

**JUPITER INLET COLONY
BUILDING AND ZONING COMMITTEE MEETING**

04.18.19

50 Colony Road

Town Hall

5:00 P.M.

AGENDA

1. Call to Order.
2. Roll Call: Earl Fischer, Russell Bourne, William Gilbane, Butch Harper, Lisa Hines, Tony Prosser (alternate).

Building and Zoning Administrator: Bill Whiteford

3. Motion to approve prior minutes.
4. Public Comments (3 minutes) - items not on the agenda.
5. LOCATION: #243 Ocean Drive

VARIANCE RECOMMENDATION:

- A. Zoning Code Section 17(G)(2): All property fences and walls used as fences may be erected or maintained along or adjacent to a lot line to a height not exceeding six (6) feet in the required side yard or required rear yard and to a height not exceeding four (4) feet in the required front yard or required side street yard.

REQUEST: Eight (8) feet in the side yard along the south property line and eight (8) feet in the front yard along Ocean Drive.

6. Discussion - NPDES Code Revision Updates.
7. Any other matters.
8. Wrap-up and Adjourn.

STATE MANDATED STATEMENT

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Town prior to the meeting. Please contact the Town Administrative Office, Administration Building, 50 Colony Road, Jupiter Inlet Colony, and Florida 33469 – Telephone 746-3787.



TOWN OF JUPITER INLET COLONY
A MUNICIPAL CORPORATION

NOTICE OF PUBLIC HEARING

The Building and Zoning Committee of the Town of Jupiter Inlet Colony will conduct a public meeting on Thursday April 18, 2019 at 5:00 P.M. in Town Hall, 50 Colony Road, Jupiter Inlet Colony, Florida to consider the following:

LOCATION: 243 Ocean Drive

REQUEST: Eight (8) feet in the side yard along the south property line and eight (8) feet in the front yard along Ocean Drive. Plans are available for review in Town Hall.

Zoning Code Section 17 (G) (2): All property fences and walls used as fences may be erected or maintained along or adjacent to a lot line to a height not exceeding six (6) feet in the required side yard or required rear yard and to a height not exceeding four (4) feet in the required front yard or required side street yard.

All interested parties are encouraged to come to the public meeting and be heard concerning this matter. A copy of the proposed plans may be inspected before the meeting by contacting the Town Administrative Office at (561) 746-3787.

Jude M. Goudreau, CMC, TOWN CLERK
TOWN OF JUPITER INLET COLONY

If a person decides to appeal the decision of Building and Zoning Committee with respect to any matter considered at the public hearing or meeting herein referred, he or she may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based. The Town of Jupiter Inlet Colony does not prepare or provide such a record. The above item may be postponed or withdrawn without prior notice.

Pursuant to the provision of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, because of a disability or physical impairment, should contact the Town Administration Officer, 561-746-3787, at least three (3) calendar days prior to the Hearing.

50 Colony Road, Jupiter Inlet Colony, Florida 33469
Telephone: (561) 746-3787 / Fax: 561-746-1068 / Email: goudreauj@jupiterinletcolony.org
www.jupiterinletcolony.org

JUPITER INLET COLONY
BUILDING AND ZONING COMMITTEE APPLICATION
REQUEST FOR VARIANCE

Submittal Date: 4-12-19

Applicant Information			
Applicant/Owner ¹	Hobos 63 LLC		
Mailing Address	400 Devereux Dr Villanova, PA 19085		
Address of Subject Property	<input type="checkbox"/> same	243 Ocean Dr	
Property Control Number (PCN)	32-43-40-31-10-000-2430		
Lot. No.	243 A	Lot Area	
Phone No.	561-738-4713	Email Address	admin@maurobrothers.com

1. As shown on last recorded Warranty Deed.

Variances Requested					
Description ¹	Zoning Code Section	Code Requirement	Proposed	Request (+/-)	% Difference
Side Setback (example)	Sec. 14(C)	10.0'	8.0'	-2.0'	20%
1. Wall Height: South		6.0'	8.0'	2.0'	33%
2. Wall Height: West / Road side		4.0'	8.0'	4.0'	100%
3. Set back front		25.0'	10.0'	-15.0'	-60%

1. Attach additional pages if necessary.

PURPOSE: Generally, describe the request and the purpose of each request: _____
Construct 8ft wall along the road side and south side (borders JIC club house) of the property.

JUSTIFICATION STATEMENT: Attach a separate statement justifying the request. Address each criterion below and provide supporting documentation, if necessary.

CRITERIA: Appendix A - Zoning Code, Article I. General Provisions, Section 5, of the Code of Ordinances of the Town of Jupiter Inlet Colony: Section 5. Variances; Criteria for Consideration.

