

**ORDINANCE NO. 01-2023**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRINY BREEZES, FLORIDA AMENDING CHAPTER 153. LAND DEVELOPMENT. TO ADDRESS ISSUES OF SEA LEVEL RISE BY CREATING AN ENTIRELY NEW ZONING DISTRICT TO BE CALLED THE “ELEVATED SINGLE-FAMILY HOME OVERLAY DISTRICT” WHICH SHALL BE AN OVERLAY ON EXISTING ZONING DISTRICTS I THROUGH IV AND WHICH SHALL PROVIDE DEVELOPMENT REGULATIONS THAT ALLOW RESIDENCES WITH NON-HABITABLE GROUND FLOORS AND HABITABLE ELEVATED FLOORS AS A SPECIAL EXCEPTION USE, AND WHICH PROVIDE FOR ACCESSORY USES, PARKING, AND UTILITIES, AND WHICH REQUIRE CONFORMANCE WITH APPLICABLE FIRE, BUILDING, AND FLOODPLAIN CODES; SPECIFICALLY AMENDING SECTIONS 153.021, 153.022, 153.024, 153.025, AND 153.027; AND CREATING AN ENTIRELY NEW SEC. 153.0285; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 153. LAND DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Town of Briny Breezes is a duly constituted municipality located on the east coast of Florida in Palm Beach County, with both ocean and intracoastal waterway access; and

**WHEREAS**, the Town of Briny Breezes, like all Florida coastal communities, is facing land development and infrastructure challenges due to both aging existing infrastructure and flooding issues from rising tide action and storm events; and

**WHEREAS**, much of the Town of Briny Breezes is located in a FEMA flood zone, and will have to contend with significant changes to base flood elevation requirements due to updated FEMA flood zone maps which are anticipated to become final in the near future; and

**WHEREAS**, in order to help combat these issues, the Town Council of the Town of Briny Breezes desires to update the Town’s land development regulations by creating a “Elevated Single-Family Home Overlay District” which will permit installation of housing which conforms to new FEMA flood elevation requirements, which may be on a foundation or elevated on “piers” which contains no habitable space on the ground floor; which permits up to one additional story (for a total of two stories) of habitable space

above the ground floor level; which requires compliance with applicable building and fire codes; and which provides utility regulations, site development regulations, and aesthetic regulations; and

**WHEREAS**, the Town Council of the Town of Briny Breezes has determined that the proposed land development regulations as set forth herein shall safeguard the health, safety, and welfare of the citizens of the Town of Briny Breezes.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRINY BREEZES, FLORIDA, THAT:**

**SECTION 1:** Chapter 153. Land Development Code. Is hereby amended at Sec. 153.021. Definitions. to revise certain definitions and add new definitions all related to a new “Elevated Single Family Home Overlay District”; providing that Sec. 153.021 shall hereafter read as follows:

**§ 153.021 DEFINITIONS (ZONING).**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDON.** To discontinue a use for more than 12 consecutive months.

**ACCESSORY BUILDING.** A subordinate building or portion of the main building, the use of which is incidental to that of the main building.

**ACCESSORY USE.** A use customarily incident to the principal use of land or building located on the same lot, plot or parcel. An accessory use does not stand alone, but rather serves or supports the primary use of the lot, plot or parcel. Examples of accessory uses include, but may not necessarily be limited to the following: Parking spaces, signs, fences, domestic pet kennels, sheds or dock boxes, solar panels.

**ALLEY.** Right-of-way providing a secondary means of access and service to abutting property.

**ALTERATIONS.** As applied to a building, mobile home or structure, means a change or re-arrangement in the structural parts or in the existing facilities or an enlargement thereof, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**AREA, LOT.** The total area within the property lines, excluding external streets or the easement for the right of way for streets.

**AWNING.** A roof or covering over a patio, porch or window area which is permanently open on three sides.

**BREAKAWAY WALLS.** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**BUILDING.** A structure, including a manufactured housing unit or qualified modular home, with or without a roof, intended for shelter, occupancy or enclosure, other than a boundary wall or fence. All building construction, renovation, and demolition in the town, and all exterior work associated with a mobile home in the town shall be subject to the requirements of the then current edition of the Florida Building Code.

**BUILDING, ACCESSORY.** A subordinate building or a portion of the main building on a lot, or on a combination of lots unified in a single building site, the use of which is customarily incidental to that of the main or principal building.

**BUILDING, BACK SIDE.** The non-entry side of the building, home or mobile home.

**BUILDING, FRONT END.** The front end of the building, home or mobile home.

**BUILDING, FRONT SIDE.** The side nearest the front line of the lot. The front side of a waterfront lot shall be the side abutting the street serving the lot. The side of the lot which is bounded by water, shall be considered the rear side.

**BUILDING, HEIGHT.** Overall building height is the vertical distance from the crown average elevation of the nearest adjacent street or road existing, natural grade at the building to the highest point of the roof. ~~Where fill is required by a governmental regulation (whether of the town, or by other governmental regulation), the vertical distance shall be measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.~~

**BUILDING LINE.** The line established by law, beyond which a building shall not extend, except as specifically provided herein. Also referred to herein as SETBACK LINE.

**BUILDING, REAR SIDE.** The rear side is the side opposite the front side.

**BUILDING OFFICIAL.** The Building Official of the town, or his or her designated representative.

**BUILDING, REAR END.** The back, or rear end of the building, home or mobile home.

**CABANA.** A small shelter, expando, screen room or secondary unit to a building, home or mobile home.

**CARPORT.** A roofed area open on one, two or three sides and attached to a main building, for the storage of one or more vehicles.

**CLUB.** Buildings or facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**COMBINATION UNIT.** A combination of a building, home or mobile home used in conjunction with a cabana, a porch, or an awning, or any combination thereof.

**COUNCIL, TOWN.** Town Council of the Town of Briny Breezes.

**CROWN OF THE ROAD.** The highest point of the road.

**COURT.** An unoccupied open space, other than a yard, which is bounded on three or more sides by walls in excess of three feet in height, at least one, but not more than three of which are the walls of a building.

**COVERAGE.** The percentage of the plot or lot area covered by the building area.

**DEVELOPER.** Any person, including a governmental agency, undertaking any development.

**DEVELOPMENT.** The carrying out of any building activity or operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

**DEVELOPMENT ORDER.** Any order granting, denying or granting with conditions an application for a development permit.

**DEVELOPMENT PERMIT.** Any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, special permit, site plan approval, plat approval, transfer of development rights, variance, or any other official action of the town having the effect of permitting the development of land.

**DISTRICT.** Any section of the certain described area of the Town of Briny Breezes Zoning Map to which these regulations apply and within which the zoning regulations are uniform.

**DOCK.** A structure built on or over the water which is designed or used to provide anchorage for and access to one or more boats. PIERS shall be synonymous with DOCK.

**DWELLING, SINGLE-FAMILY.** Any building, home or mobile home used wholly for habitation and occupancy by one family. This includes MOBILE HOMES, MANUFACTURED HOMES, MODULAR HOMES, and ELEVATED SINGLE FAMILY HOMES.

**EGRESS ROOF ACCESS WINDOW.** A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements of Section R310.2, Florida Building Code.

**ELEVATED SINGLE FAMILY HOME.** A room or rooms connected together constituting a separate, independent housekeeping establishment for a single family, for owner occupancy, or for rental or lease to a single family and physically separated from other dwelling units, and containing sleeping and sanitary facilities and one kitchen elevated to meet all requirements of the Florida Building Code and the Federal Emergency Management Agency.

