

ORDINANCE NO. 2020-06

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 1 “GENERAL PROVISIONS”, SECTION 1-3 “DEFINITIONS”; CHAPTER 64, “ZONING”, ARTICLE III “SUPPLEMENTAL REGULATIONS”, SECTION 64-41 “ACCESSORY USES, BUILDINGS AND STRUCTURES GENERALLY” TO PROVIDE FOR MORE SPECIFIC REGULATIONS REGARDING SHEDS AND DUNE CROSSOVERS; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Ocean Ridge, Florida (the “Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission wishes to provide for regulations regarding sheds and to modify the regulations regarding dune crossovers; and

WHEREAS, the Town Commission has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:

SECTION 1 – Findings of Fact: The **WHEREAS** clauses set forth above are adopted herein as findings of fact.

SECTION 2 – Amendment: Chapter 1 “General Provisions”, Section 1-3 “Definitions”, is amended to read as follows:

Sec. 1-3. - Definitions.

Dune crossover (private), means a structure used specifically for pedestrian access across the dune area. Crossovers for single-family dwelling units should not exceed 4 feet in overall width and the support posts shall not be greater than 4 inch wide posts, unless a larger structure has been previously permitted by the Florida Department of Environmental Protection, then the larger structure would be allowed. Crossovers for multi-family dwelling units shall not exceed 6 feet in overall width and the support posts shall not be greater than 6 inch wide posts, unless a larger structure has been previously permitted by the Florida Department of Environmental Protection, then the larger structure would be allowed. A deck may be allowed in conjunction with the crossover provided the deck is attached to the crossover and does not exceed one hundred forty-

four (144) square feet. If decks are constructed they must be immediately adjacent to the walkway and if constructed on both sides of the walkway, the area of the walkway shall be included in the deck size calculation. There shall be no commercial use, leasing, renting, any form of non-monetary contribution or otherwise allowing the use of the dune crossover by anyone other than the person(s) occupying the primary dwelling unit. No dune crossover shall have any sort of roof or covering.

SECTION 3 – Amendment: Chapter 64 “Zoning”, Article III “Supplemental Regulations”, Section 64-41 “Accessory uses, buildings and structures generally” is hereby amended to read as follows:

Sec. 64-41. - Accessory uses, buildings and structures generally.

(a) *Scope.* This section includes those accessory uses, buildings and structures customarily incidental and subordinate to the main use or building and located on the same lot.

(b) *Development regulations.*

(1) *Location.* All accessory uses, buildings and structures shall be located on the same lot as the principal or main use and not within any required yard setbacks, except as provided in this land development code. Where lots, located east of the 1997 Coastal Construction Control Line and a lot divided by a street or right of way, the accessory use or structure a dune crossover may be located on that portion of the lot separated by the street or right of way from that portion of the lot on which the main use or building is located, as set forth in subsection (d). The accessory use is subject to the same setback requirements as for a principal use. If a property with a single family dwelling unit and a parcel located adjacent to the ocean are owned by the same entity as of October 5th, 2020, then a dune crossover may be located on the parcel adjacent to the ocean, provided a unity of title, as approved by the town, is provided as well as all other requirements as set forth in subsection (d) are met.

(2) *Height.* No accessory use, building or structure shall exceed the height permitted for a one story structure.

(3) *Use.* Such accessory building shall not be rented or otherwise used as a separate dwelling unit.

(4) In the event a dune crossover is allowed on a lot divided by a right of way, a unity of title shall be required, in a form acceptable to the Town, prior to the issuance of any permits for the construction of the dune crossover.

(c) Utility shed/storage building.

(1) Only one utility shed/storage building shall be allowed per lot.

(2) A permit shall be required for a utility shed/storage building unless the shed meets the requirements set forth in paragraph (3) below. No utility sheds/storage building shall be allowed in any setbacks, drainage detention areas, easement areas or front yard area, unless as set

forth below.

