



TOWN OF JUPITER

April 13, 2015

Mr. Ray Eubanks
State Land Planning Agency
Florida Department of Economic Opportunity
Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399

RE: Adopted Amendment to the Town of Jupiter's Comprehensive Plan - Round 2015-02

Dear Mr. Eubanks:

Attached please find:

- One (1) paper copy
- Two (2) copies on a CD-ROM in a Portable Document Format (PDF) of one (1) Future Land Use Element Text (CPTX) amendment

Pursuant to Section 163.3184(3)(a), Florida Statutes, the Town of Jupiter is transmitting copies of the adopted amendment to the Treasure Coast Regional Planning Council (TCRPC), the South Florida Water Management District (SFWMD), the Florida Department of Environmental Protection (FDEP), the Florida Department of Transportation (FDOT) and the Florida Department of State (FDOS). The Town's 2015-02 round of Comprehensive Plan amendments is subject to the expedited state review process, pursuant to Section 163.3184(3), Florida Statutes.

The Jupiter Town Council held a public hearing on the Comprehensive Plan amendment on April 7, 2015, at which time the proposed 2015-02 Comprehensive Plan Text amendment was adopted without any changes.

A brief description of the amendment is as follows:

Comprehensive Plan Amendment – Future Land Use Element Text (Ordinance #43-14) – To modify Policy 1.8.5 to allow all legal non-conforming uses within the Indiantown Road Overlay (IOZ) District to expand by 10 percent.

The local contact person for information on the amendment is as follows:

David M. Kemp, AICP
Principal Planner
Department of Planning and Zoning
Town of Jupiter
210 Military Trail
Jupiter, Florida 33458
(561) 741- 2452 (phone)
(561) 744-3116 (Fax)
davidk@jupiter.fl.us

Mr. Ray Eubanks

April 13, 2015

Page 2

If you have any further comments or questions, please feel free to contact David Kemp at your earliest convenience.

Sincerely,



John R. Sickler, AICP
Director of Planning and Zoning
Town of Jupiter

Cc: Stephanie A. Thoburn, Assistant Director of Planning and Zoning (via e-mail)
(w/o Attachments)

Attachments:

- Transmittal Letter to Michael J. Busha, TCRPC
- Transmittal Letter to Gerry O'Reilly, FDOT
- Transmittal Letter to Terry Manning, SFWMD
- Transmittal Letter to Chris Stahl, FDEP
- Transmittal Letter to Deena Woodward, FDOS
- 2015-02 Town Comprehensive Plan Amendment

V:\PlanningZoning\Staff\WP51\COMPPLAN\Amendments\2015-02 Administrative\DEO 2015-02 Transmittal_Adopted\Word Letters\04-13-15_DEOLt.doc



TOWN OF JUPITER

April 13, 2015

Mr. Michael J. Busha, AICP
Executive Director
Treasure Coast Regional Planning Council
421 S.W. Camden Avenue
Stuart, FL 34994

RE: Adopted Amendment to the Town of Jupiter's Comprehensive Plan - Round 2015-02

Dear Mr. Busha:

Attached please find:

- One (1) copy on a CD-ROM in a Portable Document Format (PDF) of one (1) Future Land Use Element Text (CPTX) amendment

Pursuant to Section 163.3184(3)(a), Florida Statutes, the Town of Jupiter is transmitting copies of the adopted amendment to the Florida Department of Environmental Protection (FDEP), the Florida Department of Transportation (FDOT), the South Florida Water Management District (SFWMD), and the Florida Department of State (FDOS). The Town's 2015-02 round of Comprehensive Plan amendments is subject to the expedited state review process, pursuant to Section 163.3184(3), Florida Statutes.

The Jupiter Town Council held a public hearing on the Comprehensive Plan amendment on April 7, 2015, at which time the proposed 2015-02 Comprehensive Plan Text amendment was adopted without any changes.

A brief description of the amendment is as follows:

Comprehensive Plan Amendment – Future Land Use Element Text (Ordinance #43-14) – To modify Policy 1.8.5 to allow all legal non-conforming uses within the Indiantown Road Overlay (IOZ) District to expand by 10 percent.

The local contact person for information on the amendment is as follows:

David M. Kemp, AICP
Principal Planner
Department of Planning and Zoning
Town of Jupiter
210 Military Trail
Jupiter, Florida 33458
(561) 741- 2452 (phone)
(561) 744-3116 (Fax)
davidk@jupiter.fl.us

Mr. Michael J. Busha

April 13, 2015

Page 2

If you have any further comments or questions, please feel free to contact David Kemp at your earliest convenience.

Sincerely,



John R. Sickler, AICP
Director of Planning and Zoning
Town of Jupiter

Cc: Stephanie A. Thoburn, Assistant Director of Planning and Zoning (via e-mail)
(w/o Attachments)

Attachments:

Transmittal Letter to Ray Eubanks, DEO
2015-02 Town Comprehensive Plan Amendment (CD-ROM format)

V:\PlanningZoning\Staff\WP51\COMPPLANAmendments\2015-02 Administrative\DEO 2015-02 Transmittal_Adopted\Word Letters\04-13-15_TCRPCLt.doc



TOWN OF JUPITER

April 13, 2015

Mr. Gerry O'Reilly, Director of Production and Planning
Florida Department of Transportation, District Four
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309

RE: Adopted Amendment to the Town of Jupiter's Comprehensive Plan - Round 2015-02

Dear Mr. O'Reilly:

Attached please find:

- One (1) copy on a CD-ROM in a Portable Document Format (PDF) of one (1) Future Land Use Element Text (CPTX) amendment

Pursuant to Section 163.3184(3)(a), Florida Statutes, the Town of Jupiter is transmitting copies of the adopted amendment to the Treasure Coast Regional Planning Council (TCRPC), the Florida Department of Environmental Protection (FDEP), the South Florida Water Management District (SFWMD), and the Florida Department of State (FDOS). The Town's 2015-02 round of Comprehensive Plan amendments is subject to the expedited state review process, pursuant to Section 163.3184(3), Florida Statutes.

The Jupiter Town Council held a public hearing on the Comprehensive Plan amendment on April 7, 2015, at which time the proposed 2015-02 Comprehensive Plan Text amendment was adopted without any changes.