**FILL.** Material such as soil, gravel, or crushed stone which is deposited in an area to increase the ground elevation. Fill is usually placed in layers and compacted, or, where the density of earth fill is increased so that it will provide a sound base.

**EXCAVATIONS.** Removal of earth material for purposes other than that incidental to and used on the site of authorized construction.

**EXISTING USE.** Lots, structures, occupancies, uses, characteristics of use, or a combination thereof that are existing as of the date of adoption of this chapter.

**FAMILY.** Any number of individuals related by blood, marriage or legal adoption, and not more than two persons not so related, living together as a single housekeeping unit.

**GARAGE, PRIVATE.** An enclosed space for the storage of one or more motor vehicles, provided that no business occupation or service is conducted for profit therein.

**GRADE, ESTABLISHED.** The elevation of the centerline of the streets as officially established by the town.

**GRADE, FINISHED.** The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

**GREENHOUSE.** A structure constructed, in part, with glass, plastic or other transparent or translucent material, designed for and/or utilized for the growing of plants and flowers.

**HEDGE.** A fence or boundary formed by a row of shrubs or low trees planted close together, including a thicket when planted as a fence or boundary.

**HOME OCCUPATIONS.** Occupations carried on entirely within a dwelling and only by members of the family permanently living therein, where products are not offered for sale from the premises and no commercial vehicles are kept on the premises or parked overnight on the premises.

**LANDING PLATFORM.** A landing provided as the top step of a stairway accessing a loft.

**LIMITED STORAGE.** That which is incidental and accessory to the principal use of the structure. For example, if the structure is a residence, storage should be limited to items such as lawn and garden equipment, tires, and other low damage items which will not suffer flood damage or can be conveniently moved to the elevated part of the building. Flood insurance coverage for enclosures below the base flood elevation (BFE) is very limited.

**LOFT.** A floor level located more than 30 inches (762 mm) above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.

**LOT.** Same as SPACE. Abutting lots, when combined and unified as a single building site, shall be considered as one lot or space. A lot can support MOBILE HOMES, MANUFACTURED HOMES, MODULAR HOMES, and ELEVATED SINGLE FAMILY HOMES.

**LOT, CORNER.** A lot abutting upon two or more streets at their intersections.

**LOT, INTERIOR.** Any lot which is not a corner lot.

**LOT LINES.** The lines abounding a lot.

**LOT LINE, FRONT.** The line dividing a lot from a street. On a corner lot, only one street line shall be considered as a front line; provided, where the length of a shorter street line is less than 90% of the length of the longer street lot line, the shorter line shall be considered the FRONT LOT LINE.

**LOT LINE, REAR.** The lot line opposite or most distant from the front lot line. In case of an irregular, triangular or gore-shaped lot, wherein the two side lot lines converge in the rear, it shall mean a line within the lot, ten feet in length, parallel to and at the maximum distance from the front lot line.

**LOT LINE, SIDE.** The lot line which forms a side boundary of a lot is not a front lot line nor a rear lot line.

**LOT, THROUGH.** Any lot having frontage on two parallel or approximately parallel streets or highways.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area. An unfinished or flood resistant enclosure, including but not limited to breakaway wall enclosures, usable solely for parking of vehicles, building access or storage is considered a lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

**MANUFACTURED HOME or HOUSING UNIT.** A mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act. All manufactured home construction, renovation, and demolition in the town shall be subject to the requirements of the then current edition of the Florida Building Code, as well as F.S. Ch. 553, Part 1.

**MANUFACTURED HOUSING COMMUNITY.** Same as MOBILE HOME PARK.

**MOBILE HOME LOT (SPACE).** Same as TRAILER SITE. A parcel of land within a mobile home park which is designed to accommodate one mobile home, trailer, manufactured housing unit or qualified modular home, together with accessory buildings or structures, and including the open spaces required under this code.

**MOBILE HOME.** A structure which is transportable in one or more sections, which is eight body feet or more in width, which is built on an integral chassis, and designed to be used as a single family, one-story dwelling when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein. The initials M.H. shall be used as the abbreviation of this term. With the exception of exterior work associated with a mobile home that is subject to the Florida Building Code, all MOBILE HOMES in the town, and all interior renovation of mobile homes in the town shall

be subject to the requirements of the then current edition of the Manufactured Home Construction and Safety Standards, promulgated by the Department of Housing and Urban Development, and the Mobile/Manufactured Home Repair and Remodeling Code (F.A.C. § 15-C-2.0081) pursuant to the Manufactured Housing Improvement Act. **MOBILE HOME PARK.** A use of land in which lots or spaces are offered for ownership, proprietorship, rent or lease for the placement thereon of mobile homes, trailers, manufactured homes or qualified modular homes, in a community setting or park in which the primary use is residential. Same as **MANUFACTURED HOUSING COMMUNITY.**

**MODULAR HOME.** A building which is assembled on an approved building site from components manufactured off-site in the form of separate elements or modular units produced in standardized sizes and designs which can be arranged and fitted together in a variety of relationships that upon completion form a detached one story single-family residence.

**MODULAR HOME, QUALIFIED.** A modular home that meets each of the following requirements:

- (1) The separate elements or modular units are fabricated off-site into one or more structures or sections on an integral frame or chassis with running gear attached;
- (2) The structures or sections are designed and built to be drawn as a vehicle upon the streets and highways by a motorized towing vehicle;
- (3) The structures or sections are designed and built so that the exterior of the finished housing unit is similar to a mobile home in style and appearance; and
- (4) The finished housing unit is one designed and manufactured for assembly upon a mobile home lot for occupancy as a detached single-family one-story dwelling unit in a mobile home park when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein.

**OFF-STREET PARKING.** An area of approximately nine feet in width by 20 feet in depth for the parking of one automobile. Newly established off-street parking facilities, including access drives and aisles, shall be paved according to specifications of the Florida Department of Transportation or as approved by the town. Commercial parking spaces may be marked by edging, painted lines, precast curbs or similar fashion to indicate the



individual parking space. Residential parking spaces may include the driveway, carport or garage, or any space of any dimension which are provided by an owner for vehicle parking purposes.

**OPEN SPACE - YARD.** An unoccupied space open to the sky on the same lot with a building or mobile home.

**OWNER.** As applied to a building or land area, the term OWNER shall include any part owner, joint owner, corporate owner, any unit owner in a cooperative form of property ownership, any shareholder in a corporate form of cooperative ownership, trustee, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building, mobile home, land or water area.

**OWNER OF PROPERTY.** Same as OWNER.

**PARKING.** The temporary, transient storage of motor vehicles used for transportation, while their operators are engaged in other activities.

**PARKING PAD.** A hard and durable surface constructed of a permeable surface such as permeable interlocking brick, permeable pavers or similar material designed and constructed to ensure a stable surface for the parking of motor vehicles and similar items.

**PATIO.** A flat concrete or wood floor not over seven and one-half inches above the ground ~~with no railing.~~

**PIERS.** Vertical support member of masonry.

**PORCH.** A concrete or wood floor higher than seven and one-half inches above the ground and generally with a railing around it.

**PROPERTY OWNER.** Same as OWNER.

**PUBLIC UTILITY.** Any organization, either private or governmental, which owns and/or operates facilities for the rendering of services to the general public, such as electric, gas, communications, television signals, transportation, water supply, sewage disposal, water conservation, drainage and garbage or refuse disposal.

**RESTAURANT.** Every building or other structure and all outbuildings in connection therewith and any room or rooms within any building or other structure or any place of location kept, used, maintained and advertised as or held out to the public for the primary purpose as a place where food is prepared and served, either gratuitously or for consideration.

