

ORDINANCE NO. 02 - 2019

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA AMENDING CHAPTER 4 BUILDING AND BUILDING REGULATIONS, ARTICLE I. IN GENERAL, SECTION 4-2. TERM OF BUILDING PERMITS; LANDSCAPE PLANS; FILL, REMOVAL OR REGRADING PLANS; PLOT PLAN, MAXIMUM HEIGHT CERTIFICATION REQUIRED IN ORDER TO DELETE SUBSECTION (d) PERTAINING TO LANDSCAPING AND LANDSCAPE PLANS; BY FURTHER AMENDING SECTION 4-2 TO RENUMBER THE SAME; BY CREATING A NEW SECTION 4-7 TITLED LANDSCAPING AND LANDSCAPE PLANS; ARTIFICIAL TURF IN ORDER TO PROVIDE STANDARDS AND PROCEDURES FOR LANDCAPING AND TO PROVIDE REGULATIONS PERTAINING TO THE USE OF ARTIFICIAL TURF WITHIN THE TOWN; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

SECTION 1. Chapter 4 BUILDING AND BUILDING REGULATIONS, Article I. In General, Section 4-2. *Term of building permits; landscape plans; fill, removal or regrading plans; plot plan, maximum height certification required.* of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida is hereby amended to read as follows:

Sec. 4-2. Term of building permits; ~~landscape plans~~; fill, removal or regrading plans required; plot plan, maximum height certification required.

(aA) The term of a building permit for construction authorized by the ~~the~~ Town shall be as follows:

- (1) Three-month term for change out or replacement of systems or improvements such as air conditioning, water heater, decks, walkways, beach cross-over, roofs, and driveways.
- (2) Six-month term for seawalls, docks, or rip rap installations or repairs and for minor remodel work such as bathroom, kitchen, laundry and pool area remodeling.
- (3) Twelve-month term for major remodel or construction such as changing the footprint or the exterior walls of a structure; replacing the roof structure and/or elevation where a certificate of completion is to be issued.
- (4) Eighteen-month term for new construction of structures including garages, out buildings, and landscaping.

(bB) In the event of emergency construction, the Town eCommission, by majority vote, may shorten or extend these time periods.

(eC) If a period of six (6) months elapses between the date of inspections on any construction authorized by a building permit, then said permit shall automatically become void. If a construction permit becomes void pursuant to the terms of this provision, the holder thereof may have the same reinstated upon payment of one-half of the fee provided for by ordinance Resolution for a new construction permits. Nothing in this section shall be construed to extend the permissible period for completion of construction as set forth above in subsection (a), and any permit reinstated pursuant to this section shall be for the term of the prior existing permit.

~~(d) Landscaping and landscape plans:~~

~~(1) At the time that application is made for a building permit for new construction, a building repair or renovation that has the effect of relocating exterior walls of a structure or a repair or renovation to an existing structure the cost of which exceeds the amounts set forth in Section 9(D)(2) or (4) of Appendix A Zoning Code, there shall be submitted additionally two (2) copies of landscape plans for the premises. Such landscape plans shall provide for sodding, shrubs, trees or ornamental landscaping conforming generally with that displayed in the community. All plantings will be defined on the landscape plan by both common and scientific name. The applicant shall use native species in landscaping and native dune vegetation when restoring dune systems. South Florida Water Management District Xeriscape practices shall be used in connection with these landscape regulations when considering proposals for development and/or redevelopment. No landscaping shall be installed prior to issuance of a landscape permit by the health safety and beautification commissioner. No certificate of occupancy shall be issued until all landscaping is in place as set forth on the approved plan and permit.~~

~~(2) Necessary access ways from public rights of way through all required landscaped areas shall be permitted to service the open land use.~~

~~(3) All landscaped areas and plantings shall be provided with automatic irrigation facilities.~~

~~(4) In cases where hedges or continuous screening, or a structure already exist on the front property line to a height of at least four (4) feet, no planting strip nor trees shall be required.~~

~~(5) The town shall require the use of native vegetation in landscaping and native dune vegetation in dune areas. South Florida Water Management District~~

~~Xeriscape practices shall be used in connection with these landscape regulations when considering proposals for development and/or redevelopment.~~

~~(6) Whenever appropriate, existing trees shall be conserved and integrated into the landscaping design plan.~~

(eD) At the time that application is made for a building permit, which includes the proposed construction of any new structure(s), including swimming pools, patios and spas, there shall be submitted two (2) copies of a grading plan. The grading plan shall be sealed and prepared by a licensed engineer and shall depict survey elevations for the property both before and after proposed construction. The grading plan shall clearly show any fill, removal or regrading of the existing land contour. The grading plan shall include the elevation for the finished grade, whether or not fill, removal or regrading is requested and shall further show the proposed grade elevations at the location of the proposed improvement(s) and at adjoining property lines. No building permit shall be issued until the requirements of this section are met and the plans approved by the building official. No certificate of occupancy shall be issued until such fill, removal or regrading of the subject parcel is completed as approved. No additional registration or permit fee shall be required for the filing of such fill, removal or regrading plans. No person shall fill, grade, remove fill, or otherwise alter the existing land contour of any property within the town without first submitting a grading plan and obtaining a permit.

