



TOWN OF JUPITER

CODE COMPLIANCE DIVISION
SPECIAL MAGISTRATE
NOTICE OF HEARING

June 27, 2024

DARRELL AND JESSICA PETERSON
5500 MILITARY TRL, 22-290
JUPITER, FL 33458

CASE NO.: 24-000750

LOCATION: 206 E RIVERSIDE DR, Jupiter, Florida
PCN: 3043403139000020

You are hereby notified that on **08/14/24 at 10:00 AM** there will be a hearing conducted by the Town of Jupiter Special Magistrate in the Council Chambers of the Town of Jupiter Municipal Complex, 210 Military Trail, concerning the alleged violation of the Town Code:

Violation Information

SITE PLAN REQUIRES A CERTIFICATE TO DIG, VEGETATION REMOVAL PERMIT, AND ARCHAEOLOGIST OVERSIGHT FOR SUB-SURFACE DISTURBANCE. THESE CRITERIA WERE NOT MET WHEN AN OAK TREE WAS REMOVED FROM THE PROPERTY. DUE TO THE IRREVERSIBLE NATURE OF THE VIOLATION, THIS WILL BE BROUGHT BEFORE THE SPECIAL MAGISTRATE ON AUGUST 14, 2024. A FINE OF UP TO \$15,000 COULD BE ISSUED. CONTACT NATURAL RESOURCES SUPERVISOR, BARRETT CRUCE AT 561-741-2523 FOR FURTHER INFORMATION.

Violation Description

ZONING CRITERIA FOR SITE PLAN REVIEW

27-175 CRITERIA FOR SITE PLAN REVIEW

(a) The criteria listed below shall apply to all site plan applications, including small-scale developments, large-scale developments, planned unit developments, developments of regional impact, and modifications of existing approved development orders.

(1) The proposed development is consistent with the goals, objectives and policies of the town comprehensive plan.

(2) The proposed development is consistent with any applicable, county wide land development regulations.

(3) The proposed development is consistent with all applicable land development regulations and all other portions of this Code.

(4) The proposed development is compatible and/or consistent with the established or proposed character of a neighborhood or area.

(5) The proposed development does not create or excessively increase traffic congestion or otherwise affect public safety.

(6) There are adequate levels of service for public facilities, including, but not limited to, transportation, water supply, drainage and sanitation, available concurrent with the impacts of the development proposed by the application.

(7) The proposed development does not significantly reduce light and air to adjacent properties.

(8) The proposed development does not adversely affect property values in adjacent areas.

(9) The proposed development would not be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

(10) The proposed development does not create noise or visual pollution.

(11) The proposed development does not negatively impact adjacent natural systems or public facilities, such as parks.

(12) The proposed development provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

(b) Should the department of planning and zoning and/or the town council determine that the proposed site plan is not consistent with the criteria outlined in subsection(a) of this section, the site plan may either be denied or approved subject to conditions of approval or modifications as may be necessary to provide for a development which is consistent with these criteria. The conditions of approval may require the applicant and/or property owner to exceed the minimum development standards set forth in this chapter and/or other applicable local regulations. Conditions of approval may include, but are not limited to, the following:

(1) Restraints to minimize or eliminate such effects as noise, vibration, air pollution, glare and/or odor.

(2) Limit the height, size and/or location of a building or other structure.

(3) Designate the size, number, location and/or nature of access points (vehicle and pedestrian).

(4) Designate the size, location, screening, drainage, type of surfacing material and/or other improvement of a parking and/or loading area.

(5) Limit or otherwise designate the number, size, location, height and/or lighting of signs.

(6) Require the use of, and designate the size, height, location and/or materials for, berming, screening, landscaping and/or other facilities to protect and/or buffer adjacent or nearby property, including designating standards for installation and/or maintenance of the facilities.

(7) Require the protection and/or relocation of additional trees, vegetation, water resources, wildlife habitat and/or other appropriate natural resources.

(8) Require specific architectural details and/or design that produces a physical development which is compatible in appearance with the uses permitted by right in the zoning district.

(9) Specify other conditions of approval to permit development of the project in conformity with the intent and purpose of this chapter and the adopted comprehensive plan.

(c) Violation of any conditions, when made a part of the terms under which the site plan is approved, shall be deemed a violation of this chapter, subject to enforcement under the provisions of this Code.

You are hereby ordered to appear before the Special Magistrate on the above-referenced date to respond to the alleged violation and to present any oral or written testimony regarding the alleged violation. Failure to appear will result in the Special Magistrate proceeding in your absence. You will have the opportunity to present witnesses, as well as question the witnesses against you, prior to the Special Magistrate making a determination. You have the right to obtain an attorney, at your expense, to represent you before the Special Magistrate. **CASE FILES WILL BE AVAILABLE FOR REVIEW BY RESPONDENTS ONE-HALF HOUR PRIOR TO THE START OF THE HEARING.**

If the alleged violation still exists as of the compliance date specified in the notice of violation, this case may proceed to the hearing whether or not compliance is achieved prior to the hearing date, with a request to the Special Magistrate for a finding of violation and assessment of **ADMINISTRATIVE COSTS**. If the alleged violation still exists at the time of the hearing and you are found in violation, the Special Magistrate may enter an order against you and may assess both **ADMINISTRATIVE COSTS** and a fine of up to **\$1,000.00 PER DAY PER VIOLATION** for every day the violation continues beyond the date set by the Special Magistrate in the order for compliance. If the violation is considered by the Special Magistrate to be irreparable or irreversible in nature, a fine may be imposed not to exceed **\$15,000.00 PER VIOLATION**. If you are found in violation and subsequently violate the same code section(s) again at a later date, a repeat violator fine of up to **\$5,000.00 PER VIOLATION PER DAY** could be assessed for every day of violation, plus administrative costs.

Should any interested party seek to appeal any decision made by the Special Magistrate with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and for such purpose he 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.

There is a procedure whereby an alleged violator may stipulate to the existence of a violation and waive appearance at the above hearing. If you so wish to, you may enter into stipulation with the Town whereby you are admitting to the violation described herein.

Sincerely,

Don Dougherty
Code Compliance Officer
Town of Jupiter

CERTIFIED MAIL

AFFIDAVIT OF POSTING

Notice of Hearing

Case No.: 24-000750
Date Posted: June 27, 2024
Property Owner: DARRELL AND JESSICA PETERSON
Property Address: 206 E RIVERSIDE DR

Places of Posting: Town Hall
206 E RIVERSIDE DR

(See Attached Copy of Posted Notice)

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared, **DON DOUGHERTY**, a duly-designated Code Compliance Officer of the Town of Jupiter, who, after being duly sworn by me under oath, deposes and says:

1. Prior to posting this notice, the undersigned has reviewed the file of this matter and has determined that a bona fide attempt was made to hand-deliver or mail notice to the alleged violator.
2. This Affidavit of Posting shall serve to meet the notice requirements of Section 162.12, Florida Statutes.
3. This property was posted for at least ten (10) days in two (2) locations, the first being upon the property where the code violation is alleged to exist, the address of which is listed herein above, and the second being at the Jupiter Town Hall, 210 Military Trail, Jupiter, Florida 33458, in accordance with Section 162.12(2)(b), F.S. The undersigned affiant submits this affidavit as proof of compliance with the requirements of Section 162.12(2)(b), F.S.

FURTHER AFFIANT SAYETH NOT



Personally appeared before me the undersigned authority, and acknowledged that (he)/(she) did execute the foregoing affidavit.

Sworn to and subscribed before me this 27th day of June, 2024.


Notary Public