**SETBACK.** Shall be synonymous with the words BUILDING LINE.

**SIGN or SIGNS.** An object or device which is designed, intended, used or located so as to be visible by the public from outdoors for the purpose of advertising the property, establishment or enterprise, including roads and services, upon which the sign is located, or to convey a non-commercial message. This definition shall include all parts, portions, frame, background, structure, support and anchorage thereof.

**SPECIAL EXCEPTION.** A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance or prosperity is permissible. Such uses may be permitted in such zoning districts as special exceptions as outlined in the applicable zoning district.

**SPECIAL PERMIT.** A conditional approval by the town for a temporary use not provided for under the general regulations of this chapter.

**SQUARE FOOTAGE.** Applies to total size of a lot or site and for a rectangular lot is determined by multiplication of the width of the lot or site by the depth of the lot or site. The SQUARE FOOTAGE of a building, structure or mobile home, which is rectangular in shape, shall be determined by the multiplication of the exterior width of the building, structure or mobile home, by the exterior length of such unit.

**SPACE.** Same as LOT, and means a parcel of land within a mobile home park, which may be made up of a combination of lots held under a unity of title, which is designed to accommodate one mobile home, trailer or manufactured housing unit.

**STORY.** The part of a building contained between any floor and the floor or roof next above.

**STREET.** A public or private thoroughfare which affords any means of access to property. This definition shall include any accessway, such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place or cul-de-sac and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those accessways such as easements and rights-of-way intended solely for limited utility

purposes, such as electric power lines, gas lines, telephone lines, water lines, drainage and sanitary sewers and easements of ingress and egress.

**STRUCTURE.** Anything constructed or erected, the use of which requires permanent location on the land, or attachment to something having a permanent location on the land. A driveway shall be considered a STRUCTURE for the purpose of this subchapter; moreover, any concrete, asphalt or other permanent surfacing placed upon a lot such as, but not limited to, a concrete slab under a mobile home, a foundation for an ELEVATED SINGLE FAMILY HOME, an open patio, air conditioning pad or an apron adjacent to a swimming pool shall also be considered a structure for the purpose of this subchapter and for the purpose of determining setback lines. A mobile home, trailer or manufactured housing unit, affixed to a lot, shall be considered a STRUCTURE.

**TEMPORARY HOUSING NEED.** A need for temporary housing within the town created by, a hurricane or other disaster-related event that has damaged or destroyed a substantial number of the permanent places of residence within the town causing the displacement of the occupants thereof who need safe, sanitary and adequate housing to continue their residency within the town until their homes can be repaired, rebuilt or replaced.

**TEMPORARY HOUSING NEED DECLARATION.** A declaration by the Town Council that an emergency exists producing a serious threat to the public, health, safety and general welfare due to the damage or destruction of the town from a hurricane or other disaster related event that has displaced a substantial number of residents from their homes and has created an emergency need for temporary housing units to provide them with safe, sanitary and adequate housing for their continued shelter until their homes can be repaired, rebuilt or replaced, and that also authorizes the use of temporary housing units for such purpose. The Town Council shall enact a declaration for the need for temporary housing units whenever required to protect the public against a serious threat to its health, safety and general welfare.

**TEMPORARY HOUSING UNIT.** Including any unit that may be supplied for such purpose by a governmental agency, FEMA or any other bona fide disaster relief agency, is hereby defined as any self-contained trailer, travel trailer or motorized recreational vehicle, except a pop-out or a tent, that is designed and constructed for temporary or continuous

use for human habitation, provided that it also meets all temporary housing requirements of the town's Building Code.

**TEMPORARY STRUCTURE.** Anything constructed or erected, the design of which or intended use of which, is other than permanent, long term or indefinite life, by design or use.

**TERRACE.** An unoccupied open space, which is contiguous to and bounded on at least one, but not more than two sides by the walls of a building. It may be bounded on one or more of the other sides by a wall or similar enclosure having a height of three feet or less.

**TRAILER.** Same as MOBILE HOME.

**TRAILER PARK.** Same as MOBILE HOME PARK.

**TRAILER SITE.** Same as MOBILE HOME LOT OR SPACE. A lot, space or plot of ground within a mobile home park or trailer park, designated for the accommodation of not more than one mobile home, trailer, manufactured housing unit or qualified modular home.

**TRAVEL TRAILER.** Same as TRAILER or MOBILE HOME.

**TRUSTEE.** A legal representative of another person under a trust relationship. Where a trustee is an owner of property in the town, this term shall have the same meaning as OWNER.

**USE.** The specific purpose for which land, buildings or structures are designated, arranged, intended or used for which purpose it is or may be occupied, used or maintained.

**VARIANCE.** A waiver or relief from the specific area and bulk requirements of the zoning ordinance or code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the ordinance or code would result in unnecessary and undue hardship.

**VEHICLE.** Any automobile, truck, bus, trailer (but only when in mobile operating condition), camper, motorcycle or motor home used to transport people or goods.

**VERTICAL DATUM.** A surface of zero elevation to which heights of various points are referenced and is a collection of specific points on the Earth with known heights either above or below mean sea level. Near coastal areas, mean sea level is determined with a tide gauge. The National Geodetic Survey is responsible (among other things) for the

definition, access and maintenance of geodetic vertical datums. The current vertical datum for the contiguous United States and Alaska is the North American Vertical Datum of 1988 (NAVD 88). Datums are maintained and updated by the National Geodetic Survey and generally there is a conversion factor between one datum and the next when a new one is adopted.

**YARD, FRONT.** An open, unoccupied space on the same lot with a main building extending the full width of the lot and situated between the street line and the front line of the building, projected to the side line of the lot. The depth of the FRONT YARD shall be measured between the front line of the building and the street line.

**YARD, REAR.** An open, unoccupied space on the same lot with a main building extending the full width of the lot and situated between the rear line of the lot and the rear line of the building, projected to the side lines of the lot. The depth of the REAR YARD shall be measured between the rear line of the lot and the rear line of the building.

**YARD, SIDE.** An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line which is not a rear line or front line shall be deemed a side lot line.

**ZONING BOARD.** The Planning and Zoning Board of the Town of Briny Breezes.

**ZONING OFFICIAL.** The Zoning Official of the Town of Briny Breezes, or his or her designated representative.

**SECTION 2:** Chapter 153. Land Development Code. Is hereby amended at Secs. 153.022 through 153.028 to conform existing land development code text to new Elevated Single Family Home Overlay District text; providing that Sections 153.022 through 153.028 shall hereafter read as follows:

**§ 153.022 DESIGNATION OF DISTRICT BOUNDARIES.**

(A) *Establishment of use districts.* For the purpose of promoting the public health, safety, morals and general welfare of the community, and to preserve the residential mobile home character of the community of the town, which has been created in part by its unique geography, the town, is hereby divided into the following designated zoning districts:

- (1) Residential Mobile Home District I (RMH-I);

- (2) Residential Mobile Home District II (RMH-II);
- (3) Residential Mobile Home District III (RMH-III);
- (4) Residential Mobile Home District IV (RMH-IV);
- (5) Residential Mobile Home District V (RMH-V);
- (6) Commercial District (C-1);
- (7) Public and Semi-Public District (PSP-1);
- (8) Recreation District (R-1); and
- (9) Parking and Landscape District (PL-1).