(#E) At the time of making application for a residential permit for 1.) new construction; 2.) a building repair or renovation that has the effect of relocating exterior walls of a structure; or 3.) a repair or renovation to an existing structure the cost of which exceeds the amounts set forth in section 9(D)(2) or (4) of Appendix A, Zoning Code, the applicant shall submit a survey of the subject property and building plans depicting the location of all improvements on the site and clearly showing the dimensions of all required setbacks; depicting maximum building height of all structures from finished grade; and showing the lot coverage percentage for the proposed improvements. Such application for such submittal shall be reviewed by the ~~building and zoning commissioner~~ Planning and Zoning Administrator and ~~bBuilding and zZoning eCommittee~~ for compliance with zoning requirements as set forth in the zoning code for the ~~town~~. The building official shall not be required to review or process building plans until such approval is granted by the ~~bBuilding and zZoning eCommittee~~.

SECTION 2. Chapter 4 BUILDING AND BUILDING REGULATIONS, Article I. In General of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida is hereby amended by creating a new Section 4-7 which shall read as follows:

Section 4-7. Landscaping and landscape plans; artificial turf

(A) Landscaping and landscape plans:

- (1) At the time that application is made for a building permit for new construction, a building repair or renovation that has the effect of relocating exterior walls of a structure or a repair or renovation to an existing structure the cost of which exceeds the amounts set forth in Section 9(D)(2) or (4) of Appendix A - Zoning Code, there shall be submitted additionally two (2) copies of landscape plans for the premises. Such landscape plans shall provide for sodding, shrubs, trees or ornamental landscaping conforming generally with that displayed in the community. All plantings will be defined on the landscape plan by both common and scientific name. The applicant shall use native species in landscaping and native dune vegetation when restoring dune systems. South Florida Water Management District Xeriscape practices shall be used in connection with these landscape regulations when considering proposals for development and/or redevelopment. No landscaping shall be installed prior to issuance of a landscape permit by the Planning and Zoning Administrator upon review and approval of the Building and Zoning Committee. No certificate of occupancy shall be issued until all landscaping is in place as set forth on the approved plan and permit.
- (2) Necessary access ways from public rights-of-way through all required landscaped areas shall be permitted to service the open land use.
- (3) All landscaped areas and plantings shall be provided with automatic irrigation facilities.
- (4) In cases where hedges or continuous screening, or a structure already exist on the front property line to a height of at least four (4) feet, no planting strip nor trees shall be required.
- (5) The Town shall require the use of native vegetation in landscaping and native dune vegetation in dune areas. South Florida Water Management District Xeriscape practices shall be used in connection with these landscape regulations when considering proposals for development and/or redevelopment.
- (6) Whenever appropriate, existing trees shall be conserved and integrated into the landscaping design plan.

(B) Artificial turf:

- (1) The use and location of artificial turf shall be limited to the following:
 - (a) Driveways, per subsection 10(J)(4);

- (b) On residential lots in the rear yard and side yard areas only, behind the front façade of the adjacent home or structure; or
 - (c) As part of a municipal-owned recreation or amenity area.
- (2) Artificial turf proposed under the provision of subsection (1)(a) above shall be installed only pursuant to the procedures and standards set forth in this Chapter. In addition, a property owner or applicant shall obtain a duly-authorized building permit prior to the installation of any artificial turf.
- (3) In all areas of installation, artificial turf shall be treated as pervious surface area. A minimum five (5) foot landscape buffer shall retained along all rear and side property lines for the installation of landscape material.
- (4) With the exception of those circumstances in which artificial turf is installed pursuant to subsection (1)(a) above, artificial turf shall not be:
 - (a) A part of any front yard, measured from the front property line to the front façades of the adjacent home or structure;
 - (b) Visible from a road or street, if necessary, artificial turf in a side or rear yard shall be screened from view by a gate, wall, fence, hedge, or combination;
 - (c) Installed within permanent drainage features or the Coastal Construction Control Line (e.g. retention areas, swales).
- (5) *Minimum material standards.* Artificial turf shall comply with each of the following minimum standards:
 - (a) Artificial turf shall consist of green lifelike individual blades of grass that emulate natural turf in look and color.
 - (b) Artificial turf installation systems shall have a minimum water permeability rate of 15 inches of water per hour per square foot. In addition, all artificial turf systems shall meet the minimum following manufacturers specifications at installation:

