

Sec. 134-1474. - Height, width and length limit for properties adjacent to properties in the R-B district.

- (a) No structure or beach building more than one story or exceeding eight feet in height as measured from the natural grade or crown of the road, whichever is less, to the underside of the roof, plus four feet in height to the highest point of the roof, with maximum dimensions no greater than ten feet by 20 feet but occupying not more than 20 percent of the width of the lot shall be constructed on the privately owned property lying east of Ocean Boulevard, except as provided for by special exception under subsection (b). However, this restriction shall not be deemed to apply to public structures and/or buildings approved by the town council, jetties or groins, or other structures for the protection of the beachfront.
- (b) For properties lying east of Ocean Boulevard and having a lot frontage of 125 feet or greater, the maximum size of a beach house may be increased, by approval of a special exception, up to the maximum size set forth in the following table; and, provided further that all other conditions and standards set forth in this section are met, and the special exception is found to meet the standards of sections 134-227 through 134-233.

	ON LOTS OF 125 BUT LESS THAN 150 FEET IN WIDTH	ON LOTS 150 FEET OR GREATER IN WIDTH
a.	Maximum Size: 350 square feet	Maximum Size: 500 square feet
b.	Neither width nor depth shall exceed 20 feet	Maximum dimensions: 20 feet by 25 feet

- (c) Except to the extent that any of the regulations below are in conflict with state statute or DEP rules and regulations or with requirements of the U.S. Fish and Wildlife Commission, all properties described herein shall comply with the following requirements. In regard to the requirements referenced below, in the event of an allegation of conflict between the town rules and the state statute and state rules regarding same, the town shall contact the state and the state will make the final determination in regard to the extent of any conflict.
- (1) No walls, fences, hedges or other structures or growth shall be erected or grown eastwardly of Ocean Boulevard to a height greater than four feet above the surface of the Ocean Boulevard pavement along which such wall, fence or growth is maintained.
- (2) Beach houses in excess of 200 square feet permitted and constructed subsequent to February 8, 1993, shall provide an ocean vista equal to 50 percent of the lot width. Within the vista area, no structure or vegetation shall exceed 30 inches in height measured above Ocean

Boulevard.

- (3) To ensure the ecological integrity of the beach area and enhance the ocean vista, all pest plants recognized as category I and category II invasive exotic species by the Florida Exotic Pest Plant Council shall be removed from the property as a part of a construction permit or as provided in section 66-311. The property shall, thereafter, be maintained free of all these species.
- (4) Any trimming required to bring hedges into compliance with this section shall be effectuated no later than September 30, 2009, unless a DEP permit is required, in which case the provisions of subsection (6) shall apply.
- (5) Existing canopy trees exceeding six feet in height should be trimmed to a height of six feet in accordance with DEP rules. Palm trees shall have a minimum of four feet of clear trunk at the time of planting. Compliance shall be met no later than September 30, 2009, unless a DEP permit is required, in which case the provisions of subsection (6) shall apply.
- (6) The applicant shall provide the town with a coastal construction control line (CCCL) permit from the DEP where trimming and maintenance of vegetation requires a CCCL permit. When CCCL permitting is required through the DEP, the property owner shall request the DEP to issue a CCCL permit that will attain the town ocean vista standards to the maximum extent possible and within the shortest time allowable. Any DEP permit conditions, such as plant height specifications, that may deviate from the town's ocean vista regulations shall take precedence over the town requirements. In the event a permit is required, compliance shall be extended to a date five days subsequent to the date upon which the permit is finally acted on by DEP.
- (7) The potential for the trespass of artificial light to marine nesting habitat shall be taken into consideration for any trimming of existing vegetation.
- (8) No parking will be allowed in the beach area district.

(Ord. No. 2-74, § 5.47(a)(1), 3-26-74; Ord. No. 5-78, § 4, 3-31-78; Ord. No. 7-82, § 4(f), 3-31-82; Ord. No. 1-89, § 3(b), 2-6-89; Ord. No. 1-90, § 3(f), 2-5-90; Ord. No. 1-91, § 3(d), 4-23-91; Ord. No. 1-92, § 3(c), 2-3-92; Ord. No. 1-93, § 3(f), 2-8-93; Ord. No. 1-97, § 10, 2-17-97; Ord. No. 1-04, § 1, 3-9-04; Ord. No. 8-09, § 1, 8-12-09; Ord. No. 4-10, § 4, 2-10-10; Ord. No. 31-2011, § 1, 1-11-12; Ord. No. 17-2019, § 12, 6-12-19)

Sec. 134-1475. - Height, width and length limit for properties adjacent to properties in districts other than R-B.