A brief description of the amendment is as follows:

Comprehensive Plan Amendment – Future Land Use Element Text (Ordinance #43-14) – To modify Policy 1.8.5 to allow all legal non-conforming uses within the Indiantown Road Overlay (IOZ) District to expand by 10 percent.

The local contact person for information on the amendment is as follows:

David M. Kemp, AICP
Principal Planner
Department of Planning and Zoning
Town of Jupiter
210 Military Trail
Jupiter, Florida 33458
(561) 741- 2452 (phone)
(561) 744-3116 (Fax)
davidk@jupiter.fl.us

Mr. Gerry O'Reilly

April 13, 2015

Page 2

If you have any further comments or questions, please feel free to contact David Kemp at your earliest convenience.

Sincerely,



John R. Sickler, AICP
Director of Planning and Zoning
Town of Jupiter

Cc: Stephanie A. Thoburn, Assistant Director of Planning and Zoning (via e-mail)
(w/o Attachments)

Attachments:

Transmittal Letter to Ray Eubanks, DEO
2015-02 Town Comprehensive Plan Amendment (CD-ROM format)

V:\PlanningZoning\Staff\WP51\COMPPLAN\Amendments\2015-02 Administrative\DEO 2015-02 Transmittal_Adopted\Word Letters\04-13-15_FDOTLt.doc



TOWN OF JUPITER

April 13, 2015

Terry Manning, AICP
Senior Planner
Intergovernmental Coordination Section
South Florida Water Management District
3301 Gun Club Road, MSG 2640
West Palm Beach, Florida 33406

RE: Adopted Amendment to the Town of Jupiter's Comprehensive Plan - Round 2015-02

Dear Ms. Manning:

Attached please find:

- One (1) copy on a CD-ROM in a Portable Document Format (PDF) of one (1) Future Land Use Element Text (CPTX) amendment

Pursuant to Section 163.3184(3)(a), Florida Statutes, the Town of Jupiter is transmitting copies of the adopted amendment to the Treasure Coast Regional Planning Council (TCRPC), the Florida Department of Transportation (FDOT), the Florida Department of Environmental Protection (FDEP), and the Florida Department of State (FDOS). The Town's 2015-02 round of Comprehensive Plan amendments is subject to the expedited state review process, pursuant to Section 163.3184(3), Florida Statutes.

The Jupiter Town Council held a public hearing on the Comprehensive Plan amendment on April 7, 2015, at which time the proposed 2015-02 Comprehensive Plan Text amendment was adopted without any changes.

A brief description of the amendment is as follows:

Comprehensive Plan Amendment – Future Land Use Element Text (Ordinance #43-14) – To modify Policy 1.8.5 to allow all legal non-conforming uses within the Indiantown Road Overlay (IOZ) District to expand by 10 percent.

The local contact person for information on the amendment is as follows:

David M. Kemp, AICP
Principal Planner
Department of Planning and Zoning
Town of Jupiter
210 Military Trail
Jupiter, Florida 33458
(561) 741- 2452 (phone)
(561) 744-3116 (Fax)
davidk@jupiter.fl.us

Ms. Terry Manning

April 13, 2015

Page 2

If you have any further comments or questions, please feel free to contact David Kemp at your earliest convenience.

Sincerely,



John R. Sickler, AICP
Director of Planning and Zoning
Town of Jupiter

Cc: Stephanie A. Thoburn, Assistant Director of Planning and Zoning (via e-mail)
(w/o Attachments)

Attachments:

Transmittal Letter to Ray Eubanks, DEO
2015-02 Town Comprehensive Plan Amendment (CD-ROM format)

V:\PlanningZoning\Staff\WP51\COMPPLAN\Amendments\2015-02 Administrative\DEO 2015-02 Transmittal_AdoptedWord Letters\04-13-15_SFWMDLt.doc



TOWN OF JUPITER

April 13, 2015

Florida Department of Environmental Protection
Office of Intergovernmental Programs
Att: Mr. Chris Stahl
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, Florida 32399-3000

RE: Adopted Amendment to the Town of Jupiter's Comprehensive Plan - Round 2015-02

Dear Mr. Stahl:

Attached please find:

- One (1) copy on a CD-ROM in a Portable Document Format (PDF) of one (1) Future Land Use Element Text (CPTX) amendment

Pursuant to Section 163.3184(3)(a), Florida Statutes, the Town of Jupiter is transmitting copies of the adopted amendment to the Treasure Coast Regional Planning Council (TCRPC), the Florida Department of Transportation (FDOT), South Florida Water Management District (SFWMD) and the Florida Department of State (FDOS). The Town's 2015-02 round of Comprehensive Plan amendments is subject to the expedited state review process, pursuant to Section 163.3184(3), Florida Statutes.

The Jupiter Town Council held a public hearing on the Comprehensive Plan amendment on April 7, 2015, at which time the proposed 2015-02 Comprehensive Plan Text amendment was adopted without any changes.

A brief description of the amendment is as follows:

Comprehensive Plan Amendment – Future Land Use Element Text (Ordinance #43-14) – To modify Policy 1.8.5 to allow all legal non-conforming uses within the Indiantown Road Overlay (IOZ) District to expand by 10 percent.

The local contact person for information on the amendment is as follows:

David M. Kemp, AICP
Principal Planner
Department of Planning and Zoning
Town of Jupiter
210 Military Trail
Jupiter, Florida 33458
(561) 741- 2452 (phone)
(561) 744-3116 (Fax)
davidk@jupiter.fl.us

Mr. Chris Stahl
April 13, 2015
Page 2

If you have any further comments or questions, please feel free to contact David Kemp at your earliest convenience.