(A) In order to authorize any variance from the terms of this zoning ordinance, the Town Commission must find all of the following:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
- (2) That the special conditions and circumstances do not result from the actions of the applicant.
- (3) That granting the variance requested would not confer on the applicant any special privilege that is denied by this ordinance [Appendix A, Zoning Code] to other lands, buildings, or structures in the same zoning district.
- (4) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.
- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- (6) That the grant of the variance will be in harmony with the general intent and purposes of this ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

APPLICATION MATERIAL: Submit the following information; include two (2) hard copies and one (1) pdf of each document on a thumb drive.

- ☒ Completed application and fee (\$1,000.00 per variance request, check made payable to JIC).
- ☒ Justification Statement.
- ☒ Consent Form.
- ☒ Current as-built Survey, showing all structures, setbacks, and relevant measurements.
- ☒ Site Plan, drawn to scale, of existing and proposed conditions.
- ☐ ~~Lot Occupancy Calculation.~~
- ☐ ~~Any other documentation pertinent to the request.~~

ALL APPLICANTS: Be aware that in granting a variance, the Town Commission may impose conditions, restrictions, or limitations to mitigate any potential impact and a reasonable time limit within which the variance(s) shall be begun, completed, or both. The application will be scheduled for the next available Building and Zoning Committee meeting. If you have any questions, please contact the Planning and Zoning Administrator.

cc: The Honorable Dan Comerford, Mayor, and members of the Town Commission
John Pruitt, Chief of Police and Town Administrative Officer
JIC Town Staff

**Application For Variance
Jupiter inlet Colony, Florida**

Name of applicant: Hobos 63 LLC

Mailing address: 400 Devereux Dr Villanova, PA 19085

Phone number: 561-738-4713

Lot/Parcel address: 243 Ocean Drive, Jupiter Inlet Colony **Lot:** 243

Block: _____ **Subdivision:** Jupiter Inlet Beach Colony Lot A IN **Property**

control number: 32-43-40-31-10-000-2430

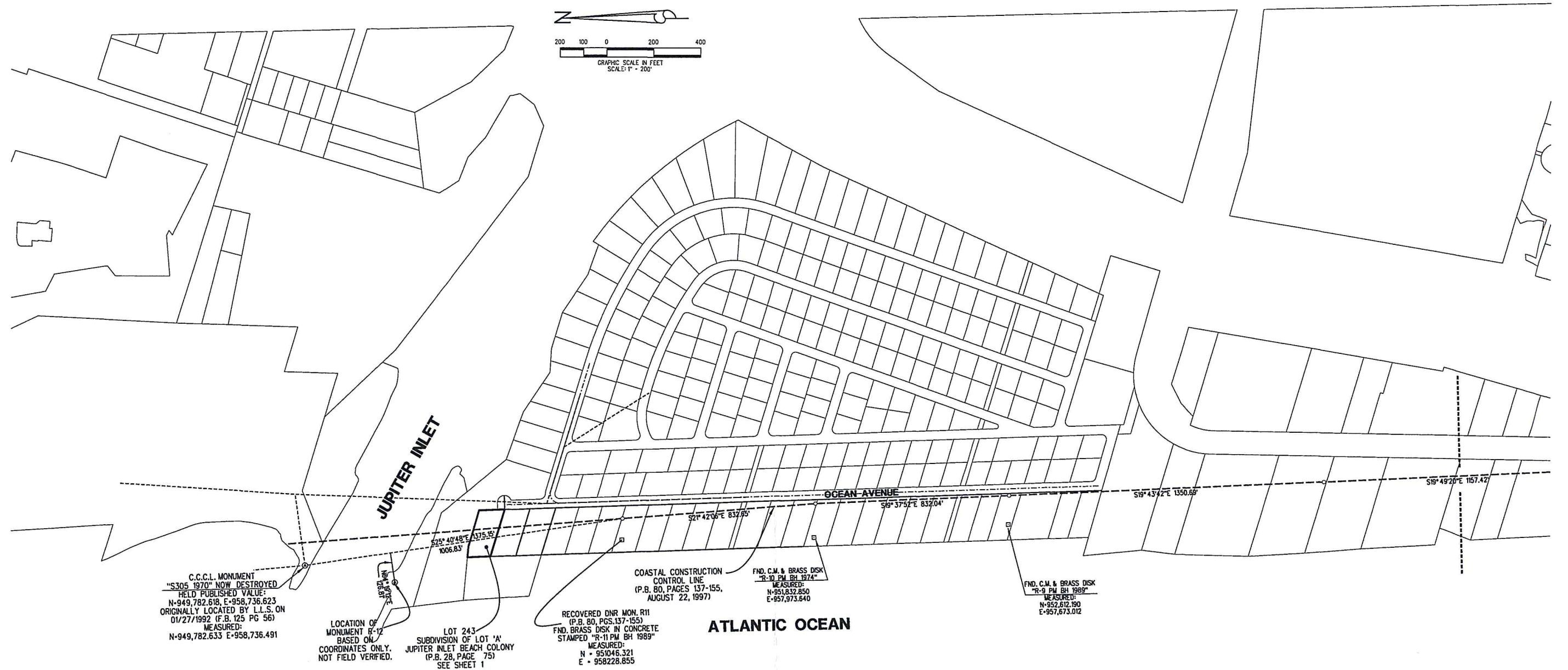
Nature of variance:

