

ORDINANCE NO. 37-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, AMENDING CHAPTER 27, ARTICLE I, SECTION 27-1 ENTITLED "DEFINITIONS" TO INCORPORATE DEFINITIONS APPLICABLE TO CHAPTERS 24 ENTITLED "PLANNING AND DEVELOPMENT" AND CHAPTER 27 ENTITLED "ZONING"; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Jupiter, Florida has adopted a comprehensive plan which has been determined by the Department of Community Affairs to be in compliance with Chapter 163, Part II, Florida Statutes; and

WHEREAS, pursuant to Section 163.3202(2)(b), Florida Statutes, municipalities are required to provide specific and detailed land development regulations to regulate the use of land and water as part of the implementation of adopted Comprehensive Plans; and,

WHEREAS, the Town Council has enacted detailed land development regulations in Chapters 24 and 27 of the Town Code; and

WHEREAS, definitions have been incorporated into Section 27-1 of the Town Code which are useful to explain the intent of land development regulations which have been included in Chapters 24 and 27 of the Town Code.

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 the legislative findings of the Town Council.

Section 2. Section 27-1 of Chapter 27 of the Town Code, known as the Zoning Code is hereby amended to incorporate, into alphabetical order with the existing definitions of this section, the additional definitions set forth herein below:

ARTICLE I. IN GENERAL

Section 27-1 of the Town Code, entitled "Definitions":

Active uses shall mean those uses that promote and encourage pedestrian activity including but not be limited to specialty retail stores, restaurants, drug stores, book stores, boutiques, bars, coffee shops, and lounges.

Auto oriented use shall mean any business that is an automotive repair station, automotive paint or body shop, an automobile service station, or an automobile storage yard, and/or any business that operates a drive thru including but not limited to a bank, gas station, fast food, car wash, convenience store, drug store, coffee shop, and food retail.

Boundary survey shall mean the establishment or reestablishment of corners, lines, boundaries, and monuments or markers typically at the corners and/or points of inflection of real property, based upon recorded documents, legal descriptions, historical evidence, and present standards of practice which standards shall minimally meet the requirements of the MTS Florida Administrative Code. It is a mathematically closed diagram of the complete peripheral boundary reflecting dimensions, compass bearings and angles and includes metes and bounds or other written descriptions. A map or plat is drafted to provide a representation of the parcel surveyed. The map and/or any description shall be made in reference to the State plane coordinate system NAD 1983/90. This map, at the smallest permissible scale of one inch equals 200 feet,

shall reflect an accurate survey performed by a registered licensed Florida Professional Land Surveyor. The total acreage of any parcel surveyed shall be computed to the nearest one-one hundredth of one acre.

Development, large-scale, shall mean all residential development (s) of greater than 20 dwelling units or new subdivisions of more than 20 residential lots, and all nonresidential development on more than two acres. Redevelopment of a property where a portion of an existing building or buildings are removed and replaced with a new building or buildings of more than 15,000 square feet shall be considered large scale development, regardless of the size of the parcel.

Indoor recreation shall mean recreation related commercial uses including but not limited to dance studio, exercise, art studio, martial arts, pool halls, arcades, bowling alleys and skating rinks.

Infill shall mean a parcel of land one acre or less in size proposed for development that have been bypassed or remained vacant, which are surrounded by developed parcels and are generally served by or have readily accessible existing infrastructure (services and facilities).

Redevelopment shall mean the reuse, expansion or change of use of a previously-developed lot or group of lots that increases the intensity (gross floor area and traffic) or density on a site, proposes substantial physical improvements visible to the exterior of a building or the complete internal gutting of an existing structure or building and/or the removal and replacement of an existing building with a new building of the same or less intensity.

~~Site shall mean a parcel of land that contains more than one use or principal structure.~~

Small scale planned unit development (SSPUD) shall mean a parcel of land under ten acres, under unified control, designed and planned to be developed in a single phase or by a series of prescheduled development phases according to an officially approved site plan which may be approved with development waivers that does not necessarily correspond to the development regulations of the zoning district in which the development is located.

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 take effect immediately upon adoption.

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 Vice-Mayor Wendy Harrison, 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 37-10 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