(B) *Designation of district boundaries.* The boundaries of each district are designated and established as shown on the official zoning map of the town. The zoning district categories or type of usage correspond to the land use designations shown on the existing and future land use maps of the town. The land which is designated for residential use on the aforesaid land use maps is further divided into five residential mobile home districts based upon the existing development located within each district and its individual traditions and patterns of community development. The boundaries of the districts shown upon the official zoning map are hereby adopted and approved. The regulations of this code governing the use of land and water, buildings and structures, the height of buildings, lot areas, setbacks, floor areas, lot coverage, parking and loading requirements, are hereby declared to be in effect upon all land and water included within the boundaries of each and every district shown upon the official zoning map.

#### **§ 153.024 EXISTING USES.**

(A) *Generally.* The town is a fully developed community which was designed and intended predominantly for residential use in single-family mobile homes. A lesser area of the town is fully developed to support and serve the residential use under various nonresidential land uses. Less than one acre of vacant land is available for new development, which would be utilized within the existing pattern of development. There is no realistic opportunity for annexation of additional lands to increase the town boundaries. The primary concern of the town, therefore, is to continue the present pattern of land development and the existing use and

occupancy of the mobile homes and buildings thereof by the citizens and residents of the town while also recognizing the need to permit more resilient home construction opportunities.

(B) *Purpose.* It is the purpose of this subchapter to permit the continuation of those lots, mobile homes and buildings, structures, occupancy, uses, characteristics of use or combinations thereof, which were in accordance with the regulations that were in effect before the passage of this subchapter and the Land Development Code of the town, including any such use and occupancy which would be prohibited, regulated or restricted under the terms of this code or any future amendments thereto. For purposes of this subchapter, an EXISTING USE is defined as a lot, structure, occupancy or use or combination thereof that was in existence before the effective date of this subchapter and this chapter. Any structure in an “existing use” area may from time to time be repaired or improved, provided however that any such repair or improvement shall not extend the structure beyond its reasonable useful life expectancy, nor reduce the amount of required open space, nor reduce the minimum setback requirement. It is the further purpose of this subchapter that all future replacement of mobile homes must meet the current setback requests and must also conform to the new regulations applicable thereto.

(C) *Intent.* It is the intent of this subchapter and this chapter to accept and approve the use, lots, structures and all characteristics of use and occupancy of those mobile homes, trailers and manufactured housing units and conventional buildings and structures which were in conformance prior to the enactment of this subchapter and the land development code of the town, which are located within the Districts designated as Residential Mobile Home Districts I through V, inclusive, Commercial District, Parking and Landscaping District, Public and Semi-Public District and Recreation District, as shown on the official zoning map of the town.

(D) *Overlay district.* Given the location of Briny Breezes on a barrier island, and the increasing impacts of sea level rise and coastal flooding, the town recognizes the benefit to residents for home construction that permits residential units within existing lots. In order to support such construction, the town has created an overlay district that will maintain the underlying residential setbacks and dimensions, but

allow for limited vertical home construction in Districts I-IV so that property owners can elevate homes out of the floodplain with permanent structures. Elevation of properties (not homes) with fill in Districts III and IV will be phased to address flooding impacts that will occur in conjunction with home reconstruction and in coordination with other capital improvements including, but not limited to roads, drainage and the shoreline. The goal is to maintain the character of Briny Breezes, but to support resilient elevated residential units (limited to two stories) and properties that will reduce risk and hazards to people and property.

**§ 153.025 APPLICATION OF REGULATIONS.**

- (A) *General.* All development undertaken in the town and all development orders and permits issued pursuant to this chapter shall be consistent with the adopted Comprehensive Plan for the town.
- (B) *Use and occupancy.* Except as otherwise provided in this subchapter, no building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located. All uses, densities and activities in the town shall comply with land use elements of the Comprehensive Plan.
- (C) *Construction and remodeling.* Except as otherwise provided in this subchapter, no building shall hereafter be erected or altered:
  - (1) To exceed the height;
  - (2) To accommodate or house a greater number of families;
  - (3) To occupy a greater percentage of lot area; and
  - (4) To have narrower or smaller rear yards, front yards or side yards, than is specified herein for the district in which such building is located.
- (D) *Preserving existing setback and spacing requirements.* Except as otherwise provided in this subchapter, the minimum setback requirements, yard areas and spacing requirements between mobile homes shall be maintained against further reduction in the event of replacement of existing structures by new mobile home or other residential units. No part of a yard or other open space required adjacent to any



building for the purpose of complying with the provisions of this subchapter shall be included as part of a yard or other open space required for another building.

**§ 153.027 ZONING USE DISTRICTS.**

- (A) *Residential districts.* The residential zoning district of the town shall consist of the areas shown as residential (mobile home) use districts on the official zoning map of the town. This residential area or zone is further divided into five sub-districts or zones which are named, designated and located with reference to the Park Plat for the town as hereinafter set forth. An Elevated Single-Family Home Overlay District (ESFH-I) shall apply in specific residential districts as specified § 153.0285 and this Code. The provisions of the ESHF-I Overlay District shall apply in addition to the applicable requirements of the underlying zoning district.
- (B) *Development pattern and density.*
- (1) The town is fully developed. All current residential structures in the town are single-family, one-story mobile homes.
  - (2) There are approximately 550 platted lots or spaces for mobile home or other residential unit placement in the town. Lot configuration is either rectangular or aligned on a bias as a parallelogram.
  - (3) Lot size varies from the approximate dimensions of 30 to 70 feet in length and 20 to 40 feet in width. Lot area varies from the approximate minimum of 800 square feet to the approximate maximum of 3,000 square feet. The total land area of the town is approximately 43 acres.
  - (4) The area comprising the five residential mobile home districts of the town has, collectively, an approximate average density of 26 units per acre. This is the maximum allowable for the average density for the town.
- (C) *RMH - I District Location.* Residential Mobile Home District I (RMH-I) shall be the present Block 1 of the Park Plat, bounded by Briny Breezes Boulevard, Ruthmary Avenue, old Ocean Boulevard and Highway A1A.
- (D) *RMH - I setback dimensions.* The setback dimensions for the mobile homes in the RMH-I District shall be as stated in the following table and notes.

<b>Setback Dimension Table for RMH-I District</b>				
<b>Rows</b>	<b>Item</b>	<b>Front-End Setback</b>	<b>Rear-End Setback From Lot Line</b>	<b>Setback Between Other Sides of Adjacent Units</b>
A & F	M.H.	Edge of sidewalk	2 feet	10 feet
F20-27	M.H.	Inside wall	2 feet	10 feet
B & E	M.H.	2 feet from street	2 feet	10 feet
CD	M.H.	1 foot 6 inches from street	1 foot 6 inches from street	10 feet

Notes to setback table for RMH-I District:

A. The term *SIDEWALK* as used in the above table means the east-west sidewalk along the north side of Briny Breezes Boulevard for the Lots in Block A, and the east-west sidewalk along the south side of Ruthmary Avenue for the Lots in Block F.

B. The term *STREET* as used in the above table means Bamboo Drive for the Lots in Block B, Bamboo and Cedar Drive in Block CD, and Cedar Drive for the Lots in Block E.

C. East Setbacks.

1. In addition to the setbacks required by the above table, the general rule is hereby established that there shall also be a minimum setback of one foot from the west edge of the north-south sidewalk along the west side of Old Ocean Boulevard, subject to the further modifications that follow.

2. For Lots A-2 and E-1, the east side setback that is established in the above Setback Table does not apply. The east side setback for Lots A-2 and E-1 shall be a minimum of one foot from the west edge of the north-south sidewalk along the west side of Old Ocean Boulevard.