Describe generally the nature of the variance desired:

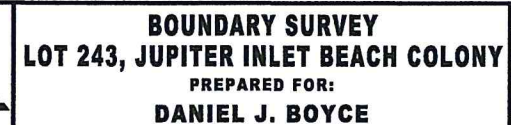
1. Relief from the front setback 70% vegetation coverage requirement.
2. Increase wall height to match JIC Club. (8ft)

Justification of variance: (Supporting data, why applicant feels variance should be granted)

1. Applicant's property is unique in a number of ways. It is the only property adjacent to the Jupiter Inlet Colony Clubhouse and its parking lot. The front driveway is located in a cul de sac making the property practically invisible from Ocean Drive. Lot A, directly behind the applicant's property, is owned by Jupiter Inlet Colony. The beach club to the south can be constructed to any size and have multiple visitors each and every day. The Applicants Property is constantly used as a passageway to and from the beach for people trying to get to the inlet and jetty for fishing and beach side recreation. Many club members walk through the dune and through 243 mistaking it for club property and/or free access.
2. Applicant would not be afforded a special privilege not afforded to other residents because of the unique nature of the property. No other property in the community is located in a cul-de-sac and adjacent to the Jupiter Inlet Beach Clubhouse and has municipally owned land on its east boundary.
3. Applicant's proposed improvement is consistent with the existing wall location/size of the Jupiter Inlet Colony Beach Club wall/gate.
4. The variances requested are the minimums applicant requires to build a wall consistent with the surrounding unique location. To not have the variance, would leave the property vulnerable to intruders / pedestrian traffic due to its location to the jetty and beach club.
5. Because of its unique location and being adjacent to the Beach Club and inlet as well as being located at the end of the road and being a drop off point for people who want easy and quick access to the beach, Jetty and Inlet, the applicant's proposed improvement is consistent with and necessary in this section of the island



DATE:	REVISIONS:	BY:



CAD. K:\UST \ 34043 \ 28-75 \ 15-059-100 \ 15-059-100.DGN				
REF.				
F.LD.	K.F.	FB.	PG.	JOB 15-059-100
OFF.	L.J.C.	682	17,8	DATE 05/26/85
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243 OCEAN DRIVE
JUPITER INLET COLONY
FLORIDA, 33469



DRAWN
A.G.
CHECKED

DATE
2/21/2019

SCALE
 $\frac{1}{8}" = 1'-0"$

JOB NO.
15-4519

SHEET

A2.0

OF XX SH

**JUPITER INLET COLONY
REQUEST FOR VARIANCE**

APPLICANT/ OWNER OF PROPERTY: HOBOS 63, LLC

SUBJECT PROPERTY: 243 Ocean Drive, Jupiter Inlet Colony, FL (Lot 243, of Subdivision of Lot "A", Jupiter Inlet Beach Colony, as shown at Plat Book 28, page 75); PCN 32-43-40-31-10-000-2430

VARIANCE(S) REQUESTED:

- A. Zoning Code Section 10(C)(4): Requiring no less than seventy (70%) percent of the front setback area to be planted with landscape material; and
- B. Zoning Code Section 17(G)(2): All property fences and walls used as fences may be erected or maintained along or adjacent to a lot line to a height not exceeding six (6) feet in the required side yard or required rear yard and to a height not exceeding four (4) feet in the required front yard or required side street yard.

Request: Allow an eight (8) foot high wall in the side yard along the south property line and eight (8) feet in height in the front yard along Ocean Drive. The purpose of the request is to increase security from trespassers between Lot 243 and Lot 244, which is occupied by the Jupiter Inlet Beach Club.

