

**ORDINANCE NO. 620**

**AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 64, "ZONING", ARTICLE III, "SUPPLEMENTAL REGULATIONS", BY CREATING SECTION 64-60, "DECKS, PATIOS, STEPS, STOOPS, AND TERRACES (UNENCLOSED AND UNCOVERED)" TO PROVIDE FOR SETBACKS; 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 modify the setback requirements for decks, patios, steps, stoops, and terraces (unenclosed and uncovered); 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.

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**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 64 "Zoning", Article III "Supplemental Regulations", Section 64-60, "Decks, patios, steps, stoops, terraces (unenclosed and uncovered)", is hereby enacted to read as follows:

**Sec. 64-60. – Decks, patios, steps, stoops, and terraces (unenclosed and uncovered).**

Unenclosed and uncovered decks, patios, steps, stoops, and terraces shall be setback at least three (3) feet from any property line or right of way line, whichever is closer. These improvements shall be maintained and drained so as to prevent nuisance conditions, which include, but is not limited to, nuisances as described in this code, to the public and/or abutting property owners. In those instances where that portion of the property containing the deck, patio, steps, stoops or terraces abuts a sea wall, no setback shall be required.

**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Ordinances:** All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.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 3<sup>rd</sup> day of April, 2017.

SECOND AND FINAL READING this 1<sup>st</sup> day of May, 2017.

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

GEOFFREY A. PUGH, Mayor	Yea
JAMES BONFIGLIO, Vice Mayor	Yea
GAIL ADAMS AASKOV, Commissioner	Absent
STEVE COZ, Commissioner	Yea
DON MAGRUDER, Commissioner	Yea

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this 1<sup>st</sup> day of May, 2017.

TOWN OF OCEAN RIDGE, FLORIDA

BY: \_\_\_\_\_

  
Geoffrey A. Pugh, Mayor

ATTEST: \_\_\_\_\_

  
Tracey L. Stevens, Town Clerk