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WHEREAS, the Town Council has received and reviewed an application from the Ocean Drive Homeowners' Association, Inc. ("Applicant") to modify the approved site plan for the 700's at Ocean Drive Planned Unit Development ("PUD") to demolish two existing single-family homes located at 714 and 716 Ocean Drive and replace them with a newly constructed single-family home; and

WHEREAS, the Planning and Zoning Board reviewed the application for modification of the existing site plan and the construction of the swimming pool and determined that the Application complies with the provisions of Sections 34-115 and 34-116 of the Town Code, governing site plan and appearance review, and Section 34-1125 of the Town Code, governing the erection of structures between the CCCL and the Town's fifty-foot setback west of the CCL, and that the application is consistent with the Town's Comprehensive Plan; and

WHEREAS, the Town Council determines that the adoption of this Resolution in the best interests of the Town and its residents.

Section 1. The foregoing recitals are hereby ratified as true and correct and are incorporated herein.

1 **Section 2.** The Town Council hereby approves the modification of the approved
2 site plan for the 700's at Ocean Drive Planned Unit Development as described above and
3 as requested by the Applicant. Said modification shall be constructed in accordance with
4 the development plans submitted by the Applicant and on file with the Town as of the date
5 of adoption of this Resolution. The Town Council also approves the construction of a new
6 swimming pool located between the CCCL and the Town's fifty-foot setback west of the
7 CCCL.
8

9 **Section 3.** The Town Council's approval of the modification to the approved site
10 plan for the PUD and approval of the swimming pool are subject to the following
11 conditions:
12

- 13 A. The Applicant shall prepare and submit to the Town for review and approval
14 by the Town Attorney a Unity of Title combining the two lots located at 714
15 Ocean Drive and 716 Ocean Drive prior to applying for any building permits.
16
17 B. The Applicant shall obtain and submit to the Town a permit from the Florida
18 Department of Environmental Protection for the construction of the
19 swimming pool prior to applying for any building permits.
20
21 C. In granting this approval, the Town Council relied upon the oral and written
22 representations of the Applicant both on the record and as part of the
23 application process. Any deviations from such representations will be
24 addressed in accordance with Section 34-34 of the Town Code.
25

26 **Section 4.** Each of the conditions set forth in Section 3 above shall be binding
27 upon the Applicant and its successors in interest or assigns and shall be deemed
28 covenants running with the Property. Any violation of the conditions may result in the
29 revocation of this approval and shall be subject to the penalties and remedies set forth in
30 Sections 34-34 and 34-35 of the Town Code of Ordinances.
31

32 **Section 5.** If any section, paragraph, sentence, clause, phrase, or word of this
33 Resolution is for any reason held by a court of competent jurisdiction to be
34 unconstitutional, inoperative, or void, such holding shall not affect the remainder of this
35 Resolution.
36

37 **Section 6.** All resolutions or development permits or approvals relating to the
38 Property in conflict with the provisions of this Resolution are hereby repealed to the extent
39 of such conflict.
40

41 **Section 7.** This Resolution shall be effective immediately upon adoption.

RESOLVED AND ADOPTED this ____ day of _____, 2024.

Peggy Wheeler, Mayor

ATTEST:

Caitlin Copeland-Rodriguez, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Leonard G. Rubin, Town Attorney