

ORDINANCE NO. 32-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, PROVIDING FOR THE AMENDMENT OF CHAPTER 24, ENTITLED "PLANNING AND DEVELOPMENT" TO CREATE A NEW ARTICLE IX TO BE ENTITLED "INFILL AND REDEVELOPMENT"; PROVIDING FOR A PURPOSE AND INTENT; PROVIDING FOR THE DESIGNATION OF SPECIFIC REDEVELOPMENT OVERLAY AREAS; PROVIDING FOR THE ADMINISTRATIVE REVIEW OF CERTAIN REDEVELOPMENT ACTIVITIES; PROVIDING FOR INCENTIVES FOR PROPERTIES PROPOSING REDEVELOPMENT OR INFILL DEVELOPMENT PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Jupiter, Florida is a duly constituted municipality having such power and authority as is conferred upon it by the Florida Constitution and Chapters 163 and 166, Florida Statutes; and

WHEREAS, the Town Council has adopted certain land development regulations which have been codified in Chapters 24 and 27 of the Code of Ordinances of the Town; and

WHEREAS, the Town Council has determined that the public's health, safety, and general welfare would be furthered by the creation of land development regulations which provide incentives to encourage the redevelopment, or infill development of properties within the Town; and

WHEREAS, the Town Council has determined that infill development projects and the redevelopment of properties within the Town would be facilitated by creating Redevelopment Overlay Areas.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Jupiter, Florida that:

Section 1. The whereas clauses are incorporated herein as true and correct and as legislative findings of the Town Council.

Section 2. Chapter 24 of the Town Code, entitled "Planning and Development" is hereby amended to create a new Article IX to be entitled "Redevelopment and Infill", as follows:

Article IX. INFILL AND REDEVELOPMENT

Section 24-188. Purpose, intent and creation of redevelopment overlay areas. The purpose and intent of this Article is to provide flexibility to development regulations required in Chapter 27; provide for an expeditious process to promote the revitalization and/or preservation of designated overlay areas of the town which have previously been developed; to provide incentives to encourage infill development and/or the redevelopment of these existing areas and/or buildings; and to reduce traffic congestion by internalizing and reducing trips within the designated overlay areas.

Section 24-189. The areas listed below are designated redevelopment overlay areas (ROA), and shall have their general boundaries depicted by an overlay on the town's official Zoning Map. General planning principals are established for each area separately and must be met in

order for a development or redevelopment project to receive the incentives provided for in this Article. The ROAs established by this Article:

- (a) Center Street/North Alternate A1A Redevelopment Overlay Area. Using the general planning principals and the land development regulations established by this ROA is voluntary.
- (b) Inlet Village Redevelopment Overlay Area. Use of general planning principals and the land development regulations established by this ROA is mandatory. All development and redevelopment, except those applications meeting Section 27-132 entitled "Reviewing authority", shall be processed as a large scale or small scale planned unit development for the review and approval by the Town Council.
- (c) Toney Penna Redevelopment Overlay Area. Use of the general planning principals and the land development regulations established by this ROA is voluntary.

DIVISION 1 . Center Street/ North Alternate A1A Redevelopment Overlay Area.

Section 24-190. General Planning Principals for the Center Street/ North Alternate A1A Area. Those properties located within the C-1, C-2, C-3 and C-4 zoning districts are eligible for the incentives provided for in this ROA. In order to qualify for incentives the development or redevelopment project shall be consistent with and implement the following general planning principals:

- (a) The design and architecture shall be consistent with and shall preserve and enhance the historical commercial character of this area of the town;
- (b) The project shall provide for a collection of compatible, interrelated uses including commercial retail space uses and services; contribute additional employment opportunities; and provide for opportunities for accessory residential where desired or appropriate;

- (c) Apply as many of the traditional neighborhood development planning principals listed in Section 27-974 of the Zoning Code as feasible;
- (d) Orient existing commercial buildings such that the front of the building faces the street(s) upon which the building is located;
- (e) Provide on street parking in front of, and/or provide off-street parking along the side and rear of the building;
- (f) Preserve, accentuate and enhance the natural resources and "specimen" trees which exist upon those properties located along Alternate A1A, the Jupiter River, and other waterways within this ROA;
- (g) Provide for the orientation of new buildings and their entrances, windows and outdoor spaces such that these features front Alternate A1A;
- (h) Preserve, accentuate and enhance views from the waterways by prohibiting the location of service areas and dumpsters abutting the waterways and the Jupiter River