TABULAR DATA				
	Code Requirement	Proposed	Request	Recommended
Front Yard - landscape requirement	70%	--	--	NA
Front Yard - wall setback	25'	10'	- 15'0	0' adjacent to Lot 244
Front Yard - maximum wall height	4'	8'	+ 4.0'	8' adjacent to Lot 244
Side Yard - maximum wall height	6'	8'	+ 2.0'	8'
Maximum Gate Height	4'	—	—	6'

Background: The applicant is requesting a variance from the zoning code to allow a privacy wall along the southern portion of Lot 243, adjacent to the Jupiter Inlet Beach Club, to be increased from 6' to 8' feet in height and in the front setback from 4' to 8' in height.

Pursuant to Sec. 17(G)(2) of the zoning code, property fences and walls along a lot line cannot exceed six (6) feet in height in a side yard or four (4) feet in height in the front yard, measured from the inside of the wall. The proposed wall will extend from the southeast corner of the lot westly along the south property line to the right-of-way for Ocean Drive.

In addition, the applicant is requesting that the front setback for the wall be reduced from 25' to 10', which will place the wall 15' closer to the west property line in the area adjacent to Ocean Drive. Correspondingly, the applicant has requested that the landscape requirement in the front yard be reduced from 70% to accommodate the reduced setback. A prior decision by the B&Z Committee in August 2017 determined that the reduction in landscape area request was not necessary. However, the decision was based on an administrative finding that the south property line extended along the entire southern boundary adjacent to Lot 244. The recommendation today is based on the typical application of setbacks, which applies the front setback to the front property line and the side setback to the south property line. For clarity, the setbacks referred to in this report are based on that determination.

The subject property is currently vacant and used by trespassers as an access point to the beach and Jupiter Inlet seawall. Trespassing at this location has been documented by the property owner, Beach Club, and JIC Police Department. In response, the applicant would like to build an 8' high wall between the two properties (Lot 243 and Lot 244), extending along the entire south property line of Lot 243 to the right-of-way for Ocean Drive.

Criteria: Appendix A - Zoning Code, Article I. General Provisions, Section 5, of the Code of Ordinances of the Town of Jupiter Inlet Colony:

Section 5. Variances; Criteria for Consideration.

(A) In order to authorize any variance from the terms of this zoning ordinance, the town commission must find all of the following:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
- (2) That the special conditions and circumstances do not result from the actions of the applicant.
- (3) That granting the variance requested would not confer on the applicant any special privilege that is denied by this ordinance [Appendix A, Zoning Code] to other lands, buildings, or structures in the same zoning district.
- (4) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.
- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- (6) That the grant of the variance will be in harmony with the general intent and purposes of this ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

ADVISORY RECOMMENDATION

When considering an application for a variance, the Building and Zoning Committee must provide the Town Commission an advisory recommendation based on the six criteria in Sec. 5. Variances; Criteria for Consideration, of the zoning code. In granting a variance:

- (1) The Building and Zoning Committee may recommend appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the ordinance.
- (2) The Building and Zoning Committee may recommend a reasonable time limit within which the action for which the variance is required shall be begun or completed, or both.
- (3) Under no circumstances shall the Building and Zoning Committee recommend a variance to permit a use not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in another zoning district shall be considered grounds for the authorization of a variance (*adapted from Art.1, Sec. 5 (B)*).

ANALYSIS

In order to authorize any variance from the terms of the zoning code, the Town Commission must find all of the following, that:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

YES: The subject property is non-orthogonal with the front portion parallel to Ocean Drive and the south side property line adjacent to Lot 244. As a result, the lot shares an extended boundary with the only non-residential/quasi-commercial parcel in the town. It has been reported that the shared property line between the two properties serves as an access point for trespassers to the beach and jetty. The Beach Club has also recently expressed an interest in increasing security in the area. The portion of the proposed wall visible from Ocean Drive, therefore, should aesthetically conform and physically connect to the Beach Club privacy wall/fence, to the extent possible, and strive to create a cohesive appearance at the southern end of Ocean Drive.

2. The special conditions and circumstances do not result from the actions of the applicant.

YES: The special conditions and circumstances that exist are not a result from actions taken by the applicant. The irregular lot layout was determined when the plat for the Town of Jupiter Inlet Colony was recorded in 1954 and subsequently modified by the further subdivision of Lot A, which created Lots 241-244, before the applicant purchased the property in 2018. In addition, other than town hall, the parcel to the south (Lot 244) is the only other parcel of land in the town that is occupied by a non-residential structure and utilized for non-residential purposes.

The location of the proposed wall is logical and conforms to the layout and design of the existing properties. In addition, the proposed 8' high wall does not obstruct views, is de minimis in nature, and, with the conditions of approval, has no adverse impact on the adjacent property.