Sincerely,



John R. Sickler, AICP
Director of Planning and Zoning
Town of Jupiter

Cc: Stephanie A. Thoburn, Assistant Director of Planning and Zoning (via e-mail)
(w/o Attachments)

Attachments:

Transmittal Letter to Ray Eubanks, DEO
2015-02 Town Comprehensive Plan Amendment (CD-ROM format)

V:\PlanningZoning\Staff\WP51\COMPPLAN\Amendments\2015-02 Administrative\DEO 2015-02 Transmittal_Adopted\Word Letters\04-13-15_FDEPLt.doc



TOWN OF JUPITER

April 13, 2015

Ms. Deena Woodward
Historic Preservation Planner
Bureau of Historic Preservation
Department of State
500 South Bronough Street
Tallahassee, Florida 32399-0250

RE: Adopted Amendment to the Town of Jupiter's Comprehensive Plan - Round 2015-02

Dear Ms. Woodward:

Attached please find:

- One (1) copy on a CD-ROM in a Portable Document Format (PDF) of one (1) Future Land Use Element Text (CPTX) amendment

Pursuant to Section 163.3184(3)(a), Florida Statutes, the Town of Jupiter is transmitting copies of the adopted amendment to the Treasure Coast Regional Planning Council (TCRPC), the Florida Department of Transportation (FDOT), and the South Florida Water Management District (SFWMD). The Town's 2015-02 round of Comprehensive Plan amendments is subject to the expedited state review process, pursuant to Section 163.3184(3), Florida Statutes.

The Jupiter Town Council held a public hearing on the Comprehensive Plan amendment on April 7, 2015, at which time the proposed 2015-02 Comprehensive Plan Text amendment was adopted without any changes.

A brief description of the amendment is as follows:

Comprehensive Plan Amendment – Future Land Use Element Text (Ordinance #43-14) – To modify Policy 1.8.5 to allow all legal non-conforming uses within the Indiantown Road Overlay (IOZ) District to expand by 10 percent.

The local contact person for information on the amendment is as follows:

David M. Kemp, AICP
Principal Planner
Department of Planning and Zoning
Town of Jupiter
210 Military Trail

Ms. Deena Woodward
April 13, 2015
Page 2

Jupiter, Florida 33458
(561) 741- 2452 (phone)
(561) 744-3116 (Fax)
davidk@jupiter.fl.us

If you have any further comments or questions, please feel free to contact David Kemp at your earliest convenience.

Sincerely,



John R. Sickler, AICP
Director of Planning and Zoning
Town of Jupiter

Cc: Stephanie A. Thoburn, Assistant Director of Planning and Zoning (via e-mail)
(w/o Attachments)

Attachments:

Transmittal Letter to Ray Eubanks, DEO
2015-02 Town Comprehensive Plan Amendment (CD-ROM format)

V:\PlanningZoning\Staff\WP51\COMPPLAN\Amendments\2015-02 Administrative\DEO 2015-02 Transmittal_Adopted\Word Letters\04-13-15_FDOSLt.doc

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

ORDINANCE NO. 43-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, AMENDING ORDINANCE NO. 57-89, THE COMPREHENSIVE PLAN OF THE TOWN OF JUPITER; PROVIDING FOR THE AMENDMENT OF POLICY 1.8.5 OF THE FUTURE LAND USE ELEMENT TO AUTHORIZE ALL LEGAL NON-CONFORMING USES WHICH ARE WITHIN THE INDIANTOWN ROAD OVERLAY CORRIDOR THE ABILITY TO INCREASE THE EXTENT OF THE NON-CONFORMING USE BY 10 PERCENT; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Jupiter, Florida (Town), has adopted a Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes entitled the "Local Government Comprehensive Planning and Land Development Regulation Act" (the Act); and,

WHEREAS, the Florida Department of Community Affairs, now known as the Department of Economic Opportunity, has previously determined that the Town's Comprehensive Plan was "in compliance" with the Act; and,

WHEREAS, pursuant to the Act, the Jupiter Planning and Zoning Commission, sitting as the Local Planning Agency (the LPA) has conducted a public hearing, as required by Section 163.3174(4)(a), Florida Statutes, to amending the text of Policy 1.85 of the Future Land Use Element of the Comprehensive Plan to allow all of the legal non-conforming uses in the Indiantown Overlay Zoning District to expand by 10 percent; and,

1 **WHEREAS**, the text of the Policy to be amended is set forth in Exhibit "A" which is
2 attached hereto and incorporated herein; and,

3 **WHEREAS**, The Town Council has determined that the amendment of Policy 1.85
4 would be in compliance with the Act; and,

5 **WHEREAS**, pursuant to Section 163.3184(11), Fla. Stat., the Town Council has
6 conducted a public hearing to consider the transmittal of the Amendments, and after considering
7 public comments, authorized the transmittal of the Amendments to the Florida Department of
8 Economic Opportunity, appropriate reviewing agencies and any other local government or
9 governmental agency that has filed a written request and requested their comments pursuant to
10 Section 163.3184(3)(b)1., Florida Statutes; and,

11 **WHEREAS**, the Florida Department of Economic Opportunity and appropriate reviewing
12 agencies have reviewed the proposed Amendments for consistency with the Act and sent any
13 comments to the Town pursuant to Section 163.3184(3)(b)2. through 4., Florida Statutes.

14 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF**
15 **JUPITER, FLORIDA:**

16 **Section 1.** The whereas clauses are incorporated herein as the legislative findings of
17 the Town Council.

18 **Section 2.** Ordinance No. 57-89 of the Town of Jupiter, entitled "Comprehensive
19 Plan of the Town of Jupiter," is hereby amended to reflect the amendment of the text of Policy
20 1.8.5 of the Future Land Use Element as shown in the attached Exhibit "A", which is
21 incorporated herein.

22 **Section 3.** The Town Clerk is hereby directed to transmit the required copies of the
23 proposed Amendments to the Comprehensive Plan to the Department of Economic Opportunity
24 and all other parties pursuant to Section 163.3184(3)(c)2., Florida Statutes.

1 **Section 4.** Severability. If any section, paragraph, sentence, clause, phrase or
2 word of this Ordinance is for any reason held by a court to be unconstitutional, inoperative or
3 void, such holding shall not affect the remainder of this Ordinance.

4 **Section 5.** Repeal of Laws in Conflict. All ordinances or part of ordinances in
5 conflict herewith are hereby repealed to the extent of such conflict.