3. For Lots B-1, CD-1 and F-1, there shall be established a minimum setback of one foot from the west edge of the north-south sidewalk along the west side of Old Ocean Boulevard in addition to those setbacks included in the above Setback Table.

D. All patio awnings, including gutters, must be at least five feet from any other structure.

E. Cabana (add-a-room) shall be set five feet from front and rear of the mobile home. When the lot backs into another lot in the rear, the cabana or add-a-room must be at least seven feet from rear lot line.

F. There must be ten feet between any two enclosed structures except when the rear of the structure is opposite the rear of another structure. Example: between two single-wide mobile homes or between a single-wide mobile home and a double-wide mobile home.

G. All roof extensions and protrusions shall be included and referenced as points of measurement in determining setbacks. The only exception will be for siding, door casings and window casings, which shall not exceed a maximum of one and one-half inches, and for gutters, which shall not exceed a maximum of five inches. No extension shall be allowed over a public right-of-way.

- (E) RMH-II District location. Residential Mobile Home District II (RMH-II) shall be present Block 2 of the Park Plat, bounded by Ruthmary Avenue, Cordova Avenue, Old Ocean Boulevard and Highway A1A, but excluding the shuffle board and accessory area which is part of the Recreation (R-1) District.
- (F) RMH-II setback dimensions. The setback dimensions for the mobile homes in the RMH-II District shall be as stated in the following table and notes.

<i>Setback dimension table for RMH-II District</i>				
<i>Rows</i>	<i>Item</i>	<i>Front-end Setback</i>	<i>Rear-End Setback From Lot Line</i>	<i>Setback Between Other Sides of Adjacent Units</i>
G & L	M.H.	Edge of sidewalk	2 feet	10 feet
	Awning	1 foot from M.H. corner	2 feet from M.H. corner	N/A
H & K	M.H.	1 foot from street	2 feet	10 feet
	Awning	1 foot from M.H. corner	2 feet from M.H. corner	N/A
I & J	M.H.	2 feet from street	2 feet	10 feet
	Awning	1 foot from M.H. corner	2 feet from M.H. corner	N/A

**Notes to setback table for RMH-II District**

A. The term SIDEWALK as used in the above table means the east-west sidewalk along the north side of Ruthmary Avenue for the Lots in Block G, and the east-west sidewalk along the south side of Cordova Avenue for the Lots in Block L.

B. The term STREET as used in the above table means Hibiscus Drive, excluding the north-south portion thereof, for the lots in Blocks H and I, and Juniper Drive for the lots in Blocks J and K.

**C. East setbacks.**

1. In addition to the setbacks required by the above table, the general rule is hereby established that there shall also be a minimum setback of one foot from the west edge of the north-south sidewalk along the west side of Old Ocean Boulevard, subject to the further modifications that follow.

2. For Lots G-2, I-1 and K-2, the east side setback that is established in the above Setback Table does not apply. The east side setback for Lots G-2, I-1 and K-2 shall be a minimum of one foot from the west edge of the north-south sidewalk along the west side of Old Ocean Boulevard.

3. For Lots H-1, J-1 and L-2, there shall be established a minimum setback of one foot from the west edge of the north-south sidewalk along the west side of old Ocean Boulevard in addition to those setbacks included in the above Setback Table.

D. All patio awnings, including gutters, must be at least five feet from any other structure.

E. Cabana (add-a-room) shall only be allowed on double lots and shall be set five feet from the front and rear of the mobile home. When the lot backs into another lot in the rear, the cabana or add-a-room must be at least seven feet from the rear lot line.

F. There must be ten feet between any two enclosed structures except when the rear of the structure is opposite the rear of another structure. Example: between two single-wide mobile homes or between a single-wide mobile home and a double-wide mobile home.

G. All roof extensions and protrusions shall be included and referenced as points of measurement in determining setbacks. The only exception will be for siding, door casings and window casings, which shall not exceed a maximum of one and one-half inches, and for gutters, which shall not exceed a maximum of five inches. No extension shall be allowed over a public right-of-way.

RMH-III District location. Residential Mobile Home District III (RMH-III) shall be the present Block 4 and 5 of the Park Plat, bounded by the south town boundary line, Flamingo Drive, Banyan Boulevard and Marine Way, but excluding the marina property which is part of the Recreation (R-1) District.

- (H) RMH-III setback dimensions. The setback dimensions for the mobile homes in the RMH-III District shall be as stated in the following table and notes:

<i>Setback dimension table for RMH-III District</i>				
<i>Rows</i>	<i>Item</i>	<i>Front-End Setback</i>	<i>Rear-End Setback From Lot Line</i>	<i>Setback Between Other Sides of Adjacent Units</i>
BCDEHIJKLM	M.H.	2 feet from street to M.H. corner	See notes	10 feet
FGN	M.H.	1 foot from street	See notes	10 feet

**Notes to setback table for RMH-III District**

- A. All patio awnings, including gutters, must be at least five feet from any other structure.
- B. Cabana (add-a-room) shall be set five feet from front and rear of the mobile home. When the lot backs into another lot in the rear, the cabana or add-a-room must be at least seven feet from rear lot line.
- C. There must be ten feet between any two enclosed structures except when the rear of the structure is opposite the rear of another structure. Example: between two single-wide mobile homes or between a single-wide mobile home and a double-wide mobile home. An exception is permitted when the rear back sides of two mobile homes are opposite each other, in which event the minimum spacing requirement is four feet. When replacing an existing mobile home, the present spacing must be maintained, which is from four feet up to ten feet.
- D. All roof extensions and protrusions shall be included and referenced as points of measurement in determining setbacks. The only exception will be for siding, door casings and window casings, which shall not exceed a maximum of one and one-half inches, and for gutters, which shall not exceed a maximum of five inches. No extension shall be allowed over a public right-of-way.

- (I) RMH-IV District location. Residential Mobile Home District IV (RMH-IV) shall be the present Blocks 6, 7, and 8 of the Park Plat, bounded by Flamingo Drive, the north town boundary, Banyan Boulevard and the Intracoastal Waterway.
- (J) RMH-IV setback dimensions. The setback dimensions for the mobile homes in the RMH-IV District shall be as stated in the following table and notes.

<i>Rows</i>	<i>Item</i>	<i>Front-End Setback</i>	<i>Rear-End Setback From Lot Line</i>	<i>Setback Between Other Sides of Adjacent Units</i>
OQRT	M.H.	To street	13 feet from inside of seawall	10 feet but 3 feet, 6 inches from common lot line
P & S	M.H.	2 feet from street	See notes	10 feet but 3 feet, 6 inches from common lot line
U	M.H.	2 feet from street	6 feet from inside of seawall	3 feet, 6 inches from common lot line
V	M.H.	2 feet from street		10 feet but 3 feet, 6 inches from common lot line

**Notes to setback table for RMH-IV District**

A. A minimum setback of four and one-half feet from South Ibis Drive and one foot from North Ibis Drive shall apply on Lots S-206, S-207, S-208 and S-209. A minimum setback of two feet from South Heron and one foot from North Heron shall apply on lots P-207, P-208, P-209 and P-210.

B. A minimum setback of 13 feet from the water's edge on the Intracoastal Waterway shall apply on lots O-214, O-215, Q-213, R-212, T-211 and T-212.

