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Clerk of the Circuit Court & Comptroller
Martin County, FL
Rec Fees: \$96.50

ORDINANCE NO. 411

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING APPENDIX A, OF THE JUPITER ISLAND CODE OF ORDINANCES PERTAINING TO THE TOWN'S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE REPEAL OF ARTICLE I, DIVISION 3, SECTIONS 3.01 AND 3.02; AND ESTABLISHING IN A NEW SECTION 3.01 A DEVELOPMENT REVIEW BOARD TO ASSUME THE AUTHORITY, FUNCTIONS, POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT AND THE IMPACT REVIEW COMMITTEE; PROVIDING FOR THE AMENDMENT OF ARTICLE X, "DEVELOPMENT REVIEW AND APPROVAL STANDARDS AND UNIFORM PROCEDURES," DIVISION 1, SECTION 1.02, DIVISION 2 "IMPACT REVIEW," SECTIONS 2.01 AND 2.05, DIVISION 5 "VARIANCES," SECTIONS 5.00, 5.01 AND 5.02; DIVISION 7, "UNIFORM DEVELOPMENT REVIEW PROCEDURE," SECTIONS 7.02, 7.04 AND 7.05; PROVIDING FOR THE AMENDMENT OF DIVISION 8 "APPEALS," SECTIONS 8.00 AND 8.02; PROVIDING FOR THE AMENDMENT OF CHAPTER 19, "FIRE PREVENTION AND PROTECTION CODE," ARTICLE I, SECTION 19.9 "APPEALS,," PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Jupiter Island, Martin County, Florida (Town) has such powers and authority as conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and,

WHEREAS, the Land Development Regulations (LDR) of the Town are codified in Appendix A of the Code of Ordinances of Jupiter Island, Florida (Code); and,

WHEREAS, the Town Commission has determined that it is appropriate to dissolve the Impact Review Committee (IRC) and the Board of Adjustment (BOA) and to consolidate the authority, powers and functions of these boards into one development review board, said board having the same authority, powers and functions of the IRC and BOA.

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

Section 1: The whereas clauses are incorporated herein as the legislative findings of the Town Commission.

Section 2. Article I, Divisions 3 entitled “Establishment, Authority, Composition, and Meetings of the Development Review Boards,” Sections 3.01 and 3.02 of Appendix A are repealed in their entirety and replaced with the following:

DIVISION 3. ESTABLISHMENT, AUTHORITY, COMPOSITION, AND MEETINGS OF DEVELOPMENT REVIEW BOARDS

Sec. 3.01. Development Review Board

A. *Development Review Board.* A development review board for the town is created and established.

B. *Authority; functions; powers and duties.*

1. The development review board shall have the authority and duty to review and decide applications for variances based upon the standards for approval of variances as set forth in Article X, Division 5, Section 5.00.

2. The development review board shall have the authority and duty to review and decide applications for impact review based upon the standards set forth in Article X, Division 2, Sections 2.02, 2.03 and 2.04.

3. The development review board shall have the authority and duty to decide applications for review and make decisions on a Unity of Title or its removal thereof .

C. *Composition.* The development review board shall consist of seven members each of whom shall be appointed by the mayor with the consent of the town commission. Each member of the development review board must have a place of residence within the incorporated limits of the town. Members of the development review board shall not hold any elected public office.

D. *Alternate members.* The development review board shall also have three alternate members each of whom shall be appointed by the mayor with the consent of the town commission. Alternate members may act in the absence or disability of any regular

member or where a regular member has a voting conflict of interest as defined by law.

E. Terms of office.

1. The initial membership shall be appointed as follows: four members shall be appointed to three-year terms, and three members shall be appointed to two-year terms. Thereafter, members shall be appointed or re-appointed to three-year terms.
2. The members of the development review board shall hold office for the term of office indicated above until the term expires. The term of a development review board member which expires may be renewed upon the appointment by the mayor with the consent of the town commission
3. Each member shall hold office until his or her successor is duly appointed.
4. Any member appointed to serve in lieu of any member on account of death, resignation, removal or disability, shall serve only for the unexpired term of the member.
5. A regular or alternate board member shall be removed whenever the member does not maintain his or her residence within the incorporated municipal limits of the town.

A regular or alternate board member may be removed whenever he or she fails to attend more than two meetings during a calendar year.

Each board member shall attend at least two meetings between the months of June and September.

F. Vacancies. Any vacancy on the development review board shall be filled within 60 days or as soon thereafter as practicable.

Officers. The mayor shall appoint, with the consent of the town commission, a chair from among the members of the development review board.

Meetings and rules of procedure.