- (a) No structure or beach building more than one story, but not to exceed 16 feet in height to the highest point of the roof, as measured from the natural grade or crown of the road, whichever is less, with maximum dimensions no greater than 20 feet by 25 feet shall be constructed on the privately owned property lying east of Ocean Boulevard, except as provided for by special

exception under subsection (b). However, this restriction shall not be deemed to apply to public structures and/or buildings approved by the town council, jetties or groins or other structures for the protection of the beachfront.

- (b) For properties lying east of Ocean Boulevard and having a lot frontage in excess of two times the minimum required under section 134-1474, the maximum size of a beach house may be increased up to a maximum 2,000 square feet, provided however that:
 - (1) The maximum width of the structure along the frontage of Ocean Boulevard shall not exceed 45 feet.
 - (2) The required ocean vista shall exist from the front to rear lot lines equal to 75 percent of the lot width;
 - (3) The beach house structure shall be set back not less than 35 feet from the west property line; and
 - (4) All other requirements of sections 134-1473 and 134-1474 are met and the special exception is found to meet the standards of sections 134-227 through 134-233.
- (c) Except to the extent that any of the regulations below are in conflict with state statute or DEP rules and regulations or with requirements of the U.S. Fish and Wildlife Commission, all properties described herein shall comply with the following requirements. In regard to the requirements referenced below, in the event of an allegation of conflict between the town rules and the state statute and state rules regarding same, the town shall contact the state and the state will make the final determination in regard to the extent of any conflict.
 - (1) No walls, fences, hedges or other structures or growth shall be erected or grown eastwardly of Ocean Boulevard to a height greater than four feet above the surface of the Ocean Boulevard pavement along which such wall, fence or growth is maintained.
 - (2) Beach houses in excess of 200 square feet permitted and constructed subsequent to February 8, 1993, shall provide an ocean vista equal to 50 percent of the lot width. Within the vista area, no structure or vegetation shall exceed 30 inches in height measured above Ocean Boulevard.
 - (3) To ensure the ecological integrity of the beach area and enhance the ocean vista, all pest plants recognized as category I and category II invasive exotic species by the Florida Exotic Pest Plant Council shall be removed from the property as a part of a construction permit or as provided in section 66-311. The property shall, thereafter, be maintained free of all these species.
 - (4) Any trimming required to bring hedges into compliance with this section shall be effectuated no later than September 30, 2009, unless a DEP permit is required, in which case the provisions of subsection (6) shall apply.
 - (5)

Existing canopy trees exceeding six feet in height should be trimmed to a height of six feet in accordance with DEP rules. Palm trees shall have a minimum of four feet of clear trunk at the time of planting. Compliance shall be met no later than September 30, 2009, unless a DEP permit is required, in which case the provisions of subsection (6) shall apply.

- (6) The applicant shall provide the town with a coastal construction control line (CCCL) permit from the DEP where trimming and maintenance of vegetation requires a CCCL permit. When CCCL

permitting is required through the DEP, the property owner shall request the DEP to issue a CCCL permit that will attain the town ocean vista standards to the maximum extent possible and within the shortest time allowable. Any DEP permit conditions, such as plant height specifications, that may deviate from the town's ocean vista regulations shall take precedence over the town requirements. In the event a permit is required, compliance shall be extended to a date five days subsequent to the date upon which the permit is finally acted on by DEP.

- (7) The potential for the trespass of artificial light to marine nesting habitat shall be taken into consideration for any trimming of existing vegetation.

- (8) No parking will be allowed in the beach area district.

(Ord. No. 2-74, § 5.47(a)(2), 3-26-74; Ord. No. 5-78, § 4, 3-31-78; Ord. No. 7-82, § 4(f), 3-31-82; Ord. No. 1-89, § 3(b), 2-6-89; Ord. No. 1-90, § 3(f), 2-5-90; Ord. No. 1-91, § 3(d), 4-23-91; Ord. No. 1-92, § 3(c), 2-3-92; Ord. No. 1-93, § 3(f), 2-8-93; Ord. No. 1-97, § 10, 2-17-97; Ord. No. 1-02, § 1, 3-12-02; Ord. No. 1-04, §§ 2, 3, 3-9-04; Ord. No. 2-05, § 8, 5-10-05; Ord. No. 8-09, § 1, 8-12-09; Ord. No. 4-10, § 5, 2-10-10; Ord. No. 31-2011, § 2, 1-11-12; Ord. No. 17-2019, § 12, 6-12-19)