C. All patio awnings, including gutters, must be at least five feet from any other structure.

D. Cabana (add-a-room) shall be set five feet from the front and rear of the mobile home.

E. There must be ten feet between any two enclosed structures.

F. All roof extensions and protrusions shall be included and referenced as points of measurement in determining setbacks. The only exception will be for siding, door casings and window casings, which shall not exceed a maximum of one and one-half inches, and for gutters, which shall not exceed a maximum of five inches. No extension shall be allowed over a public right-of-way.

(K) RMH-V District location. Residential Mobile Home District V (RMH-V) shall be that part of the park plat bounded by West Bamboo Drive, Banyan Boulevard, Marina Drive and Highway A1A.

(L) RMH-V setback dimensions. At the present time there is no setback table and notes to state the setback dimensions for the type of mobile home units in Residential Mobile Home District V. This division (L) is reserved to set forth this information when it is established.

(M) Minimum setback requirement. Whenever, under the provisions of this chapter, there has been no specific setback requirement established for any street or roadway within the town, such as at cross-streets or for lots on corner locations, a minimum setback requirement shall be established by the zoning official. This setback requirement shall be used for the siting of any mobile home having need to be

located with reference to the boundary line of said right-of-way. Any person thereby aggrieved by the distance requirement so established for this setback may have such decision reviewed by the Town Council sitting as the Board of Adjustment in the manner provided in this chapter according to the provisions so made and provided for such appeals.

(N) ESFH District location. The ESFH District (ESFH-1) shall consist of the Residential Mobile Home Districts I through IV which are so designated on the official zoning map.

(O) ESFH setback dimensions. Setback dimensions for the ESFH-I District shall be those consistent with the setbacks established in the dimension tables for the RMH-I, II, III and IV Districts within this subsection.

#### **§ 153.028 ORIGIN AND STATUS OF RESIDENTIAL DISTRICTS.**

(A) Generally. The five mobile home residential districts enumerated above are each single-family residential districts, consisting of one-story, mobile home units located, established and put in place prior to the date of enactment of this subchapter. It is the purpose and intent of this subchapter to permit and allow each residential mobile home district to continue to accommodate the housing, use, occupancy and character or theme of such district as it lawfully existed in this mobile home park prior to the enactment of this subchapter. It is intended thereby to preserve the character, quality and historical nature of the existing community, in accordance with the adopted Comprehensive Land Use Plan for the town.

(B) Uses permitted in RMH I to IV Districts. In Residential Mobile Home Districts I through IV, inclusive, the land, buildings, mobile homes or premises which constitutes a unified building site, may be used by right only for one or more of the following purposes:

- (1) A detached single-family one story mobile home, trailer, manufactured housing unit or qualified modular home affixed to a foundation upon a designated lot;
- (2) All new mobile home units hereafter located within the town are required to be all electric;

- (3) Customary accessory uses and structures, for mobile homes provided such uses and structures are incidental to the principal use and do not include any activity not permitted in said district nor commonly conducted as a business; and/or
  - (4) Support facilities customary for mobile home usage such as limited recreational areas, open space, restrooms, vehicle parking areas and community facilities for the use of the town residents, guests and other designees.
- (C) Special exceptions in RMH I to IV Districts. Utility services, substations, transmission lines and mains and pipes for utility purposes may be permitted as a special exception, subject to meeting the requirements for same, and provided such uses are effectively screened or given other aesthetic treatment to minimize adverse impact on the surrounding area where it is practical to do so.
- (D) Uses permitted in RMH-V District. In Residential Mobile Home District V (RMH-V), under the present configuration of lots and the existing pattern of development, the use shall be restricted to the use and occupancy of recreational and travel trailers only. In the event, however, that the land area comprising this district should be reconfigured into a new pattern of not more than eight lots, the uses permitted in this district shall be the same as for Residential Mobile Home Districts I to IV (RMH I to IV).
- (E) Purpose and intent for RMH I-IV Districts. The land area comprising the Residential Mobile Home Districts I through IV inclusive, is fully developed. It is the purpose and intent of this code to permit and allow each mobile home, building and structure within these districts to continue the activities, uses and occupancy thereof as they lawfully existed in this mobile home park prior to the enactment of this chapter.
- (F) Site development standards For RMH I-IV Districts. In Residential Mobile Home Districts I through IV, inclusive, the location and renovation of mobile homes, the addition of patios and cabanas thereto as combined units, the requirements for air conditioning equipment, and the placement of utility cabinets, are subject to the following site development standards.
  - (1) General requirements.

- (a) Installation of mobile home, patio, cabana or add-a-room shall be subject to the dimensions and setbacks specified in the table and notes provided for each district.
- (b) Blocking, anchoring and tie-down shall conform to the Florida Motor Vehicle Code or Florida Building Code, whichever is the appropriate governing organization for the home type.
- (c) All plumbing work and renovations shall conform to the Florida Building Code including the Florida Plumbing Code, or to the Manufactured Home Construction and Safety Standards, promulgated by the Department of Housing and Urban Development, pursuant to the Manufactured Housing Improvement Act, the Mobile/Manufactured Home Repair and Remodeling Code (F.A.C. § 15-C-2.0081), and the Florida Department of Highways Safety and Motor Vehicles Mobile/Manufactured Home Repair and Remodeling Guidelines, as appropriate.
- (d) All electrical work and renovations shall conform to the Florida Building Code including the National Electrical Code, or to the Manufactured Home Construction and Safety Standards, promulgated by the Department of Housing and Urban Development, pursuant to the Manufactured Housing Improvement Act, the Mobile/Manufactured Home Repair and Remodeling Code (F.A.C. § 15-C-2.0081), and the Florida Department of Highways Safety and Motor Vehicles Mobile/Manufactured Home Repair and Remodeling Guidelines, as appropriate.
- (e) All structural repairs, alterations, installations or renovations shall conform to the Florida Building Code or to the Manufactured Home Construction and Safety Standards, promulgated by the Department of Housing and Urban Development, pursuant to the Manufactured Housing Improvement Act, the Mobile/Manufactured Home Repair and Remodeling Code (F.A.C. § 15-C-2.0081), and the Florida Department of Highways Safety and Motor Vehicles Mobile/Manufactured Home Repair and Remodeling Guidelines, as appropriate.
- (f) New mobile homes are to be all electric.



- (g) Second level construction or usage is prohibited.
  - (h) Certification by an engineer licensed by the state is required certifying that the lowest floor elevation to all manufactured homes, mobile homes, second unit, screen rooms, add-a-rooms and the like is a minimum of seven feet above mean sea level or pursuant to current regulations promulgated by the Federal Emergency Management Agency.
  - (i) An accessory building shall be located on the same lot as the principal building.
- (2) Air conditioning requirements.
- (a) Central single units and split system condensing units shall be located beneath the mobile home, where possible and practical, and shall exhaust to the front or patio side as near to the front of the mobile home, as possible.
  - (b) Central single units and split system installation of condensing units shall be made with the unit placed at the front or on the patio side as near to the front of the mobile home as possible, if unable to conform to the provisions of division (F)(2)(a) above.
  - (c) Window or wall air conditioning units are not allowed except to replace units already in existence.
  - (d) Water cooled condensing units are not allowed.
  - (e) No air conditioning unit shall exceed the maximum noise level of 8.2 Bels, as rated by the Air Conditioning and Refrigeration Institute (A.R.I.).
  - (f) The make, model number, EER rating, noise level and proposed location for all air conditioning units must be stated in the application for installation.
  - (g) In Residential Mobile Home District IV (RMH-IV), the air conditioning unit may be placed in the side yard area on the “back side” (non-entry side), provided that it does not extend beyond the lot line, and it otherwise complies with all of the other setback requirements in said district.
- (3) Utility cabinet requirements.
- (a) A utility cabinet shall be permitted provided it does not exceed three feet in depth, six feet in width and six feet in height, and is placed a minimum of

five feet from the rear corner of the mobile home, seven feet minimum from rear lot line on the patio side.