1. The development review board shall meet monthly unless there are no applications to be considered.
2. The mayor shall appoint a chairperson who shall serve for three calendar years. The chairperson shall be rotated every three years.
3. The development review board may adopt rules for the transaction of its business.
4. The administrative official or his or her designee shall attend all meetings and present a report on the applications to be considered by the development review

board, provide such testimony and evidence as necessary to inform the board about an application and make such recommendations as appropriate regarding the application.

5. No action shall be taken on any application unless a quorum of four members is present, and only upon a majority vote of all members present and voting
6. The development review board or any of its members may inspect the premises, site or area which is the subject of an application.
7. All decisions of the development review board shall be reflected in a rendered written development order.
8. All meetings of the development review board shall be open to the public, as provided by law.

Section 4. Article X, Division 2, "Impact Review," Sections 2.01, and 2.05 are hereby amended to read as follows:

DIVISION 2. IMPACT REVIEW

Sec. 2.01. Applicability.

Impact review by the ~~Impact Review Committee~~ development review board is required if:

1. The total floor area on the lot proposed for development, including existing and proposed floor area, will be greater than 70 percent of the maximum floor area permitted in the underlying zoning district; and
2. The application:
 - a. Is for a required approval that is not subject to administrative review pursuant to any paragraph of article X, division 1, section 1.00 or board of adjustment review pursuant to any provision of article X, divisions 3, 4 or 5; or
 - b. Has been referred to the ~~impact review committee~~ development review board pursuant to article X, section 1.02; or
 - c. Requests approval of the demolition of a principal building or guest house and is not part of, or concurrently filed with, an application for development approval of a new principal building or guest house.

Sec. 2.05. Duration of approval.

Approvals granted either administratively or as a result of referral to the ~~Impact Review Committee~~ development review board, shall be valid for one year from the time granted. Commencement of work under said approval shall be considered as the date upon which a building permit is granted, and work having begun on the project. If work is not commenced within one year of the approval, then an extension of up to one year may be approved on good cause shown by application to the development review board of adjustment.

Section 6. Article X “Development Review and Approval Standards and Uniform Procedures,” Division 1, “Section 1.02 and Division 5, “Variances”, Section 5.00, 5.01 and 5.02 are hereby amended to read as follows:

DIVISION I. ADMINISTRATIVE REVIEW

Sec. 1.02. Referral to ~~impact review committee~~ development review board.

- A. If the administrative officials determines that there is any reasonable likelihood that a particular proposal that is otherwise within the administrative official's jurisdiction will have an any adverse impact on adjacent properties, the surrounding area or the town as a whole, the administrative officials may require that the application be heard by the ~~impact review committee~~ development review board.
- B. If a written request for a hearing is received from any owner of property within 1,000 feet of the parcel proposed for development within 21 days of the date that notice of the application is mailed, the administrative officials shall refer the application to the ~~impact review committee~~ development review board.

DIVISION 5. VARIANCES

Sec. 5.00. Standards for approval of variances.

Except as provided in article V, section 5.09 (variances related to subdivision standards), the board of ~~adjustment~~ shall may grant a variance from the terms of these land development regulations if the development review board finds that the applicant has demonstrated that:

- A. 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; and
- B. The special conditions and circumstances do not result from the actions of the applicant; and

- C. The variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings or structures in the same zoning district; and
- D. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant; and
- E. The variance is the minimum variance that will make possible the reasonable use of the land, building or structure; and
- F. The variance will be in harmony with the general intent and purpose of these land development regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- G. The variance does not authorize the use of land that is prohibited in the underlying zoning district.

Sec. 5.01. Factors to be excluded from consideration.

The following shall not be considered by the development review board of ~~adjustment~~ in its evaluation of an application for a variance:

- A. Any nonconforming use or structures in any zoning district; and
- B. Any permitted use of lands, structures or buildings in other zoning districts.

Sec. 5.02. Duration of approval.

If the development review board of ~~adjustment~~ does not specify otherwise, development pursuant to a variance must commence within 12 months of the date of the approval and shall be completed within 12 months of the date of commencement. If development does not commence within the required period, the variance approval shall expire.

DIVISION 7. UNIFORM DEVELOPMENT REVIEW PROCEDURE

Section 6. Article X, Division 7, “Uniform Development Review Procedure,” Sections 7.02, 7.04 and 7.05 are hereby amended to read as follows:

Sec. 7.02. Determination of required review.

The administrative official shall review the application and determine which level of review (administrative, ~~impact review committee~~, development review board of adjustment, or town commission) is required by these land development regulations.

- A. *Administrative review.* If administrative review is required, the administrative official shall process the application according to the standards set forth in these land development regulations.
- B. Upon the approval of the town manager, the administrative official may engage outside counsel, or such other licensed or certified professionals as may be necessary to review an application.
- C.B. ~~Impact review committee~~, Development review board of adjustment, or town commission review. If ~~impact review committee~~, review by the development review board of adjustment, or town commission review is required, the administrative official shall prepare a report and recommendations regarding the application, summarizing the application, describing whether it complies with these land development regulations, and recommending approval with conditions, or denial.

