

**ORDINANCE NO. 08 - 2018**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA AMENDING APPENDIX A-ZONING CODE, ARTICLE I. GENERAL PROVISIONS, SECTION 11. USES PERMITTED. TO PROVIDE THAT CONDITIONAL USES SHALL BE PERMITTED IN THE RS ZONING DISTRICT OF THE TOWN; BY AMENDING SECTION 12 CONDITIONAL USES TO PROVIDE THAT A CONDITIONAL USE FOR PUBLIC USES AND BUILDINGS SHALL NOT BE SUBJECT TO THE DEVELOPMENT RESTRICTIONS AND REGULATIONS OF THE ZONING CODE; BY FURTHER AMENDING SECTION 12 TO PROVIDE APPLICATION PROCEDURES FOR CONDITIONAL USES AND TO PROVIDE THAT APPLICATIONS FOR CONDITIONAL USE SHALL BE REVIEWED BY THE BUILDING AND ZONING COMMITTEE AND THE TOWN COMMISSION; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

NOW THEREFORE BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA, AS FOLLOWS:

SECTION 1. Appendix A-ZONING, Article I. General Provisions, Section 11. Uses Permitted is hereby amended to read as follows:

Section 11. - Uses Permitted.

- (A) *"Time sharing use,"* for purposes of this Code, shall mean the use of any dwelling unit under which the exclusive right of use or occupancy of the dwelling unit circulates among various occupants in accordance with a fixed time schedule or a periodically recurring basis for a period of time established by such schedule. Such use is hereby declared to be inconsistent with single-family use and is not permitted.
- (B) Within the RS Single-Family Residential District, no building, structure, land, or water shall be used, unless otherwise permitted by this Code, except for one (1) or more of the following uses:
  - (1) Single-family residential dwellings and accessory uses customarily incident to them. No single-family residential dwelling shall be leased for a term of less than thirty (30) days. Additionally, no single-family residential dwelling shall be leased more frequently than three (3) times in a calendar year. No person or entity shall offer or advertise a single-family dwelling for rent or lease for a term of less than thirty (30) days.

- (2) Parks and recreation areas owned and operated by the municipality.
- (3) Conditional uses as provided in Section 12 of this Zoning Code.

SECTION 2. Appendix A-ZONING, Article I. In General, Section 12. Conditional Uses is hereby amended to read as follows:

Section 12. - Conditional Uses.

- (A) ~~When, after review of an application and hearing thereon, the planning and zoning administrator finds as a fact that the proposed use is consistent with the general zoning plan and with the public interest, t~~The following conditional uses may be permitted after approval of by the Town Commission:
  - (1) ~~Public buildings and public utility service structures; including facilities for police department, town clerk and such major works and municipal sewage pumps stations, water pumping stations, electric generation stations.~~Public uses and buildings, including accessory uses customarily incident thereto, that are owned and operated by the municipality. Any such public use(s) or building(s) shall not be subject to lot occupancy, setback, open space, parking and other development restrictions and regulations as set forth in this Zoning Code.
  - (2) Private swimming, and tennis clubs, and community owned and operated clubs and associations.
  - (3) Noncommercial recreation areas neither owned nor operated by the county.
- (B) ~~To obtain a permit for conditional use the owner of the land, building or structure concerned must apply in writing, stating the name and address of the owner and lessee, if any, together with the conditional use for which a permit is requested. When, after review of an application and a public hearing thereon, the commission finds as a fact that the proposed use is consistent with the general zoning plan and with the public interest, the permit may be granted. An applicant for a conditional use must apply with the Town in writing providing, at a minimum, the following information:~~
  - (1) Name and address of the owner and/or applicant for the conditional use; and
  - (2) The proposed use of the property; and
  - (3) A site plan depicting all improvements to be constructed on the property; and



- (4) Such other information as deemed appropriate by the planning and zoning administrator.
- (C) An application for conditional use shall first be reviewed by the Building and Zoning Committee for consistency with the Zoning Code and whether the granting of the conditional use promotes the general health, safety and welfare of the Town. The Building and Zoning Committee shall make a recommendation to the Town Commission concerning the approval, denial or approval with conditions of a proposed conditional use.
- (D) The commission reserves unto itself the sole right to grant, reissue, or deny a permit for conditional uses. Upon recommendation of the Building and Zoning Committee, the Town Commission shall consider the application for conditional use. The Town Commission shall consider whether the proposed conditional use is consistent with the Zoning Code and whether the granting of the conditional use promotes the general health, safety and welfare of the Town. The Town Commission may approve, deny or approve with conditions the conditional use application.
- (E) Any violation of the conditions for which a conditional use permit is granted shall render the permit null and void and the owners thereof subject to penalties that may by law be provided for such cases.

SECTION 3. Specific authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Jupiter Inlet Colony, Florida.

SECTION 4. That all ordinances or parts or ordinances, in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

SECTION 6. This Ordinance shall become effective upon its passage and adoption.

FIRST READING this 10th day of September, 2018.

SECOND READING and FINAL PASSAGE this 9<sup>th</sup> day of October, 2018.

TOWN OF JUPITER INLET COLONY, FLORIDA

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MAYOR DANIEL J. COMERFORD, III

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VICE-MAYOR MILTON J. BLOCK

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COMMISSIONER JEROME A. LEGERTON

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COMMISSIONER SAEED A. KHAN

ATTEST:

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COMMISSIONER RICHARD D. BUSTO

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TOWN CLERK JUDE M. GOUDREAU