Section 24-191. Land Development Regulations particular to the Center Street/ North Alternate A1A ROA. Those land development regulations which must be specifically met in this ROA which differ from the underlying zoning district and shall be met are as follows:

- (a) Setbacks and setbacks. A reduced front setback is permitted provided 75% of the parking required for the use(s) is provided on the side or to the rear of the property, not including on-street parking, as follows:
 - (1) Street setback shall be a minimum of 20';
 - (2) Buildings proposed at the minimum street setbacks set forth above shall not exceed two stories or 35' without adhering to the vertical building setback envelop (the roofline shall not be considered to be within the vertical envelope). The setback envelop of a building shall increase at a ratio of one foot to one foot (for every one foot of vertical run, one foot of horizontal) above 35', not

including the building height above the roof or pole plate for trussed roof systems.

(3) Buildings that have existing nonconforming front setbacks may maintain their existing front setback so long as that the front of the building is maintained as part of the property's redevelopment. Buildings may include additional floors above the existing nonconforming front setback upon the approval of the Town Council.

(b) Landscape buffers. A reduced front landscape buffer is permitted, as follows:

(1) Buildings using the reduced street setback set forth above shall have a minimum street landscape buffer of 5':

(2) Buildings that have an existing nonconforming front landscape buffer may maintain their existing front buffers so long as that portion of the front of the building is maintained as part of the redevelopment, and provided that street trees, large palms, planters, landscape islands, and/or foundation plantings are installed and maintained in locations approved by the town;

(3) Where on-street parking is approved by the town, the street buffer may be reduced or eliminated to correspond with the parking provided street trees, large palms, planters, landscape islands, and/or foundation plantings are installed and maintained in the right-of-way.

(c) Greenspace - Properties whose percentage of greenspace does not comply with the underlying zoning district requirements may maintain their existing nonconforming greenspace so long as the properties percentage of greenspace is 10 percent or above. Those properties having less than 10 percent greenspace shall submit a landscape plan which shall provide sufficient landscape buffers, foundation plantings and landscaping to provide shade.

(d) New or redeveloped buildings shall be designed such that they meet the following criteria:

- (1) The building shall provide a front entrance on the street upon which the building is located;
- (2) The building's entrances shall be covered by an awning (temporary or permanent), have a stoop, porch, and/or arcade;
- (3) The buildings windows and outdoor spaces shall be oriented toward the street.

(e) The owner shall preserve at least 50 percent of any specimen trees which exist on site.

(f) Properties along Alternate A1A with direct access to the Jupiter River or other waterways shall be redeveloped such that they engage the water. Service areas and dumpsters shall not abut and be visible from the adjacent waterway.

(g) On street parking is permitted within the rights-of-way of the following streets provided it meets the regulations of Section 27-1261:

- (1) Old Dixie Highway, Seminole Avenue, Town Hall Avenue, Orange - 90 degree and parallel parking permitted;
- (2) Center Street –both reverse angle in parking and parallel permitted.

DIVISION 2. Inlet Village Redevelopment Overlay Area.

Section 24-192. General Planning Principals for the Inlet Village Redevelopment Overlay Area. New development and redevelopment shall be consistent with the Future Land Use Element of the Comprehensive Plan, specifically Objective 1.9 and 1.10, and Policies 1.9.8, 1.9.10 – 1.9.14, 1.10.1 – 1.10.8.

Section 24-193. Land development regulations particular to the Inlet Village Redevelopment Overlay area. Properties located in this ROA are eligible for waivers as part of

a Planned Unit Development provided the development is consistent with the intent of the redevelopment overlay area hereby established.

DIVISION 3. Toney Penna Redevelopment Overlay Area.

Section 24-194. General Planning Principals for the Toney Penna Redevelopment Overlay Area.

