

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA, ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN TO AMEND THE CAPITAL IMPROVEMENTS ELEMENT IN ORDER TO UPDATE THE TOWN'S FIVE YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; BY FURTHER AMENDING ITS COMPREHENSIVE PLAN TO ADOPT A NEW PROPERTY RIGHTS ELEMENT IN ORDER TO RESPECT JUDICIALLY ACKNOWLEDGED AND CONSTITUTIONALLY PROTECTED PROPERTY RIGHTS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AND OTHER AGENCIES AS REQUIRED BY LAW; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, pursuant to Section 163.3177(3), *Florida Statutes*, the Town is required to review the capital improvements element of its Comprehensive Plan on an annual basis and modify the same in order to maintain an updated five-year schedule of capital improvements; and

WHEREAS, the Town has duly performed such function, and attached as Exhibit "A" is the annual update to the five-year schedule of capital improvements; and

WHEREAS, Section 163.3177(3)(b), *Florida Statutes*, provides that annual updates to the Town's capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local Comprehensive Plan; and

WHEREAS, pursuant to Section 163.3177(i), *Florida Statutes*, each unit of local government is required to amend its Comprehensive Plan in order to adopt a Property Rights Element in order to respect judicially acknowledged and constitutionally protected property rights; and

WHEREAS, a proposed Property Rights Element, including goals, objectives and policies, is shown on attached Exhibit "B"; and

WHEREAS, on November 13, 2023, the Town Commission, sitting as its Local Planning Agency, voted to recommend approval of the proposed Comprehensive Plan amendments referenced above; and

WHEREAS, Section 163.3184, Florida Statutes, requires that the Comprehensive Plan be adopted by the governing body of the local government by ordinance.

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

SECTION 1. The foregoing Recitals are hereby ratified as true and correct and incorporated herein by this reference.

SECTION 2. The Town of Jupiter Inlet Colony Comprehensive Plan is hereby amended by adopting a new Table 2 to its Capital Improvements Element in order to adopt an updated five-year schedule of capital improvements as shown on attached Exhibit "A." Table 3 (Long Range 10-year Schedule of Improvements) of the Capital Improvements Element is hereby deleted. Pursuant to Section 163.3177(3)(b), *Florida Statutes*, future modifications to update the 5-year capital improvements schedule may be made by ordinance and shall not be deemed amendments to the Town's Comprehensive Plan.

SECTION 3. The Town of Jupiter Inlet Colony Comprehensive Plan is hereby amended by the adoption of a new Property Rights Element, including goals, objectives and policies, which amendment is shown on attached Exhibit "B."

SECTION 4. Following first reading of this Ordinance, the Town Clerk shall transmit this Ordinance and appropriate supporting data and analysis to the appropriate reviewing agencies and to any other local government or governmental agency that has filed a written request with the Town.

SECTION 5. Following second reading and adoption of this Ordinance, the Town Clerk shall transmit this Ordinance to the state land planning agency and to any other agency or local government that provided timely comments to the proposed Ordinance.

SECTION 6. 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 7. That all ordinances or parts or ordinances, resolutions or parts of resolutions in conflict hereby, be and the same are hereby repealed to the extent of such conflict.

SECTION 8. This Ordinance shall become effective immediately upon passage and as further provided by Section 163.3184(3), *Florida Statutes*.

FIRST READING this 12th day of February 2024.

SECOND READING and FINAL PASSAGE this _____ day of _____, 2024.

TOWN OF JUPITER INLET COLONY, FLORIDA

Mayor Edward Hocevar

Vice Mayor Mark Ciarfella

Commissioner Marie Rosner

Commissioner William Muir

Commissioner Sharon Seagren

ATTEST:

Town Clerk Ivelisse Chico-Randazzo, CMC

**TOWN OF JUPITER INLET COLONY
FIVE YEAR CAPITAL IMPROVEMENT PLAN**

9/22/2023

ITEM	FY 2023/24	FY 2024/25	FY 2025/26	FY 2026/27	FY 2027/28
103 LH Outfall Mods - Check Valve (No. 2)	\$60,000				
Beach Club Oufall Mods - Check Valve (No. 5)		\$75,000			
87/88 LH Oufall Mods - Check Valve (No. 3)			\$80,000		
75/76 LH Oufall Mods - Check Valve (No. 4)				\$85,000	
North Walkway Stairs	\$50,000				
Beacon Road/Drainage Repairs	\$60,000				
Misc. Conc. Valley Gutter Repairs				\$25,000	
Exfiltration Trench Cleaning/Maint.				\$75,000	
Misc. Roadway Striping			\$10,000		
Asphalt Mill/Resurface - Phase 1					\$500,000
Asphalt Mill/Resurface - Phase 2					
Video Drainage Pipe				\$65,000	
Misc. Drainge Pipe Repairs (in roadway)					\$100,000
Misc. Drainge Pipe Repairs (between homes)					
Road Signage Replacement					
TOTALS	\$170,000	\$75,000	\$90,000	\$250,000	\$600,000

EXHIBIT A

PROPERTY RIGHTS ELEMENT

GOAL

“The Town of Jupiter Inlet Colony shall respect judicially acknowledged and constitutionally protected private property rights.”

Objective A: The Town shall ensure that private property rights are considered in local decision making.

Policy 1: The following rights shall be considered in local decision making.

- The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any of other person, subject to state law and local ordinances.
- The right of the property owner to privacy and to exclude others from the property to protect the owner’s possessions and property.
- The right of a property owner to dispose of his or her property through sale or gift.

EXHIBIT B