6 **Section 6.** Effective Date. The provisions of this Ordinance shall become effective
7 pursuant to Section 163.3184(3)(c)4., Florida Statutes

8
9 Attachment: Exhibit "A" - Text amendments to the Comprehensive Plan

EXHIBIT A of Ordinance #43-14

Town of Jupiter Comprehensive Plan

2015-02 Amendment (Text)

April 7, 2015

Location: Future Land Use Element

Goals, Objectives and Policies

Economic Development for the Indiantown Road Corridor

Objective 1.8 Maintain Indiantown Road, through the implementation of the Jupiter Area Study mitigation strategies, as an attractive commercial corridor which provides a stable economic base through a variety of uses.

Policy 1.8.1 Maximize the economic position of commercial activities along the Indiantown Road corridor, while satisfying neighborhood and sub-regional demand.

Policy 1.8.2 Provide for pedestrian-intensive uses all along the Indiantown Road corridor.

Policy 1.8.3 Evaluate the continued demand for service and auto-oriented business in the Indiantown Road corridor.

Policy 1.8.4 Ensure the gradual upgrading of existing developments and desired redevelopment consistent with the Jupiter Area Study mitigation strategies. Vacant land in the Indiantown Road Overlay Corridor shall be evaluated for potential purchase by the Town for the Jupiter Open Space Program.

Policy 1.8.5 ~~In accordance with Policy 1.2.4 of the Future Land Use Element Section 27-873 of the Indiantown Road Overlay Zoning District (IOZ) and consistent with the Jupiter Area Study mitigation strategies, all vested, non-conforming uses shall be allowed to remain. As part of the implementation of Objective 1.8, the intent of which is to promote the economic redevelopment of **an attractive** Indiantown Road, **by allowing those** legal non-conforming uses which existed. The Town may allow the following limited, existing legal non-conforming uses approved prior to the adoption of the IOZ on March 6, 1990 (gas stations, car wash, fast food, auto sales and accessory automotive service and repair associated with the auto sales use, and convenience stores) to **may** expand, upgrade and/or redevelop, provided there is; no increase in ~~existing~~ the intensity of the use greater than 10 percent of the applicable intensity standard (gross floor area, automotive fueling position, car wash stall, vehicle sales inventory or square footage), ~~and no~~ an increase in the existing number of stories of a building and/or parking garage,; ~~and no~~ or expansion onto other properties. ~~To encourage redevelopment of the above mentioned legal non-conforming uses, there shall be no limitations to the cost of improvements; provided redevelopment includes substantial improvements and reduction of any existing nuisances and non-conformities on a site. All other non-conforming uses not listed herein shall be eliminated upon redevelopment. Provided also that the expansion, upgrade, or redevelopment, shall eliminate, or reduce to the maximum extent possible, any existing nuisances or non-conforming land development regulations (other than use) which are applicable to the property.~~~~

Policy 1.8.6 Restrict uses which are predominately auto related from specified intersection areas.

Policy 1.8.7 The Town shall allow auto-related uses in specified areas along Indiantown Road which incorporate and implement the design guidelines and development standards of the Indiantown Road Overlay Zoning District.

Policy 1.8.8 The Town shall prohibit auto, marine, recreational vehicle, truck sales and mobile home sales in the Indiantown Road corridor. This shall not prohibit existing legal non-conforming auto sales uses from redevelopment, consistent with Policy 1.8.5.

Upon First Reading this 20th day of January, 2015, the foregoing Ordinance was offered by Councilor Todd Wodraska, who moved its adoption. The motion was seconded by Vice-Mayor Ilan Kaufer, and upon being put to a roll call vote, the vote was as follows:

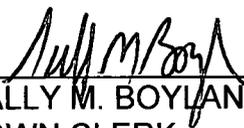
	AYE	NAY
MAYOR KAREN J. GOLONKA	X	
VICE-MAYOR ILAN KAUFER	X	
COUNCILOR WENDY HARRISON	Absent	
COUNCILOR JIM KURETSKI	X	
COUNCILOR TODD R. WODRASKA	X	

Upon Second Reading this 7th day of April, 2015, the foregoing Ordinance was offered by Councilor Todd Wodraska, who moved its adoption. The motion was seconded by Councilor 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 ILAN KAUFER	X	
COUNCILOR WENDY HARRISON	X	
COUNCILOR JIM KURETSKI	X	
COUNCILOR TODD R. WODRASKA	X	

The Mayor thereupon declared Ordinance 43-14 duly passed and adopted this 7th day of April, 2015.

ATTEST:

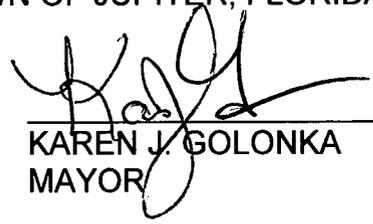

 SALLY M. BOYLAN, MMC
 TOWN CLERK

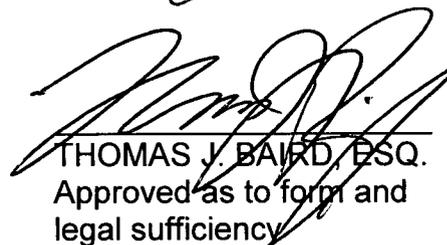
(TOWN SEAL)



TOWN OF JUPITER, FLORIDA

BY:


 KAREN J. GOLONKA
 MAYOR


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

Data and Analysis for Town of Jupiter Comprehensive Plan Amendment (2015-02) to the Future Land Use Element

Supporting Data and Analysis

In 2010, the Town Council adopted an amendment to FLUE Policy 1.8.5. That amendment was intended to allow a limited number of non-conforming uses within the IOZ District to “upgrade” and to increase the intensity of the gross floor area by 10 percent. The benefits of the change in Policy 1.8.5 were utilized by Braman BMW and the expansion of that use is currently underway. In 2013, Circle K sought to use the Policy to “upgrade” its site and double the number of fueling positions for its non-conforming gas station with convenience store use located in the IOZ Parkways District at 126 W. Indiantown Road. At that time it was learned that Policy 1.8.5 could only be applied to a select number of non-conforming uses, such as gas stations, car washes, fast food, convenience stores and vehicle dealerships. However, other non-conforming uses in the IOZ could not take advantage of Policy 1.8.5 to “upgrade” and expand their properties. The Town Attorney expressed concern regarding this selective approach and Council directed staff to amend Policy 1.8.5 so that it could be applied to any non-conforming use which has continuously existed since the IOZ was enacted on March 6, 1990.