(b) A utility cabinet, the size of which does not exceed 20 inches in depth, four feet in width and six feet in height, may be installed on the patio side, parallel to the mobile home, provided it does not extend closer than one foot to the rear corner of the mobile home.

(G) Purpose and intent For RMH-V District. Under the present configuration of lots and the existing pattern of development, the land area comprising Residential Mobile Home District V (RMH-V) is limited to the location, use and occupancy of travel trailers and recreational trailers only. Such use and occupancy is intended to be of limited and temporary duration only.

(H) Site development standards for RMH-V District. All such mobile home units shall be located on the lots within the RMH-V District on an individual basis, subject to the following requirements: trailer length shall not exceed 29 feet and the spacing between trailers must be a minimum of ten feet in all directions.

(I) Optional site development standards for RMH-V District. Under the optional plan of reconfiguration of the land area comprising RMH-V District into not more than eight lots, the site development standards for this district shall be the same as for Mobile Home Districts (RMH) I to IV.

**SECTION 3: Chapter 153. Land Development Code. Is hereby amended by creating an entirely new sec. 153.0285. "Elevated Single Family Home Overlay District" adding an overlay zone on top of existing zoning in districts I through IV that provides regulations for the installation of housing which conforms to new FEMA flood elevation requirements, which housing may be on a foundation or elevated on "piers" and containing no habitable space on the ground floor; permitting up to one story of habitable space above the ground floor level; requiring compliance with applicable building and fire codes; providing utility regulations, site development regulations, and aesthetic regulations; providing that Section 153.0285 shall hereafter read as follows:**

**§ 153.0285 ELEVATED SINGLE FAMILY HOME OVERLAY DISTRICT.**

- (A) Location of district. The Elevated Single Family Home District (ESFH-1) shall consist of the Residential Mobile Home Districts I through IV which are so designated on the official zoning map.
- (B) Purpose and Intent. It is the purpose and intent of this subchapter to permit and allow constructed elevated single family homes (limited to two stories) in each residential mobile home district to accommodate the housing, use, occupancy and character or theme of such district except RMH-V, unless the land area comprising this district is reconfigured into a new pattern of not more than eight lots. It is intended to preserve the character, quality and historical nature of the existing community, in accordance with the adopted Comprehensive Land Use Plan for the town. It is also intended that the purpose of the ESHF-I Overlay District is to promote the public health, safety and welfare of the citizens; minimize the risk of loss of life and property due to natural hazards; encourage and regulate prudent land use; reduce the demands for public expenditures for disaster relief, hazard mitigation, and protection of structures and facilities permitted in the underlying zone district(s); and regulate buildings, structures and lot elevation so as to minimize the hazard to the public health or property.
- (C) Uses permitted in the ESHF-1 Overlay District. Uses permitted by the underlying zoning district are allowed unless specifically prohibited. In the ESHF-1 Overlay District, inclusive, the land, buildings, homes or premises which constitutes a unified building site, may be used by right only for one or more of the following purposes:
- (1) A detached single-family home affixed to a foundation (including on piers) upon a designated lot;
  - (2) Customary accessory uses and structures, for homes provided such uses and structures are incidental to the principal use and do not include any activity not permitted in said district nor commonly conducted as a business; and/or
  - (3) Support facilities customary for home usage such as limited recreational areas, open space, restrooms, vehicle parking areas and community facilities for the use of the town residents, guests and other designees.

(D) Special exceptions in the ESFH-1 District. Utility services, substations, transmission lines and mains and pipes for utility purposes may be permitted as a special exception, subject to meeting the requirements for same, and provided such uses are effectively screened or given other aesthetic treatment to minimize adverse impact on the surrounding area where it is practical to do so.

(E) Site development standards for the ESFH-1 District. In the ESFH-1 District, inclusive, the location and construction of homes, the addition of patios and cabanas thereto as combined units, the requirements for air conditioning equipment, access, limited storage and the placement of utility cabinets, are subject to the following site development standards. The provisions of the ESFH-I District shall apply in addition to the applicable requirements of the underlying zoning district. When the standards of this Overlay District conflict with any other provision of the [code/ordinance], this Overlay District shall control.

(1) General requirements.

(a) Installation of a home shall be subject to the dimensions and setbacks specified in the table and notes provided for each district where the lot is located, RMH I-IV.

(b) All plumbing work and renovations shall conform to the Florida Building Code including the Florida Plumbing Code.

(c) All electrical work and renovations shall conform to the Florida Building Code including the National Electrical Code.

(d) All structural repairs, alterations, installations or renovations shall conform to the Florida Building Code including Appendix Q.

(e) All fire safety elements shall meet or exceed the Florida Building Code, Chapter 7 Fire and Smoke Protection Features, the Florida Fire Prevention Code, any relevant applicable Local Technical Amendments and all other applicable requirements of law; including but not limited to, firewalls or separations between structures.

(f) Certification by an engineer licensed by the state is required certifying that the lowest floor elevation to all homes, second unit, screen rooms, add-a-rooms and the like is consistent with current regulations promulgated by the

Federal Emergency Management Agency and the Florida Building Code including freeboard standards.

(g) An accessory building shall be located on the same lot as the principal building.

(h) Second story construction or usage building height is permitted as follows:

i. for a second story, the elevation shall be no more than 25 feet as measured from the crown of road.

In no instance shall a home exceed 25' feet in building height as measured from the crown of road including mechanical and structural equipment, so long as the lowest floor is usable solely for parking of vehicles, building access or limited storage. Breakaway wall and screen enclosures on such a lowest floor are permitted consistent with the Florida Building Code. All other building design, including porches or decks, shall be subject to the dimensions and setbacks specified in the table and notes provided for each RMH District I through IV.

(i) No construction shall include any enclosure below the base flood elevation which shall be constructed or equipped for such uses as a kitchen, dining room, family room, recreation room, office, bedroom, bathroom or workshop.

(j) Habitable space and hallways in homes must have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet room, and kitchens must have a ceiling height of not less than 6 feet 4 inches (1930mm). Obstructions including, but not limited to beams, girders, ducts, and lighting, must not extend below these minimum ceiling heights. Ceiling heights in lofts are permitted to be less than 6 feet 8 inches (2032 mm).

(k) Lofts used as a sleeping or living space must meet the following minimum area and dimension requirements:

i. Lofts must have a floor area of not less than 35 square feet (3.25 square meters).

ii. Lofts must be not less than 5 feet (1524 mm) in any horizontal dimension.

iii. Portions of a loft with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling may not be considered as contributing to the minimum required area for the loft. Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50-percent slope), portions of a loft with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

iv. The access to and primary egress from lofts may be any of the following types:

v. Stairways accessing lofts shall comply with the Florida Building Code or with the following:

a. Width. Stairways accessing a loft shall be not less than 17 inches (432 mm) in clear width at or above the handrail. The width below the handrail shall be not less than 20 inches (508 mm).

b. Headroom. The headroom above stairways accessing a loft shall be not less than 6 feet 2 inches (1880 mm), as measured vertically from a sloped line connecting the tread, landing or platform nosings in the center of their width, and vertically from the landing platform along the center of its width.

c. Treads and Risers. Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas: 1) The tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height; or 2) The riser height shall be 15 inches (381 mm) minus three-fourths of the tread depth.

d. Landings platforms. The top tread and riser of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the loft. The landing platform shall be not less

than 20 inches (508 mm) in width and depth measured horizontally from and perpendicular to the nosing of the landing platform. The landing platform riser height to the loft floor shall be not less than 16 inches (406 mm) and not greater than 18 inches (457 mm).

e. Handrails. Handrails shall be provided on not less than one side of each flight with four or more risers.

f. Stairway Guards. Guards at open sides of stairways, landings and landing platforms shall comply with Section R312.1 of the Florida Building Code.

g. Ladders. Ladders accessing lofts shall comply with the above regulations for stairways and with the following:

1. Size and Capacity. Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm), and 10-inch (254 mm) to 14-inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 300-pound (136 kg) load on any rung. Rung spacing shall be uniform within 3/8 inch (9.5 mm).