<u>Manufacturer Specifications</u>		
<u>Specifications Provide Minimum Allowable Requirements¹</u>		
<u>Product Properties</u>		
<u>Property</u>	<u>Unit</u>	<u>Description</u>
<u>Standard Color</u>	--	<u>Green life-like grass colors</u>
<u>Fiber Type</u>	--	<u>100% polyethylene or 100% nylon</u>
<u>Fiber Mass</u>	--	<u>TXT thatch, Wave 3D Monofilament, green/tan thatch, or equivalent</u>
<u>Tufted Pile Height</u>	<u>1 ½ to 3 inches, unless recreation or pet turf, which shall have a minimum of 1 1/8 inches</u>	<u>Finished pile height</u>
<u>Tufting Gauge</u>	<u>¼ inch to ½ inch</u>	<u>ATSM D418</u>
<u>Tufted Face Weight</u>	<u>60 - 120 oz/yd²</u>	<u>ATSM D418</u>
<u>Primary Backing</u>	<u>7 oz/yd²</u>	<u>Stabilized dual layered or multi-layered woven polypropylene</u>
<u>Secondary Backing</u>	<u>20 oz/yd²</u>	<u>Urethane</u>
<u>Total Weight</u>	<u>87 - 147 oz/yd²</u>	<u>ATSM D418</u>
<u>Warranty</u>	<u>15 years</u>	<u>Manufacturers warranty</u>
<u>Performance Properties</u>		
<u>Property</u>	<u>Minimum</u>	<u>Description</u>
<u>Permeability</u>	<u>15 inches of water per hour per sq ft</u>	<u>Water permeability rate</u>
<u>Installation Requirements - per Manufacturers Specifications²</u>		
<u>Property</u>	<u>Minimum</u>	<u>Description</u>
<u>Infill</u>	<u>2 - 4 lbs per sq ft</u>	<u>Sand/silica, Zeolit, Walnut Shell, Coconut iCair, or any combination</u>
<u>Aggregate Base</u>	<u>2 ½ inches of ¼ inch aggregate</u>	<u>Leveling layer per local requirements</u>
<u>Geotextile</u>	<u>Optional fabric layer</u>	<u>Per manufacturers specifications</u>
<u>Natural Subgrade</u>	<u>Compacted</u>	<u>Per local requirements</u>
<u>Grading and Drainage</u>	<u>Grading and drainage plan prepared by a licensed engineer for areas in excess of 500 sq ft</u>	<u>Subject to approval by the Town Engineer</u>

1) The manufacturers specifications in the table are the minimum allowable requirements for artificial turf in the Town. The minimum requirements allow a range in the specifications to provide a variety of selections based on the application of the material.

2) All grading, drainage, storm-water management, aggregate base, and subgrade requirements are per local requirements. Subgrade design and engineering requirements are separate and apart from the Manufacturers Specifications, which are for the turf components only.

(c) All artificial turf shall have a minimum fifteen (15) year manufacturer's warranty that protects against color fading and a decrease in pile height.

(d) Artificial turf shall be lead and pesticide free.

(e) All materials must include test documentation that declares all artificial turf yarn and backing materials are disposable under normal conditions, at any U.S. landfill station (Total Content Leach Protocol (TCLP) test). Documentation must also be provided that identifies all components are 100% recyclable.

(f) The use of indoor or outdoor plastic or nylon carpeting as a replacement for artificial turf or natural turf shall be prohibited.

(6) Installation, maintenance and repair.

(a) All artificial turf shall, at a minimum, be installed according to the manufacturer's specifications.

(b) All artificial turf installations shall be anchored to ensure the turf will withstand the effects of high wind(s).

(c) All seams shall be secured and edges shall be trimmed to fit against all regular and irregular edges to resemble a natural look.

(d) If artificial turf is planned to be installed immediately adjacent to a seawall, the artificial turf shall be pinned or staked behind the seawall. No artificial turf or installation mechanism shall be attached directly to or placed on a seawall or seawall cap.

(e) Proper drainage shall be provided for all artificial turf installations to prevent excess runoff or pooling of water.

(f) Artificial turf shall be visually level, with the grain pointing in a single direction.

(g) An appropriate solid barrier device (e.g. concrete mow strip, bender board) is required to separate artificial turf from soil and live vegetation.

(h) Precautions for installation around existing trees shall be monitored and may be restricted to ensure tree roots are not damaged with the installation of the base material and that the overall health of the tree will not be compromised

(i) All artificial turf shall be maintained in a green fadeless condition and shall be maintained free of dirt, mud, stains, weeds, debris, tears, holes,

and impressions. Maintenance shall include, but not be limited to, cleaning, brushing, debris removal; repairing of depressions and ruts to maintain a visually-level surface; elimination of any odors, flat or matted areas, weeds, and invasive roots; and all edges of the artificial turf shall not be loose and must be maintained with appropriate edging or stakes.

- (j) All artificial turf must be replaced by the property owner if it falls into disrepair with fading, holes, or loose areas. Replacement and/or repairs shall be done with like for like materials and in a manner that results in a repair that blends-in with the existing artificial turf.

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 13th day of May, 2019.

SECOND READING and FINAL PASSAGE this 11th day of June, 2019.

TOWN OF JUPITER INLET COLONY, FLORIDA

MAYOR DANIEL J. COMERFORD, III

VICE-MAYOR MILTON J. BLOCK

COMMISSIONER MICHAEL A. ARMATO

COMMISSIONER SAEED A. KHAN

COMMISSIONER RICHARD D. BUSTO

ATTEST:

TOWN CLERK JUDE M. GOUDREAU