

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 67, “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE II “COASTAL CONSTRUCTION”, AND SECTION 67-17 “COASTAL CONSTRUCTION AND EXCAVATION SETBACK LINE”, TO PROVIDE THAT ZONING CONFIRMATION APPROVALS SHALL BE ISSUED BY THE BUILDING OFFICIAL AND NOT THE TOWN COMMISSION; 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 that zoning approvals required by the State, prior to construction occurring east of the Coastal Construction and Control Line “CCCL”, shall be issued by the building official and not the Town Commission; 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 67 “Buildings and Building Regulations”, Article II “Coastal Construction”, Section 67-17 “Coastal construction and excavation setback line” is hereby amended as follows:

Sec. 67-17. - Coastal construction and excavation setback line.

- (a) *Setback line established.* The town commission hereby adopts the coastal construction control line as adopted by the state, from time to time, as the town's coastal construction control line. No person shall construct any structure whatsoever, seaward of the state coastal construction control line as established by the state; or make any excavation, remove any beach material or otherwise alter existing ground elevations without first having obtained a permit therefor from the state department of environmental protection. Whenever a permit is required by the state pursuant to F.S. §§ 161.502~~052~~ or 161.053, the same shall be submitted to the town prior to the approval of a development permit. No development permit shall be issued by the town without the issuance of a state permit whenever the same shall be required.

- (b) ~~Notice of hearing before the town commission.~~ The town clerk shall give notice of a public hearing in writing to the application and all adjacent owners of record within 300 feet in any direction of the property for which a major permit is sought. Said notice shall be mailed at least 15 days prior to the hearing. The town clerk shall cause notice of the public hearing to be published in a newspaper of general circulation in the county at least once a week for two weeks prior to the public hearing. Zoning confirmation approval, as requested by the State, may be issued by the town building official/town manager or designee if the development is in accordance with Town Codes as determined by the building official/town manager.
- (c) *Conditions for granting major and minor permits.* Conditions under which a permit may be granted are as follows:
- (1) The town may authorize the excavation or erection of a structure at any riparian location where through the presentation of adequate engineering data it can be demonstrated that such excavation or erection would have no adverse effect upon the control of beach erosion, hurricane protection, coastal flood control and shoreline and offshore rehabilitation.
 - (2) If in the immediate contiguous or adjacent area a number of existing structures have established a reasonably continuous and uniform construction line closer to the line of mean high water than the designated setback line, and if the placement of the existing structures has not contributed to beach erosion, interfered with hurricane protection, obstructed coastal flood control or impaired shoreline and offshore rehabilitation, then the town commission may grant a variance.
- (d) *Permits prohibited.* No permit shall be issued where it appears that the proposed excavation, filling or removal, or the covering or destruction of natural vegetation, shall result in the probable erosion or inundation of surrounding beaches or the banks, dunes and lands adjacent thereto, or endanger the public safety; ~~provided that no variance shall be issued for the excavation or removal of any portion of the banks or ridges adjacent to the ocean beaches to a depth lower than an elevation of 14 feet above the mean low water mark as of 1969.~~
- (e) *Bond.* Prior to the issuance of a major permit under this section, the town commission may require the applicant to obtain and deposit with the town a good and sufficient performance bond in an amount sufficient to ensure completion of necessary protective work and in a form to be approved by the town attorney, such bond to be conditioned upon the applicant faithfully completing all work which may be required for the protection of the ocean dunes, banks and beaches against inundation and erosion.
- (f) *Grading and leveling of site after removal of sand.* Any person granted a permit for removing or excavating sand for any reason from the ocean beach or the banks and dunes adjacent thereto shall place such sand on the Atlantic Ocean beach in the area in front of which the sand is being removed, and shall grade and level such sand in such a manner so as to be harmonious with the surrounding beach area.
- (g) *Structures in violation deemed public nuisances.* Any coastal structure erected or excavated in violation of the provisions of this article is hereby declared to be a public nuisance, and such structure shall be forthwith removed or such excavation shall be forthwith refilled after written notice from the town manager directing such removal or filling. If the structure is not removed within a reasonable time as directed, the town may remove such structure or fill such

excavation at its own expense, and the costs thereof shall become a lien upon the property of the upland owner upon which such unauthorized structure or excavation is located.

- (h) *Existing structures.* The provisions of this article shall apply prospectively to all new structures, and to structures existing or under construction prior to adoption of this ordinance. For purposes of this section, the term "materially altered" shall mean any construction, excavation or building which has an adverse effect upon the control of beach erosion, hurricane protection, coastal flood control and shoreline and offshore rehabilitation.

SECTION 3 - Codification: The ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

SECTION 4 - Repeal of Conflicting Ordinances: All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

SECTION 5 - 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 6 - Effective Date: This Ordinance shall become effective immediately upon adoption.

FIRST READING this 7th day of January, 2019.

SECOND AND FINAL READING this 4th day of February, 2019.

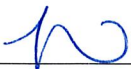
Commissioner Besler offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Commissioner Sloat and upon being put to a vote, the vote was as follows:

STEVE COZ, Mayor	<u>Aye</u>
DON MAGRUDER, Vice Mayor	<u>Aye</u>
PHILIP BESLER, Commissioner	<u>Aye</u>
KRISTINE DE HASETH, Commissioner	<u>Nay</u>
ROBERT SLOAT, Commissioner	<u>Aye</u>

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this 4th day of February, 2019.

TOWN OF OCEAN RIDGE, FLORIDA

BY: 
Steve Coz, Mayor

ATTEST: 
Tracey L. Stevens, Town Clerk