The applicable intensity standards for the following remaining types of nonconforming uses were included in proposed amendment to FLUE Policy 1.8.5:

- *Automotive Fueling Position* – Standard for an automotive fueling station use;
- *Car Wash Stall* – Standard for a self-serve car wash use;
- *Vehicle Sales Inventory* – Standard for a vehicle sales dealership use;
- *Square footage* – Standard for utility service area, hotel or motel, outdoor storage and automatic car wash uses.

Internal Consistency with the Comprehensive Plan – The proposed amendment of FLUE Policy 1.8.5 is internally consistent and supported by the following implementing policies of the Town’s Comprehensive Plan:

FUTURE LAND USE ELEMENT

Policy 1.8.4 Ensure the gradual upgrading of existing developments and desired redevelopment consistent with the Jupiter Area Study mitigation strategies. Vacant land in the Indiantown Road Overlay Corridor shall be evaluated for potential purchase by the Town for the Jupiter Open Space Program.

Policy 1.8.8 The Town shall prohibit auto, marine, recreational vehicle, truck sales and mobile home sales in the Indiantown Road corridor. This shall not prohibit existing legal non-conforming auto sales uses from redevelopment, consistent with Policy 1.8.5.

Town Comment (for both policies): The proposed amendment to Policy 1.8.5 is intended to clarify how existing IOZ non-conforming uses, including the one auto sales use (Braman Motors), can upgrade and redevelop. The proposed amendments to Policy 1.8.5 are consistent and supported by Policies 1.8.4 and 1.8.8.

Intergovernmental Coordination – Staff has submitted an executive summary of the proposed Future Land Use Element Text Amendment to the Palm Beach County Interlocal Plan Amendment Review Committee (IPARC). As of the date of this report, staff has not received any comments related to the text amendment.

V:\Staff\WP51\COMPPLAN\Amendments\2015-02 Administrative\DEO 2015-02 Transmittal_Adopted\Data and Analysis.docx April 8, 2015

TOWN OF JUPITER



DATE: April 8, 2015
TO: Honorable Mayor and Members of Town Council
THRU: Andrew D. Lukasik, Town Manager
FROM: John R. Sickler, Director of Planning and Zoning
SUBJECT: **FUTURE LAND USE ELEMENT COMPREHENSIVE PLAN TEXT AMENDMENT** – To modify Policy 1.8.5 to allow all legal non-conforming uses within the Indiantown Road Overlay Zoning (IOZ) District to expand by 10 percent.

HEARING DATES:

PZ 12/09/14 (acting as the LPA)
TC 01/20/15 1st Reading
TC 04/07/15 2nd Reading (Adoption)

PZ #14-365
Ord #43-14
DMK

EXECUTIVE SUMMARY:

Consideration of a Town Council initiated amendment to Future Land Use Element (FLUE) Policy 1.8.5 of the Town's Comprehensive Plan. The proposed amendment to FLUE Policy 1.8.5 would allow any legal non-conforming use which existed within the Indiantown Road Overlay Zoning (IOZ) District at the time of its adoption (March 6, 1990) to continue to exist in accordance with the Town Code, and to expand the use by up to 10 percent provided the expansion would facilitate the redevelopment and improvement of the property.

Town Council Final Action – At their April 7, 2015 meeting, the Town Council **adopted** (by a 5-0 vote) the Future Land Use Element text amendment as recommended by staff.

Staff Update (03-30-15) - The Town received "No-ORC" letters from the Department of Economic Opportunity (DEO), the South Florida Water Management District (SFWMD), the Florida Department of Environmental Protection (FDEP) and the Treasure Coast Regional Planning Council (TCRPC) (Attachment A) collectively stating these agencies did not have any objections or comments to the proposed Future Land Use Element text amendment.

Subsequent to the transmittal of the proposed text amendment to the DEO, the Town Attorney suggested additional amendments to FLUE Policy 1.8.5 for clarification. These additional amendments have been included in Exhibit A of Ordinance #43-14 in a ~~strike-through~~, double underline and **bold** format.

Town Council Action - At their January 20, 2015 meeting, the Town Council **approved** (by a 4-0 vote) on first reading the Future Land Use Element text amendment as recommended by staff.

Staff Update - At the Planning and Zoning Commission Meeting, a Commissioner inquired if all of the intensity standards associated with non-conforming uses in the IOZ were contained in the text amendment to FLUE Policy 1.8.5. Staff stated the Commissioner's concern would be addressed, reviewed the applicable intensity standards for the IOZ non-conforming uses and revised the applicable intensity standards listed in FLUE Policy 1.8.5 for the non-conforming uses accordingly.

Background - In 2010, the Town Council adopted an amendment to FLUE Policy 1.8.5. That amendment was intended to allow a limited number of non-conforming uses within the IOZ District to "upgrade" and to increase the intensity of the gross floor area by 10 percent. The benefits of the change in Policy 1.8.5 were utilized by Braman BMW and the expansion of that use is currently underway. In 2013, it was learned that Policy 1.8.5 could only be applied to a select number of non-conforming uses, such as gas stations, car washes, fast food, convenience stores and vehicle dealerships. However, other non-conforming uses in the IOZ could not take advantage of Policy 1.8.5 to "upgrade" and expand their properties. The Town Attorney expressed concern regarding this selective approach and Council directed staff to amend Policy

1.8.5 so that it could be applied to any non-conforming use which has continuously existed since the IOZ was enacted on March 6, 1990.

Analysis - The proposed text amendment to Policy 1.8.5 resolves the Town Attorney's expressed concerns and implements Council's policy directive.

STAFF RECOMMENDATION:

Staff recommends **approval** of Ordinance #43-14.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

At their December 9, 2014 meeting, the Planning and Zoning Commission, acting as the Local Planning Agency, recommended approval (by a 6-0 vote) of the text amendment application.

Strategic Result: Strong Local Economy

Attachment:

Ordinance #43-14

Attachment A – Department of Economic Opportunity No-Comment Letter (February 27, 2015)

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

February 27, 2015

The Honorable Karen Golonka, Mayor
The Town of Jupiter
210 Military Trail
Jupiter, Florida 33458

Dear Mayor Golonka:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the Town of Jupiter (Amendment 15-2ESR), which we received on January 28, 2015. We reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendment if adopted.

Pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the Town. If other reviewing agencies provide comments, we recommend the Town consider appropriate changes to the amendment(s) based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment(s) after adoption. The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment.

Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning this review, please contact Erin Schaefer, at (850) 717-8498 or by email at Erin.Schaefer@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ana Richmond', with a stylized flourish at the end.

Ana Richmond, Chief
Bureau of Community Planning

AR/es

Enclosure(s): Procedures for Adoption

cc: John Sickler, Director, Planning and Zoning Department, Town of Jupiter
Michael J. Busha, Executive Director, Treasure Coast Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

_____ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

February 19, 2015

John Sickler, Director
Town of Jupiter, Dept. of Planning and Zoning
210 Military Trail
Jupiter, FL 33458

RECEIVED
FEB 20 2015
PLANNING & ZONING

**Subject: Town of Jupiter, DEO #15-2ESR
Comments on Proposed Comprehensive Plan Amendment Package**

Dear Mr. Sickler:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from the Town of Jupiter (Town). The proposed amendment modifies Future Land Use Element Policy 1.8.5 regarding non-conforming uses in the Indiantown Road Overly Zoning. There appear to be no regionally significant water resource issues; therefore, the District forwards no comments on the proposed amendment package.

The District offers its technical assistance to the Town and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the Town's future water supply needs and to protect the region's water resources. Please forward a copy of adopted amendments to the District. For assistance or additional information, please contact Deborah Oblaczynski, Policy and Planning Analyst, at (561) 682-2544 or doblaczy@sfwmd.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "De Powell".

Dean Powell
Water Supply Bureau Chief

DP/do

c: Michael J. Busha, TCRPC
Ray Eubanks, DEO
David M. Kemp AICP, Town of Jupiter
Deborah Oblaczynski, SFWMD
James Stansbury, DEO

David Kemp

From: Stahl, Chris <Chris.Stahl@dep.state.fl.us>
Sent: Tuesday, February 10, 2015 2:57 PM
To: David Kemp
Cc: Craig, Kae; DEO Agency Comments
Subject: Jupiter 15-2ESR – Proposed

To: David Kemp, Principle Planner

Re: Jupiter 15-2ESR – Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please feel free to contact me with any questions.

Chris Stahl
Office of Intergovernmental Programs
Florida Department of Environmental Protection
3900 Commonwealth Blvd., MS 47
Tallahassee, FL 32399-3000
(850) 245-2169



TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 8H
From: Staff
Date: March 20, 2015 Council Meeting
Subject: Local Government Comprehensive Plan Review
Draft Amendment to the Town of Jupiter Comprehensive Plan
Amendment No. 15-2ESR

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, requires that the regional planning council review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from the Town of Jupiter includes a text amendment to the Future Land Use Element of the comprehensive plan. This report includes a summary of the proposed amendment and Council comments.

Summary of Proposed Amendment

The proposed amendment is to modify the text in Policy 1.8.5 of the Future Land Use Element to allow all legal non-conforming uses within the Indiantown Road Overlay Zoning (IOZ) District to expand by 10 percent. The existing text allows 10 percent expansion, but only applies to a select number of non-conforming uses, such as gas stations, car washes, fast food, convenience stores, and vehicle dealerships. The proposed amendment would allow any legal non-conforming use that existed within the IOZ District at the time of its adoption on March 6, 1990 to continue to exist and expand by up to 10 percent provided the expansion would facilitate the redevelopment and improvement of the property.

Regional Impacts

No adverse effects on regional resources or facilities have been identified.

Extrajurisdictional Impacts

The proposed amendment was circulated by the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on December 3, 2014. No extrajurisdictional impacts have been identified.

Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified.

Recommendation

Council should approve this report and authorize its transmittal to the Town of Jupiter and the Florida Department of Economic Opportunity.

Attachments

List of Exhibits

Exhibit

- 1 General Location Map
- 2 Proposed Text Change in Underline and Strikethrough Format
- 3 Map of the Indiantown Road Overlay District