2. Incline. Ladders shall be installed at 70 to 80 degrees from horizontal.

3. Alternating Tread Devices. Alternating tread devices accessing lofts shall comply with Sections R311.7.11.1 and R311.7.11.2 of the Florida Building Code. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

4. Ships Ladders. Ships ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2 of the Florida Building Code. The clear width at and below handrails shall be not less than 20 inches (508 mm).

h. Loft Guards. Loft guards shall be located along the open side(s) of lofts. Loft guards shall be not less than 36 inches (914 mm) in

height or one-half of the clear height to the ceiling, whichever is less. Loft guards shall comply with Section R312.1.3 and Table R301.5 of the Florida Building Code for their components.

(l) Homes shall meet the requirements of Section R310 of the Florida Building Code for emergency escape and rescue openings. Egress roof access windows in lofts used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1 of the Florida Building Code.

(2) Air conditioning requirements.

(a) Central single units and split system condensing units shall be located beneath the home, where possible and practical, and shall exhaust to the front or patio side as near to the front of the home, as possible.

(b) Central single units and split system installation of condensing units shall be made with the unit placed at the front or on the patio side as near to the front of the home as possible, if unable to conform to the provisions of § 153.082(F)(2)(a) above.

(c) Window or wall air conditioning units are not allowed.

(d) Water cooled condensing units are not allowed.

(e) No air conditioning unit shall exceed the maximum noise level of 8.2 Bels, as rated by the Air Conditioning and Refrigeration Institute (A.R.I.).

(f) The make, model number, EER rating, noise level and proposed location for all air conditioning units must be stated in the application for installation.

(g) In Residential Mobile Home District IV (RMH-IV), the air conditioning unit may be placed in the side yard area on the "back side" (non-entry side), provided that it does not extend beyond the lot line, and it otherwise complies with all of the other setback requirements in said district.

(h) All new/replacement air conditioning units shall be installed at a minimum elevation of 3.5' NAVD 88.

(3) Anchored utility cabinet requirements.



- (a) An anchored utility cabinet shall be permitted provided it does not exceed three feet in depth, six feet in width and six feet in height, and is placed a minimum of five feet from the rear corner of the home, seven feet minimum from rear lot line on the patio side.
- (b) An anchored utility cabinet, the size of which does not exceed 20 inches in depth, four feet in width and six feet in height, may be installed on the patio side, parallel to the home, provided it does not extend closer than one foot to the rear corner of the mobile home.
- (4) Lot Elevation (the addition of fill) in Districts III and IV for the replacement of an existing mobile home to an elevated single family home. In Districts III and IV, upon the completion of roadway and drainage improvements to meet adopted levels of service, and the implementation of adequate shoreline protection measures, then the following applies to lot elevation or the addition of fill (not elevation of the unit itself) in conjunction with the replacement of an existing mobile home to an elevated single family home:
- (a) If an existing mobile home is replaced with an elevated single family home, the parking pad and any mechanical equipment supporting the unit at the ground level, must be at or elevated to a minimum 3.5' NAVD 88 at the time of the replacement if necessary. In conjunction with the parking pad elevation, if necessary, the driveway shall also be elevated and harmonized between the access road and the parking pad. If the driveway is elevated in addition to the parking pad, then a culvert or drainage structure shall be installed under the driveway. If it is not necessary to elevate the driveway, then it may not act as an obstruction of drainage flow through side ditches or swales from one property to adjacent properties.
- (b) If an existing mobile home is replaced with an elevated single family home, then the lot (not the unit itself) shall be elevated with the addition of fill to a minimum of 3.5' NAVD 88 and a maximum of 5.0' NAVD 88 when the earliest of the following timeframes occurs:
- i. Within one (1) year of the date of final inspection when the adjacent lots (not the units themselves) on both sides are elevated;

ii. Within three (3) years from the issuance of the final certificate of occupancy for the replacement of a mobile home unit to elevated single family home; or

iii. No later than December 31, 2040.

(c) A site plan shall be submitted by the property owner and approved by the town including: 1) whether or not other service connections will need to be upgraded to withstand the addition of fill on the property and 2) demonstrating that the property elevation will not result in any increase in offsite discharge by including onsite storage capacity or requiring compensatory storage.

(d) When a lot is elevated with fill, the following design elements shall be incorporated into the structure and/or lot design as necessary so that post-development discharges are not increased based upon professionally acceptable engineering principles:

i. Gutters shall be required directing stormwater runoff to onsite retention areas including, but not limited to, anchored rain barrels or cisterns, bioswales, raingardens, bioretention flow-through planters or cells, or rock swales;

ii. Permeable pavement;

iii. Retaining walls or berms;

iv. Or other accepted onsite or offsite drainage retention techniques that will prevent post development runoff to exceed predevelopment runoff as approved by the engineer of record.

**SECTION 4:** Each and every other section and subsection of Chapter 153. Land Development Code. shall remain in full force and effect as previously adopted.

**SECTION 5:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 6:** Should any subsection or provision of this Ordinance, or any portion thereof, be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**SECTION 7:** Specific authority is hereby granted to codify this Ordinance.

**SECTION 8:** This Ordinance shall take effect immediately upon adoption.


FIRST READING this **27th** day of **April**, 2023.


SECOND AND FINAL READING this 25<sup>th</sup> day of May, 2023.

**TOWN OF BRINY BREEZES**

TOWN OF BRINY BREEZES TOWN COUNCIL

TOWN COUNCIL OF THE TOWN OF BRINY BREEZES


  
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Samuel Gene Adams, Mayor

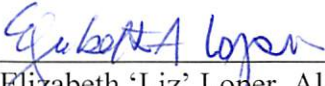
  
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Christina Adams, President


TOWN SEAL



  
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Bill Birch, Alderman

  
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Kathleen Gross, Alderman

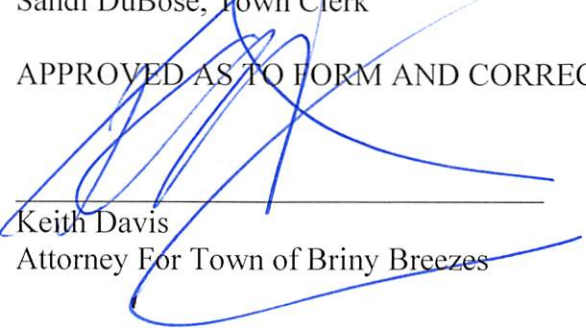
  
\_\_\_\_\_  
Elizabeth 'Liz' Loper, Alderman

  
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Sue Thaler, Alderman

ATTEST:

  
\_\_\_\_\_  
Sandi DuBose, Town Clerk

APPROVED AS TO FORM AND CORRECTNESS:

  
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Keith Davis  
Attorney For Town of Briny Breezes