(a) Those properties located within the C-3, C-4, MC and I-2 zoning districts are eligible for the incentives provided for in this ROA. In order to qualify for incentives the development or redevelopment project shall be consistent with and implement the following general planning principals:

- 1) Provide compatible, interrelated uses including services, shopping, retail stores, pharmacies, office, restaurants, small fueling stations and accessory residential
- 2) Apply as many traditional neighborhood development planning principals as listed in section 27-974 of the zoning code as feasible;
- 3) Encourage the construction of on-street parking for public use particularly for the train station or other public transit;
- 4) Provide a mix of uses with non-residential uses on the ground floor and accessory residential permitted above the ground floor;
- 5) Provide additional right-of-ways connecting Toney Penna Drive to Jupiter Lakes Boulevard;
- 6) Create smaller walkable blocks to disperse vehicular traffic and to reduce congestion at the intersection of Toney Penna Drive and Old Dixie Highway;
- 7) Cluster compatible uses adjacent to the Jupiter Medical Center to improve circulation and access;
- 8) Provide for accessory residential;

9) Buildings shall front the streets upon which they are located and shall provide parking along the side and rear of buildings.

(b) Those properties located within the R-3 zoning district are eligible for the incentives provided for in this ROA. In order to qualify for incentives the development or redevelopment project shall be consistent with and implement the following general planning principals:

1) Provide workforce housing units.

2) Apply as many traditional neighborhood development planning principals;

3) Allow density bonuses and incentives for workforce housing of up to a maximum of 15 dwelling units per acre pursuant to Policy 1.2.11 of the Housing Element of the Comprehensive Plan.

4) Buildings shall front the streets upon which they are located and shall provide parking along the side and rear of buildings;

5) Encourage the construction of on-street parking for public use particularly for the train station or other public transit.

Section 24-195. Land Development Regulations Particular to the Toney Penna Redevelopment Overlay Area. Those land development regulations which must be specifically met in this ROA which differ from the underlying zoning district include:

(a) Setbacks. Buildings with an existing nonconforming front setback may maintain the existing front setback provided that portion of the front of the building remains upon redevelopment. A waiver is required for redevelopment projects proposing additional floors above an existing nonconforming front setback, such that the intensity of the property increased.

(b) Landscape buffers.

- (1) Buildings with an existing nonconforming front landscape buffer may maintain the existing front landscaping buffer where the property provides street trees, large palms, planters, landscape islands, and/or foundation planting are installed and maintained;
- (2) A street buffer may be reduced or eliminated to accommodate on-street parking approved by the Department of Planning and Zoning and provided that street trees and/or large palms, planters, landscape islands, and/or foundation plantings are installed and maintained
- (c) Greenspace - Properties whose percentage of greenspace do not comply with the underlying zoning district requirements may maintain their existing nonconforming greenspace so long as the properties percentage of greenspace is 10 percent or above. Those properties having less than 10 percent greenspace shall submit a landscape plan which shall provide sufficient landscape buffers, foundation plantings and landscaping to provide shade.
- (d) New or redeveloped buildings shall be designed such that they meet the following criteria:

 - (1) The building shall provide a front entrance on the street upon which the building is located;
 - (2) The building's entrances shall be covered by an awning (temporary or permanent), have a stoop, porch, and/or arcade;
 - (3) The buildings windows and outdoor spaces shall be oriented toward the street.
- (e) On street parking may be permitted within the rights-of-way of the following streets provided it meets the regulations of Section 27-1261:

 - (1) Toney Penna Drive, Old Dixie Highway and on all local residential streets – parallel parking;
 - (2) Alleys and local nonresidential streets- Angled and 90 degree parking spaces.

Section 24-196. Activities exempt from meeting current land development regulations.

The following activities are exempt from meeting all current regulations:

- (a) The maintenance of existing structures and buildings, including but not limited to replacement of doors, windows or openings, restucco or replacement of exterior building materials, interior modifications, and exterior painting;
- (b) Upgrading or modifying an existing property provided the modification or replacement does not increase the existing intensity or density of the site includes the following:
 - (1) Replacement of portions of a building (up to 2,000 square feet);
 - (2) Improvement of the appearance of a site. This may include changes to the physical attributes of buildings, landscaping, drainage, access and paving or the reduction of existing nonconformities.
- (c) Properties that have damage (either complete or partial), as a result of an Act of God may rebuild the previous building provided they comply with the flood elevation requirements established in the Florida Building Code.

Section 24-197. Incentives for Redevelopment.

