF JUPITER ISLAND

  
Mayor

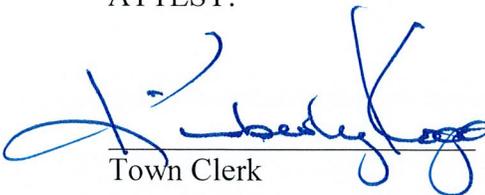
  
Vice Mayor

  
Commissioner

  
Commissioner

  
Commissioner

ATTEST:

  
Town Clerk