Exhibit 1 General Location Map

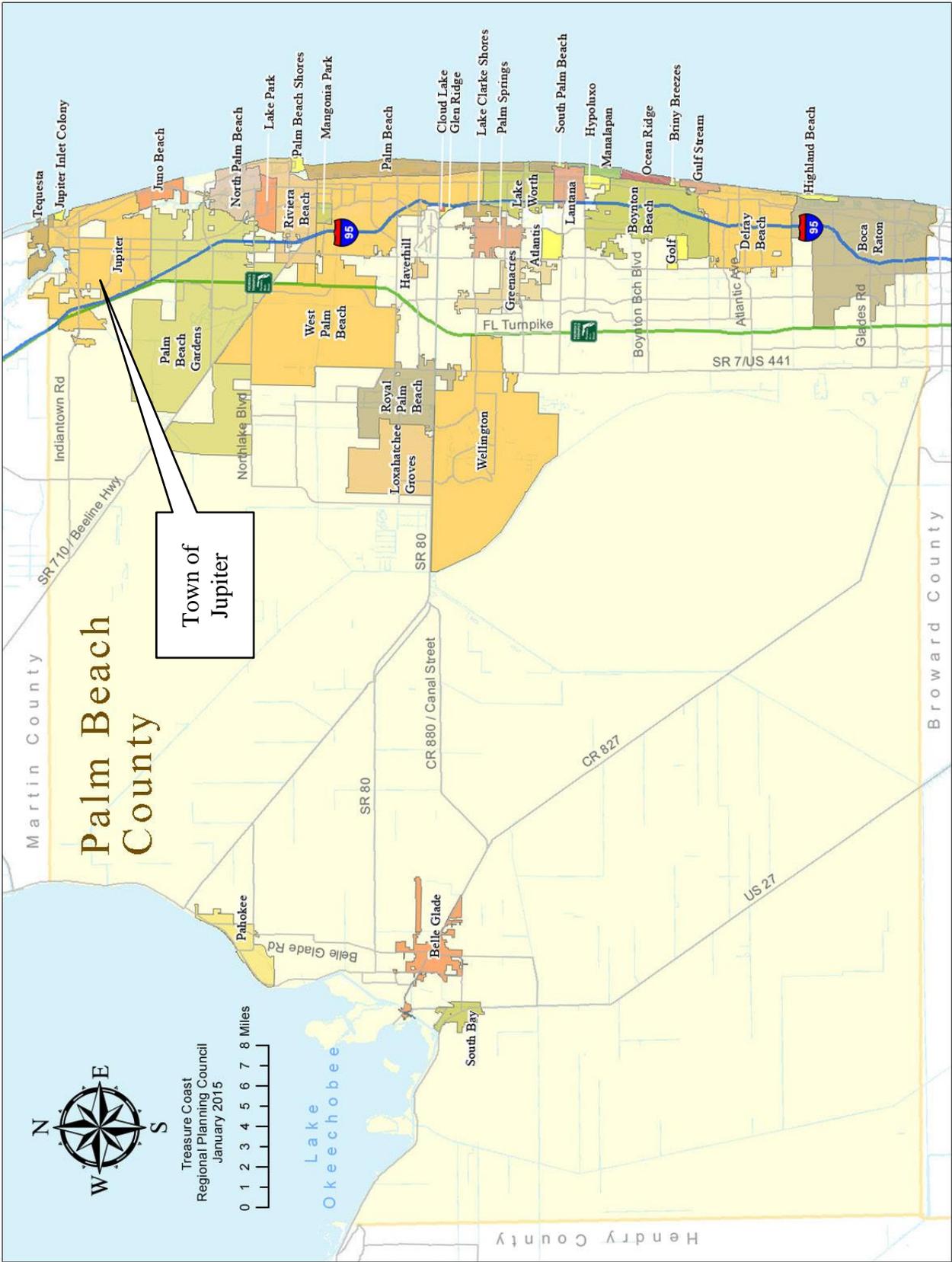


Exhibit 2

Proposed Text Change in Underline and Strikethrough Format

Location: Future Land Use Element

Goals, Objectives and Policies

Economic Development for the Indiantown Road Corridor

Objective 1.8 Maintain Indiantown Road, through the implementation of the Jupiter Area Study mitigation strategies, as an attractive commercial corridor which provides a stable economic base through a variety of uses.

Policy 1.8.1 Maximize the economic position of commercial activities along the Indiantown Road corridor, while satisfying neighborhood and sub-regional demand.

Policy 1.8.2 Provide for pedestrian-intensive uses all along the Indiantown Road corridor.

Policy 1.8.3 Evaluate the continued demand for service and auto-oriented business in the Indiantown Road corridor.

Policy 1.8.4 Ensure the gradual upgrading of existing developments and desired redevelopment consistent with the Jupiter Area Study mitigation strategies. Vacant land in the Indiantown Road Overlay Corridor shall be evaluated for potential purchase by the Town for the Jupiter Open Space Program.

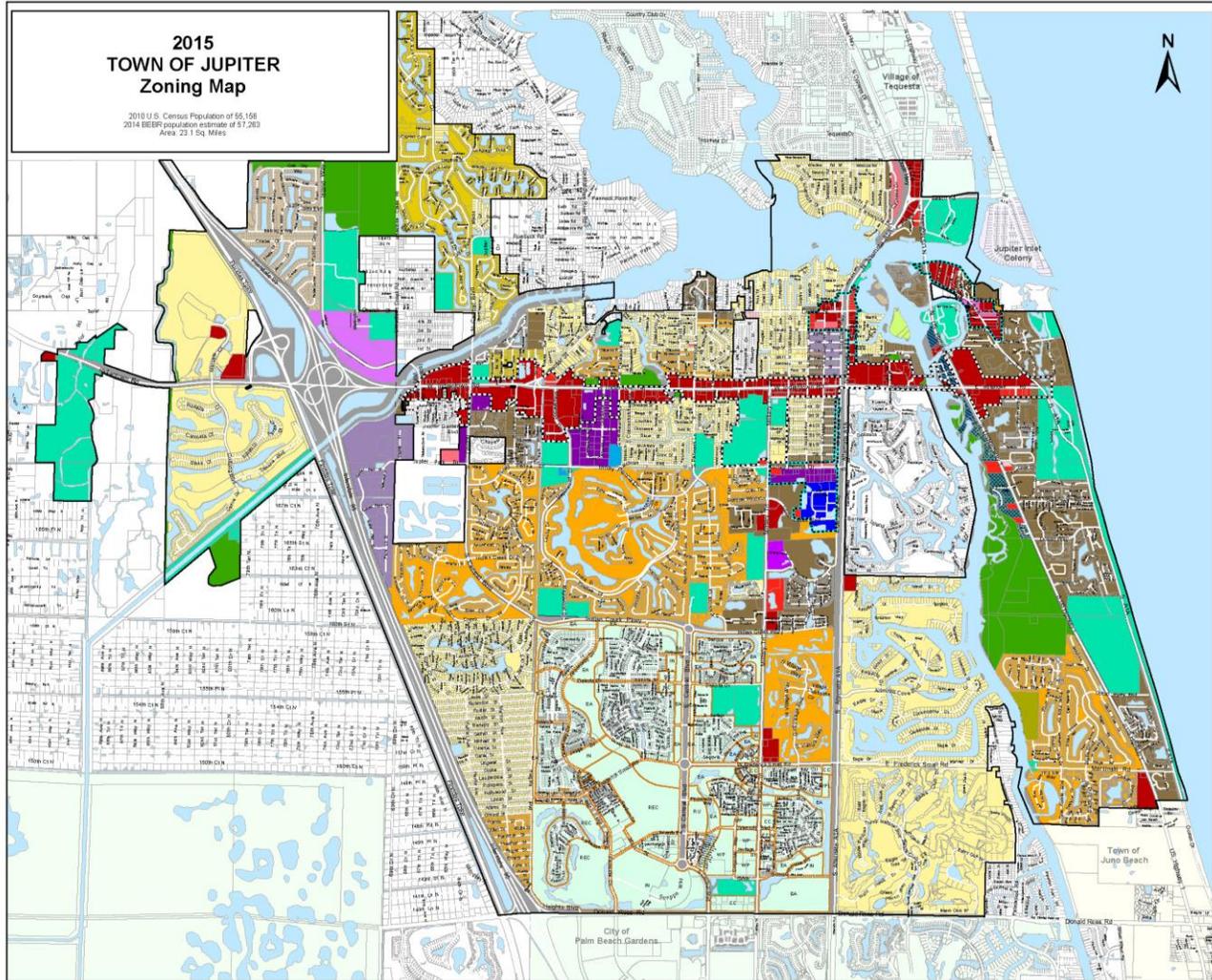
Policy 1.8.5 ~~In accordance with Policy 1.2.4 of the Future Land Use Element Section 27-873 of the Indiantown Road Overlay Zoning District (IOZ) and consistent with the Jupiter Area Study mitigation strategies, all vested, non-conforming uses shall be allowed to remain. As part of the implementation of Objective 1.8, the intent of which is to promote the economic development of Indiantown Road, legal non-conforming uses which existed~~ The Town may allow the following limited, existing legal non-conforming uses approved prior to the adoption of the IOZ on March 6, 1990 (gas stations, car wash, fast food, auto sales and accessory automotive service and repair associated with the auto sales use, and convenience stores) to may expand, upgrade and/or redevelop, provided there is; no increase in existing the intensity of the use greater than 10 percent of the applicable intensity standard (gross floor area, automotive fueling position, car wash stall, vehicle sales inventory or square footage), and no an increase in the existing number of stories of a building and/or parking garage; and no or expansion onto other properties. To encourage redevelopment of the above mentioned legal non-conforming uses, there shall be no limitations to the cost of improvements; provided redevelopment includes substantial improvements and reduction of any existing nuisances and non-conformities on a site. All other non-conforming uses not listed herein shall be eliminated upon redevelopment. Provided also that the expansion, upgrade, or redevelopment, shall eliminate or reduce to the maximum extent possible any existing nuisances or non-conforming land development regulations (other than use) which are applicable to the property.