- 3. Granting the variance requested would not confer on the applicant any special privilege that is denied by this ordinance [Appendix A, Zoning Code] to other lands, buildings, or structures in the same zoning district.**

YES: Granting a variance will not confer on the applicant any special privilege denied by the zoning code to other lands, buildings, or structures in the R1AA zoning district. The applicant has provided information that supports the request and has worked to minimize the need for a variance, as would be allowed to other parcels in the same district under the same circumstances. In addition, the request provides additional security to residents in the town and the Beach club, which is consistent with town objectives.

As a condition of approval, the applicant should connect the wall to the Beach Club privacy wall/fence on Lot 244 to the extent possible and maintain sufficient landscaping on the exterior side of the wall, where visible from Ocean Drive, to shield it from view. In addition, the wall should not obstruct the view from the Beach Club toward the Atlantic Ocean and the exterior portion of the finished wall should be aesthetically pleasing and consistent with the general character of the area.

- 4. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.**

YES: The applicant has proposed a reasonable use of the property and the request is consistent with the general intent of the zoning code to protect the health, welfare, and safety of the public. As stated above, the request does not adversely affect adjacent properties and the request promotes security and privacy between properties, which is encouraged by the town. In addition, the variance will improve the use of the property, the quality of life for the residents, and improve the property value and tax base for the town.

- 5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.**

YES: An 8' high wall is less vulnerable and more difficult to scale than a wall constructed at the maximum height by the zoning code and provides additional security for both properties. The configuration and location of the existing lot do not allow alternative design solutions that will easily accommodate the intended purpose of the security wall and the variance is the minimum necessary that will allow reasonable use of the land for the intended purpose.

In addition, a condition of approval requiring landscaping will ensure that the portion of the wall visible from the road will be shielded from view and, if the variances are granted, the exterior portion of the proposed wall will be aesthetically pleasing and consistent with the general character of the area.

- 6. The grant of the variance will be in harmony with the general intent and purposes of this ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

YES: Granting variances in this case will be in harmony and consistent with the general intent and purposes of the zoning code. In addition, granting the variances will not be injurious to the area or detrimental to the public welfare. Also, the request is consistent with the surrounding area and promotes the residential quality of life desired by the town.

Granting the variances will also encourage reinvestment in the assemblage of properties by the applicant (Lots 241-243), increase the longevity and taxable value of the assembled properties, has no adverse impact on adjacent properties, and is de minimis in nature for the intended purpose.

FINDINGS

In general, granting the variances will encourage reinvestment in a single-family assemblage of properties, increase the longevity and taxable value of the properties, has no adverse impact on adjacent properties, and is de minimis in nature. With the conditions of approval, the additional height will be shielded from view from the road and is consistent with the intent and purpose of the Jupiter Inlet Colony Comprehensive Plan and zoning code to encourage residential development and to protect the health, welfare, and safety of the public. Further, the request for a variance is not contrary to the public interest and, due to special conditions, a strict literal enforcement of the code would result in an unnecessary hardship on the applicant.

RECOMMENDATION

Recommendation of APPROVAL, subject to four conditions:

1. The wall along the south property line of Lot 243 shall be physically connected to the Beach Club privacy wall/fence on Lot 244 where they intersect, to the extent possible.
2. The wall along the south property line of Lot 243 shall not obstruct the view from the Beach Club toward the Atlantic Ocean.
3. The property owner shall provide and maintain sufficient landscaping on the exterior side of the wall, where visible from Ocean Drive, to shield the wall from view.
4. In accordance with Sec. 17(G)(2) of the zoning code, the exterior portion of the finished wall shall be aesthetically pleasing and consistent with the general character of the area.

From: [Graybill, Samantha](#)
To: lucask@jupiterinletcolony.org
Cc: comerfordd@jupiterinletcolony.org; [Chief John Pruitt](#); [Jensen, Tom](#); ["William P. Doney"](#); [William Whiteford](#)
Subject: NPDES Annual Report Ordinance Review Summary
Date: Monday, February 18, 2019 6:24:09 PM
Attachments: [Attachment No.1 Ordinance Review 2019 0218.pdf](#)

Good afternoon Kevin,

I wanted to inform the Colony that revisions have been made to the ordinance summary included as Attachment 1 to the NPDES annual report. The revised attachment 1 document has been provided for review. If the Colony is comfortable with the document, the annual report will be sent to Mock Roos for incorporation into the PBC joint report submittal.