Sec. 7.04. Notice of public hearing.

- C. Notice of ~~impact review committee~~ development review board hearings which are held at the request of a property owner pursuant to article x, section 1.02 (B) shall be posted and mailed not less than ten days prior to the hearing ~~of the impact review committee~~.

Sec. 7.05. Review and recommendations at quasi-judicial public hearing.

If the application requires review and recommendations by quasi-judicial public hearing, the reviewing body shall hear the application as follows:

- A. The members of the development review board of adjustment or ~~local planning agency~~ shall disclose any ex parte communication pursuant to article I, section 4.01.
- B. The administrative official shall present ~~it's~~ such testimony, evidence and/or argument and a written report and recommendations on each application.
- C. The applicant shall have the opportunity to present testimony, evidence, reports, and/or argument in support of the application.
- D. Any substantially affected person shall have the opportunity to present testimony, evidence, reports, and/or argument in support of or in opposition to the application.

- E. Any other person in attendance shall have the opportunity to present such testimony, evidence and/or argument in support of or in opposition to the application.
- F. The town, the applicant, and any substantially affected person shall have the opportunity for cross-examination.
- G. After the public hearing is closed, the development review board of adjustment or ~~local planning agency~~ shall determine whether to recommend approval, approval with conditions, or denial based on the standards that are applicable to the application.

Section 7. Article X, Division 8, "Appeals," Sections 8.00 and 8.02 is hereby amended to read as follows:

DIVISION 8. APPEALS

Sec. 8.00. Authority and purpose.

- A. ~~The town commission~~ development review board shall hear appeals from any requirement, decision or determination made by the administrative official, including interpretations, approval or denial of applications, conditions of development approval, and decisions made with regard to the enforcement of these regulations.
- B. The town commission is authorized to:
 - 1. Hear appeals from decision of the development review board of adjustment.
 - 2. ~~Hear appeals from decisions of the impact review committee.~~

Sec. 8.02. Appeal period.

All appeals shall be filed in writing within 30 days after rendition of the development order, ~~requirement, decision,~~ or determination from which such appeal is taken, or the right to appeal shall be barred. ~~An~~ development order shall be considered rendered for purposes of an appeal from the administrative official on the date of the administrative official's written ~~makes a determination in writing~~ relating to the matter under appeal and, in the case of an appeal from the ~~impact review committee~~ or development review board of adjustment; the development order shall be considered rendered on the date of the ~~impact review committee or board of adjustment's~~ written development order.

Section 8. Chapter 19, "Fire Prevention and Protection Code," Article 1, Section 19.9 "Appeals" is hereby amended to read as follows:

Sec. 19-9. Appeals.

- (a) Development review board of adjustment. Appeals of the fire code shall be made to the board of adjustment.
- (b) *Fire marshal order stayed*. Pending final decision of the board of adjustment, the order of the fire marshal shall be stayed unless, in the opinion of the fire marshal, there is a distinct fire hazard to life or the property of others based on available data.
- (c) ~~Appeals to town commission~~. Appeals from the development review board of adjustment will shall be made to the town commission.

Section 9. Repeal of ordinances in conflict.

All other ordinances of the Town of Jupiter Island, Florida, or parts thereof which conflict with this or any part of this ordinance are hereby repealed.

Section 10. 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 11. Codification.

This ordinance may be codified and made a part of the Jupiter Island Code of Ordinances.

Section 12. Effective Date.

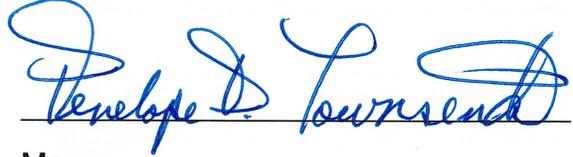
This ordinance shall become effective immediately upon execution.

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PASSED UPON FIRST READING ON THE 22nd DAY OF JULY 2025. PASSED AND ADOPTED UPON SECOND READING ON THE 16th DAY OF SEPTEMBER 2025.

(SEAL)

TOWN OF JUPITER ISLAND, FLORIDA



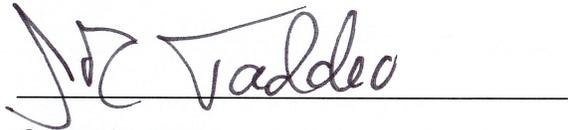
Mayor



Vice Mayor



Commissioner

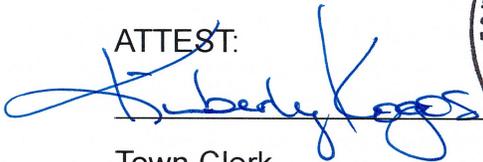


Commissioner



Commissioner

ATTEST:



Town Clerk



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