(3) The following shall apply to prefabricated utility sheds/storage buildings that do not exceed 100 square feet in size or seven feet in height and which is only used for the storage of household items and supplies and domestic equipment (no vehicles) and does not have any plumbing or electrical service:

a. No shed shall be allowed in a front yard.

b. If the shed is predominately screened from view from adjoining properties and abutting rights-of-way and waterways by vegetation, fencing or other obstructions, as determined by the building official, then the minimum side interior setback shall be three feet and minimum rear setback shall be five feet, unless the rear or side yard abuts a waterway then the normal easement would apply. If a greater easement width exists, the width of the easement shall be the minimum setback.

c. The roof drainage shall be retained on the property and shall not adversely impact adjoining properties.

d. No building permit shall be required, however, an administrative review and/or inspections by the building official shall occur to document that the above requirements are met. However, the building must be anchored according to the manufacturer's specifications regarding anchoring. An administrative fee may be charged as set forth on the fee schedule as adopted by the Town Commission.

e. An administrative special exception may be granted by the town building official for lots that are under 10,000 square feet in size that establish a hardship in their ability to meet the setback requirements set forth in subsection (c)(3)(b) above. Such administrative special exception may allow encroachment up to the property line provided that all other requirements of subsection (c) are satisfied.

(4) Utility sheds/storage buildings shall be maintained in good condition, free from evidence of deterioration, rust, holes, or breaks.

(d) *Dune crossover.* Dune crossover (private) shall be subject to the following:

(1) A private dune crossover is only allowed for the specific use of the primary residential dwelling unit, unless as otherwise set forth in this paragraph. Only one dune crossover shall be allowed per parcel and a unity of title shall be required.

(2) A dune crossover used and installed by a multi-family complex, greater than four dwelling units, located in the Town may not be required to own property directly adjacent and across from the beach side parcel, separated by a public street, provided that the crossover may only be used by the residents of the multi-family complex.

(3) Other dwelling units, located in the Town, may be allowed a dune crossover if there is an existing written instrument, in existence at the time of adoption of this ordinance, providing for

the allowed use. Such use shall be allowed to continue in accordance with the terms of the written instrument.

(4) Decks shall not extend beyond the seaward toe of the dune.

(5) Dune crossovers shall be located, designed and constructed to minimize damage to the beach and dune system, including native vegetation systems, and shall extend seaward only as far as necessary to protect the dune and vegetation.

(6) Plans submitted for approval under this provision shall include proposed dune, beach or vegetation restoration.

(7) Dune crossovers, existing at the time of adoption of this ordinance, shall be allowed to remain and be repaired and replaced, however such crossovers shall not be expanded or modified in any manner to exceed the original footprint.

(8) A dune crossover shall be subject to the same setback requirements as set forth in the zoning district where the crossover is located.

(9) The town building official shall have the authority to require the use of building materials and practices that are deemed more environmentally and dune friendly construction, as determined by the building official.

SECTION 4 - Codification: The ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

SECTION 5 - Repeal of Conflicting Ordinances: All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

SECTION 6 - Severability: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 7 - Effective Date: This Ordinance shall become effective immediately upon adoption.

FIRST READING this 8th day of September, 2020.

SECOND AND FINAL READING this 5th day of October, 2020.

Commissioner Hurlburt offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Commissioner Wiescholak and upon being put to a vote, the vote was as follows:

KRISTINE DE HASETH, Mayor

Aye

STEVE COZ, Vice Mayor

Nay

PHILIP BESLER, Commissioner

Aye

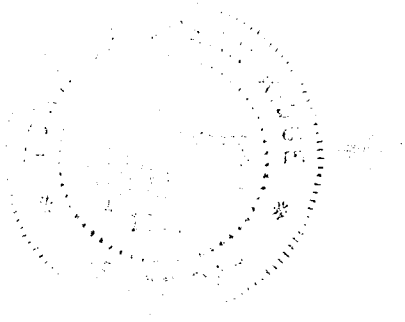
SUSAN HURLBURT, Commissioner

Aye

MARTIN WIESCHOLEK, Commissioner

Aye

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this 5th day of October, 2020.



TOWN OF OCEAN RIDGE, FLORIDA

BY: 
Kristine de Haseth, Mayor

ATTEST: 
Karla Armstrong, Town Clerk