Just as a reminder, the exercise for this report cycle was to review potential ordinances that would benefit with some revisions to enhance stormwater management practices. Just because these ordinances have been listed as part of our review does not mean implementation is required immediately. These ordinances should be reviewed by all parties and a joint decision will be made on if any language revisions are required prior to implementation. If it is agreed that implementation is required, the FDEP asks that implementation is completed prior to September 2021.

Please feel free to reach out at your earliest convenience with any questions or concerns you may have.

Thanks and have a great evening,
Sam

Samantha Ciminello Graybill, P.E.
Kimley-Horn | 1920 Wekiva Way, Suite 200, West Palm Beach, FL 33411
Direct: 561-290-0955 | Mobile: 561-315-6180

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CYCLE 4, YEAR 2 ANNUAL REPORT ATTACHMENT No.1

NPDES MS4 Permit, Part III.A.2 - SUMMARY REVIEW OF CODES AND ORDINANCES FOR JUPITER INLET COLONY

PURPOSE:

The NPDES MS4 Cycle 4 permit requires permittees to review all land development regulations, ordinances and codes in Year 2 of the cycle to ensure a continued effort in reduction of stormwater impact on new and redevelopment. Jupiter Inlet Colony (the Colony) with Kimley-Horn and Associates, Inc. (KHA) completed this review and made recommendation for improvement to the existing local Colony codes and land development regulations. This summary outlines the documents reviewed as well as suggested updates to minimize gaps in the governing standards.

In this review, KHA and the Colony completed a review of the following documents:

- Jupiter Inlet Colony Code of Ordinances

The following sections will outline the current regulations, ordinances and codes and specific language recommendations for improvement as well as provide recommendations for implementation of these updates prior to Year 4 of this permit cycle.

DOCUMENT REVIEW:

The review of these documents was performed by several members of the Colony and KHA to identify potential changes that will reduce the stormwater impacts while improving stormwater management practices of new and redevelopment projects moving forward. During our review, the tables identify which regulations were reviewed in each document; the current actions of these regulations to reduce stormwater impacts; and proposed improvements for the sections reviewed.

The end of this summary outlines the anticipated implementation of these recommendations.

Jupiter Inlet Colony Code of Ordinances

All sections in the Colony's Code of Ordinances related to stormwater management, development of new or existing properties and landscaping were reviewed. Those sections have been outlined below and includes an analysis of the referenced code with recommendations for updates as appropriate.

Table 1: Code of Ordinance Review

JIC Ordinance Section Reviewed	Section Title	Current Actions to Reduce Stormwater Impacts	Suggested Improvements
CHAPTER 9 - NUISANCES			
Sec. 9-7	Cleaning; Securing of Construction Sites	Maintenance of construction related items (i.e. materials, equipment, and debris)	This section could more clearly identify best management practices (BMP) and examples
Sec. 9-8	Fugitive Dust or Blowing Sand	Practices to control sand and dust tracking off designated construction sites	This section could be enhanced to recommend practices to prevent fugitive dust and sand from entering storm drains adjacent to construction sites.
CHAPTER 18 - UTILITIES			
Sec. 18-43	Illicit Discharges	Outlines what a discharge is in general terms and exceptions to this general definition. Also establishes guidelines for handling a discharge once it is noticed.	Removal of Language "dechlorinated swimming pools" as an exception.
			Inclusion of language referencing how to handle contributions to the river from personal outfalls.
			Revision of language to clarify roof drains should be exempt and not considered prohibited discharges.
Sec. 18-44	Spills and Dumping	Outlines prohibited discharge to the stormwater system containing any sewage, industrial waste, or other waste materials	Revision of language to specify the "town administrator" should be notified rather than the "town clerk".
			Enhancement of procedure for notification of a responsible party unaware of illegal discharge/dumping as well as procedures for unknown responsible party.
CHAPTER 19 - VEGETATION			
Sec. 19-17	Definitions	Provides clarity on landscaping components	This section could more clearly identify best management practices (BMP) and examples

Sec. 19-22	Fertilizer Free Zones	Specifies criteria that constitutes a fertilizer free zone in the Colony	Inclusion of stormwater control structures (i.e. drains, catch basins, outfalls, etc.) as a protected area. It is intended this will reduce runoff from fertilizer into the discharging bodies of water.
Sec. 19-23	Fertilizer Content and Application Rates	Specifies fertilizer ingredients that are allowable in the Colony	Inclusion of references to FDACS certifications and practices in addition to UF/IFAS.
Sec. 19-24	Fertilizer Application Practices	Specifies fertilizer maintenance practices	Inclusion of references to FDACS certifications and practices in addition to UF/IFAS.
Sec. 19-25	Management of Grass Clippings and Vegetative Matter	Practices to control the spreading of vegetative matter and grass clippings	This section could be enhanced to recommend practices to prevent vegetative matter and grass clippings from entering storm drains adjacent throughout the Colony.
Sec. 19-26	Exemptions	Exemptions to this vegetation chapter	Removal of this section is recommended as these exemptions are not applicable to the Colony.