Policy 1.8.6 Restrict uses which are predominately auto related from specified intersection areas.

Policy 1.8.7 The Town shall allow auto-related uses in specified areas along Indiantown Road which incorporate and implement the design guidelines and development standards of the Indiantown Road Overlay Zoning District.

Policy 1.8.8 The Town shall prohibit auto, marine, recreational vehicle, truck sales and mobile home sales in the Indiantown Road corridor. This shall not prohibit existing legal non-conforming auto sales uses from redevelopment, consistent with Policy 1.8.5.

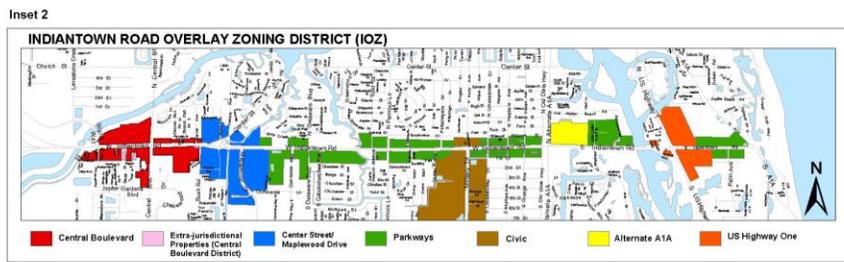
Exhibit 3 Map of the Indiantown Road Overlay District



- Legend**
- Town Boundary
 - IOZ Subdistrict Boundary (Inset 2)
 - Redevelopment Overlay Areas (ROA)
 - Extra-jurisdictional (See Inset 2)
 - Water
- ZONING**
- A1 Agricultural
 - C1 Commercial, Neighborhood
 - C2 General, Commercial
 - C3 Commercial, Office
 - C4 Commercial, Restricted
 - CP Conservation Preservation
 - CR/L Conservation Restricted/Limited
 - I1 Industrial, Park Light Industrial
 - I2 Industrial, General
 - I3 Industrial, High Technology
 - I4 Industrial, High Technology & Employment Center
 - IV Inlet Village (Inset 4)
 - MC Medical Center
 - MXD Subdistricts (Inset 1)
 - NZ Not Zoned
 - PI Public / Institutional
 - QPI Quasi-Public / Institutional
 - R1 Residential, Single-Family
 - R-1A Residential, Compact Single Family
 - R2 Residential, Single-Family, Duplex
 - R3 Residential, Limited Multi-Family
 - RR Rural, Residential
 - US-1 / Intracoastal Waterway Corridor (Inset 3)
 - Unincorporated



- Inset 1**
- MXD SUBDISTRICTS**
- CC COMMUNITY COMMERCIAL
 - EA EDGE AREA
 - IN INSTITUTIONAL
 - NB NEIGHBORHOOD
 - NC NEIGHBORHOOD COMMERCIAL
 - REC RECREATIONAL
 - RU RESIDENTIAL URBAN
 - TC TOWN CENTER
 - WP WORKPLACE
 - WPL WORKPLACE, LIMITED



- Inset 3**
- US 1 / INTRACOASTAL WATERWAY CORRIDOR SUBDISTRICTS**
- US 1 / MIXED USE RESIDENTIAL
 - US 1 / MIXED USE COMMERCIAL & ENTERTAINMENT

To verify the zoning classification of any parcel within the Town of Jupiter, please contact the Department of Planning and Zoning (561-741-2532). For questions concerning Unincorporated property, please contact Palm Beach County Zoning (561- 233-5200).

- Inset 4**
- INLET VILLAGE SUBDISTRICTS**
- FLEX SOUTH

Note on the data: Property line data is generated by the Palm Beach County Property Appraiser, unless otherwise specified. The Town has permission from the County to use the data. The Town will request updated property line data as they are prepared by the County office and distributed to the Town for public use. The Town only intends to represent the zoning classifications within the municipal boundaries and does not intend to accurately display properties outside the Town's boundary.



TOWN OF JUPITER

**Town of Jupiter
 Planning and Zoning Department
 210 Military Trail
 Jupiter, Florida 33458
 Phone: 561 741-2532**

Map update: December 2014
 Filename: (server)\sharedev\mxds\Zoning2015.pdf
 Contact: David Kemp
 Website: www.jupiter.fl.us