

**ORDINANCE NO. 2021-03**

**AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES AT CHAPTER 64, "ZONING", ARTICLE III "SUPPLEMENTAL REGULATIONS", SECTION 64-41 "ACCESSORY USES, BUILDINGS AND STRUCTURES GENERALLY" TO ADDRESS THE ALLOWANCE OF DUNE CROSSOVERS BY BUILDING PERMIT IF SEAWARD OF THE 1979 COASTAL CONSTRUCTION CONTROL LINE AND TO ADDRESS DUNE CROSSOVER STEPS; 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**, on September 8, 2020, through Ordinance No. 2020-05, the Town Commission adopted the 1979 Coastal Construction Control Line ("CCCL") as the rear setback line for those properties bordering on the ocean; and

**WHEREAS**, Ordinance No. 2020-05 also imposed a variance requirement for all development seaward of the 1979 CCCL; and

**WHEREAS**, on October 5, 2020, through Ordinance No. 2020-06, the Town Commission adopted amendments to the dune crossovers requirements, which included specific requirements for all dune crossovers developed thereafter; and

**WHEREAS**, the Town Commission has determined that dune crossovers which satisfy all of the requirements of Ordinance No. 2020-06 and all other applicable ordinances in the Town's Code of Ordinances and local and state law, should be authorized by administrative special exception; and

**WHEREAS**, the Town Commission has also determined that requirements for dune crossover steps should be addressed in the Town's Code of Ordinances; and

**WHEREAS**, the Town Commission desires to amend Ordinance No. 2020-06 to allow for an administrative special exceptions for dune crossovers and to address dune crossover steps; 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 true findings of fact of the Town Commission.

**SECTION 2 – Amendment:**

Chapter 64 “Zoning”, Article III “Supplemental Regulations”, Section 64-41 “Accessory uses, buildings and structures generally”, Subsection (d), “Dune crossover”, is hereby amended to read as follows:

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

(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, walkways, and steps 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. Notwithstanding the foregoing or Section 67-18(b) requiring a variance for all development seaward of the 1979 coastal construction control line, a dune crossover (inclusive of the deck, walkway, and steps) may be constructed subject to approval of a building permit if all other requirements of this Code and local and state law for the dune crossover have been satisfied.

(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 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.

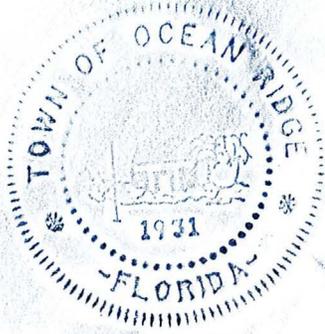
FIRST READING this 7<sup>th</sup> day of June, 2021.

SECOND AND FINAL READING this 6<sup>th</sup> day of July, 2021.

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

KRISTINE DE HASETH, Mayor	Aye
SUSAN HURLBURT, Vice Mayor	Aye
STEVE COZ, Commissioner	Aye
GEOFF PUGH, 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 6<sup>th</sup> day of July, 2021.



TOWN OF OCEAN RIDGE, FLORIDA

BY:

Kristine de Haseth, Mayor

ATTEST:

Karla Armstrong, Town Clerk