RECOMMENDATION OF CODE IMPLEMENTATION AND ENHANCEMENT:

As previously mentioned, the review of the Colony's was to analyze existing codes and identify areas of improvement with regards to stormwater practices with respect to new and redevelopment efforts within the Colony. This Year 2 Annual Report activity focused on review of the regulations while implementation of language enhancement, if applicable, is anticipated to be completed prior to the submission of the Year 4 Annual Report. This document will be provided to the Colony's attorney and planner to determine if the recommendations would improve the current language. If this review determines the language enhancements recommended would be an improvement, drafts shall be developed and provided to the Colony's committee for consideration and acceptance prior to completion of Cycle 4, Year 4.

If it is determined that language in these regulations are currently consistent with our recommendations, the Colony would make no plans to alter the language but rather, will continue to monitor land development regulations and local codes as necessary for future opportunities for improvement.

DRAFT LANGUAGE FOR JIC ORDINANCES

FUGITIVE DUST AND SEDIMENT EROSION CONTROL

SUGGESTED SECTION: Chapter 9 – Nuisances, Section 9-8 – Fugitive dust or blowing sand

DRAFT LANGUAGE:

FINDINGS

- (a) Land disturbing activities can cause excessive runoff and accelerate the process of soil erosion, resulting in the damage and loss of natural resources, including the degradation of water quality. The Colony finds that:
 - a. Excessive quantities of soil may erode from areas undergoing development due to land disturbing activity.
 - b. Soil erosion can result in the degradation of valuable shoreline resources, such as dunes and coastlines of communities along the lagoon.
 - c. Sediment from soil erosion can clog storm sewers and swales, and silt navigational channels.
 - d. Sediment and sediment-related pollutants degrade wetland systems, including the Indian River, resulting in the destruction of aquatic life and degradation of water quality.
 - e. Airborne sediments can constitute a nuisance for adjacent property owners and degrade the quality of the air.

PURPOSE

- (a) The purpose of this article is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or otherwise results in the movement on earth of land situated in the Colony.

STANDARDS

- (a) No land disturbing activity during periods of construction or improvement to land shall be permitted in proximity to any shoreline unless a 25-foot buffer zone is provided along the margin of the watercourse.
- (b) Silt barriers should be provided around the perimeter of any area under construction and be installed in all storm drains within a 50-foot radius of the edge of property.
- (c) The angle for graded slopes and fills shall not be greater than the angle that can be retained by vegetative cover, or other adequate erosion-control, devices or structures (generally 4:1 or less). Slopes left exposed will, within 10 working days of completion of any phase of grading, be planted or otherwise provided with ground cover, devices or structures sufficient to restrain erosion.
- (d) Groundcover sufficient to restrain erosion must be planted or otherwise provided on portions of cleared land upon which further construction activity is not being undertaken within 15 days of clearing.
- (e) All measures taken to control erosion shall be properly maintained for the life of the project, inclusive of delays in overall construction time. Failure to maintain erosion control measures

will result in a violation and possible fine. The following are examples of a failure to maintain these erosion control measures:

- a. Fugitive dust and sediment observed on adjacent properties and valley gutters
- b. Tracking of sediment in roadways
- (f) Failure to properly maintain erosion as outlined above constitutes grounds for the issuance of a stop work order by the building official in accordance with the provisions of the building code.

EXEMPTIONS

- (a) Minor land disturbing activities, such as home gardens and individual landscaping, repairs, maintenance work, and other related activities, provided such activities do not contribute to any on-site generated erosion or sediment dispersion in the Colony, or degradation of lands or water beyond the boundaries of the property of the residence involved.

MATERIALS MANAGEMENT PRACTICES

SUGGESTED SECTION: Chapter 9 – Nuisances, Section 9-7 – Cleaning, securing of construction sites

DRAFT LANGUAGE:

FINDINGS

- (a) All sites within the Colony, whether under construction or not, are required to implement structural or nonstructural measures to prevent exposure of substances or contaminants, which cause or contribute to stormwater pollution, to precipitation and subsequent entry into the stormwater system. The required measures include, but are not limited to, covered storage, containment or other materials management practices.
- (b) If a property is under construction, the following requirements should be met:
 - a. Construction site operators for construction projects within the Colony, which require NPDES construction activities permit coverage, shall submit a notice of intent (NOI) to the state department of environmental protection, prior to construction activities.
 - b. Construction site operators for construction projects, which require NPDES construction activities permit coverage and discharge to the county MS4, shall provide a copy of the stormwater pollution prevention plan to ERM, prior to construction activities.
 - c. Construction site operators for construction projects within the Colony or discharge to the County MS4 which obtain NPDES construction activities permit coverage, shall maintain compliance with the erosion and sediment control best management practices (BMPs) required by the permit as well as other permit conditions.
- (c) Failure to properly manage materials for any property constitutes grounds for issuance of a citation and an associated fine.