- (a) Accessory residential unit(s) are permitted within redevelopment properties in non-residential districts, subject to the regulations contained in Section 27-1669.1.
- (b) Property owners who propose to redevelop, upgrade or renovate existing property, per Section 27-132, that by increasing the intensity 10% or less of its existing gross floor area shall provide the following:
 - (1) Dedicate required easements, including but not limited to vehicular and/or pedestrian cross access, sidewalks for abutting public right-of-way, ultimate right-of-way, and all utilities including those for undergrounding;

- (2) Improve stormwater quality and quantity based on existing conditions as required by the stormwater master plan. However, properties proposing an increase in intensity and/or density shall improve stormwater quality and quantity to current code requirements;
- (3) Reduce existing nonconformities on a site.
- (c) Minor site plan amendment applications, per Section 27-132, proposing the redevelopment of a property which would increase the intensity of development on the site more than 10% but less than 20% of gross floor area shall provide the following:

 - (1) A civil engineering plan demonstrating that the site's stormwater quality and quantity will meet the current code. The Town's evaluation of the plan's proposed improvements to the stormwater system shall be based on the following criteria:

 - a. An evaluation of whether the existing on site system meets present standards or master stormwater plan.
 - b. A determination of whether there are currently any flooding issues or whether the property currently causes flooding problems on adjacent properties.
 - c. Properties that are making improvements exceeding 50% of the appraised value shall bring the drainage system up to existing standards.
 - (2) The proposed site plan amendment shall:

 - a. Reduce and/or eliminate existing non-conformities on a site;
 - b. Provide additional landscaping including additional shade, addressing residential buffers, vertical landscaping, green walls, raised planters, window boxes, hanging plants, vines;
 - c. Meet the minimum flood elevation requirements of the Florida Building Code for new construction.

- (d) Reduced development standards are not available for site plan amendments where the property owner proposes to: increase the intensity of development on the property by more than 20% of existing gross floor area; and/or remove and replace an existing building with a new building over 15,000 square feet which shall meet all code requirements regardless of the size of the parcel.
- (e) Property owners proposing redevelopment projects may increase the traffic generated on the site by up to 10% more than Palm Beach County's level of service and on roads in the Town. In order to qualify for the 10% traffic concurrency exemption, no more than 10% of any cumulative increase in intensity and/or density shall occur in a five year period.
- (f) The redevelopment incentives of reduced development standards, accessory residential units, and 10% traffic concurrency exemption on roads shall not be available for site plan amendments located within the boundary of the Indiantown Road Overlay Zoning District, west of Pennock Lane, that have an underlying zoning district designation of C-2, General Commercial, and C-3, Office Commercial.

Section 24-198. Incentives for Infill Development.

- (a) Accessory residential unit(s) may be permitted for proposed infill or redevelopment properties in non-residential districts, subject to the regulations of Section 27-1669.1.
- (b) Applications for infill properties shall only be subject to review by the Department of Planning and Zoning unless the property is located within the U.S. One/Intracoastal Waterway Corridor.
- (c) Infill developments shall meet all the requirements of the code, unless the property owner proposed a small scale planned unit development.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective upon the full satisfaction of all conditions set forth herein as determined by the Town.

January 27, 2011

Upon First Reading this 9th day of September, 2010, the foregoing Ordinance was offered by Councilor Robert M. Friedman, who moved its adoption. The motion was seconded by Councilor Todd R. Wodraska, and upon being put to a roll call vote, the vote was as follows:

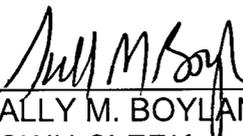
	AYE	NAY
MAYOR KAREN J. GOLONKA	Absent	
VICE-MAYOR WENDY HARRISON	X	
COUNCILOR ROBERT M. FRIEDMAN	X	
COUNCILOR JIM KURETSKI		X
COUNCILOR TODD R. WODRASKA	X	

Upon Second Reading this 21st day of December, 2010, the foregoing Ordinance was offered by Councilor Jim Kuretski, who moved its adoption. The motion was seconded by Councilor Robert M. Friedman, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR KAREN J. GOLONKA	X	
VICE-MAYOR WENDY HARRISON	X	
COUNCILOR ROBERT M. FRIEDMAN	X	
COUNCILOR JIM KURETSKI	X	
COUNCILOR TODD R. WODRASKA	X	

The Mayor thereupon declared Ordinance 32-10 duly passed and adopted this 21st day of December, 2010.

ATTEST:


 SALLY M. BOYLAN, MMC
 TOWN CLERK

(TOWN SEAL)



TOWN OF JUPITER, FLORIDA

BY:


 KAREN J. GOLONKA
 MAYOR


 THOMAS J. BAIRD, ESQ.
 Approved as to form and legal sufficiency