ILLICIT DISCHARGE

SUGGESTED SECTION: Chapter 18 – Utilities, Section 18-44 – Spills and Dumping

DRAFT LANGUAGE:

ILLCIT DISCHARGES

- (a) Administrative order.
 - a. The Colony may issue an order to any person to immediately cease any discharge, or any connection to the stormwater system, determined by the Colony to be in violation of any provision of this article, or in violation of any regulation or permit issued hereunder.
- (b) NPDES permits.
 - a. Any person who holds an NPDES permit shall provide a copy of such permit to the Colony no later than 60 calendar days after issuance.
- (c) Notification of spills
 - a. As soon as any person has knowledge of any discharge to the stormwater system in violation of this article, such person shall immediately notify the Colony by calling (XXX-XXX-XXXX); and if such person is directly or indirectly responsible for such discharge, he shall also take immediate action to ensure the containment and clean-up of such discharge and shall confirm such telephone notification in writing to the Colony at (ADDRESS), within three calendar days.
 - b. If the person having knowledge of any discharge to the stormwater system is not the responsible party, the Colony will immediately notify the responsible party via telephone. The Colony shall also follow-up in writing to the responsible party, within 2 calendar days of gaining knowledge of the spill.
 - i. The party at fault will be responsible for providing the Colony with an estimated schedule and plan for remediation within 1 week of receipt of notification from the Colony.
 - ii. The party at fault will be responsible for notifying the Colony of completion and providing appropriate documentation to the Colony.
 - c. Failure to comply with the abovementioned sections will result in the issuance of a citation and associated fine.

FERTILIZER FREE ZONES

SUGGESTED SECTION: Chapter 19 – Vegetation, Section 19-22 – Fertilizer Free Zones

DRAFT LANGUAGE:

FERTILIZER FREE ZONES

- (a) Fertilizer shall not be applied within ten (10) feet or three (3) feet if a deflector shield or drop spreader is used, of any pond, stream, water body, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340), Florida Administrative Code or from the top of a seawall or lake bulkhead. The same fertilizer free zone criteria will be applied to any stormwater structure or inlet that conveys stormwater to groundwater or to one of the Colony's outfalls.
- (b) Newly planted turf or landscape plants may be fertilized in this zone only for a sixty-day period beginning thirty (30) days after planting if needed to allow the vegetation to become

well established. Caution shall be used to prevent direct deposition of fertilizer into the water.

MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER

SUGGESTED SECTION: Chapter 19 – Vegetation, Section 19-25 – Management of Grass Clippings and Vegetative Matter

DRAFT LANGUAGE:

MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER

- (a) In no case shall grass clippings, vegetative material, and/or vegetative debris intentionally be washed, swept, or blown on to or into stormwater drains, ditches, conveyances, water bodies, wetlands, sidewalks or roadways. Vegetative material may be placed within the roadway right-of-way, but not over the storm drains, for pick-up by the municipality's vegetative waste hauler.
- (b) Hauling vegetative material shall maintain compliance with best management practices (BMPs) to prevent spreading of debris. BMPs may be outlined in the Colony's NPDES permit or UF/IFAS
- (c) Failure to properly manage materials for any property constitutes grounds for issuance of a citation and an associated fine as set forth in the Penalties section of this article.

ENFORCEMENT

SUGGESTED SECTION: Unknown

DRAFT LANGUAGE:

ENFORCEMENT

- (a) Injunctive relief
 - a. Any violation of any provision of this article, or of any regulation or order issued hereunder, shall be subject to injunctive relief if necessary to protect the public health safety or general welfare.
- (b) Continuing violation
 - a. A person shall be deemed guilty of a separate violation for each day during any continuing violation of any provision of this article, or of any regulation or permit issued hereunder.
- (c) Enforcement actions.
 - a. The Colony may take all actions necessary, including the issuance of notices and violations, the filing of court actions, and/or referral of the matter to the code enforcement board, to require and enforce compliance with the provisions of this article and with any regulation or permit issued hereunder.