

PLANNING & ZONING MEETING MINUTES
SEPTEMBER 24, 2018

Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, September 24, 2018 in the Town Hall Meeting Chambers.

CALL TO ORDER

The meeting was called to order at 8:30 a.m. by Chairman Gerald Goray.

ROLL CALL

Town Clerk Stevens led the roll call which was answered by the following:

	<u>Present:</u>	<u>Absent:</u>	<u>Tardy:</u>
Chairman Gerald Goray	x		
Member Ric Carey		x	
Member David Hutchins	x		
Member Penny Kosinski	x		
Vice Chair Mark Marsh	x		
Alternate Member Neil Hennigan		x	
Alternate Member James Leming	x		

Let the record show that Member Carey and Alternate Member Hennigan were absent with notice.

Staff Present: Town Manager Jamie Titcomb, Town Attorney Brian Shutt, Town Engineer Lisa Tropepe, Building Official Wayne Cameron, Town Clerk Tracey Stevens, and Contracted Planner Marty Minor from Urban Design Kilday Studios.

PLEDGE OF ALLEGIANCE

Chairman Goray led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

1. Approval of the August 17, 2018 Minutes

Member Hutchins moved to adopt the August 17, 2018 minutes as submitted; seconded by Vice Chair Marsh. Motion carried 5-0.

DISCUSSION / ACTION ITEMS

None

ORDINANCE REVIEW

2. Ordinance No. 636: An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances By Amending Chapter 66 "Environmental Regulations", Article IV "Landscaping", Division 3 "Tree Permits", Section 66-151 "Tree Permits", To Provide For Increased Landscaping Requirements; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date.

Town Clerk Stevens read Ordinance No. 636 by title only.

Town Attorney Shutt explained that the language was modified slightly from the last meeting based on questions that had come up. In his follow up discussions with

contracted Planner Marty Minor, it was decided to leave the 25% of lot area because it is essentially the same thing, and keep the addition of six shrubs and minimum tree size.

Marty Minor, Urban Design Kilday Studios, contracted Planner, explained that the latest revision has the same amount of trees per open space, and eliminates one of the calculations in determining that. He noted the amount of vegetation is the same. He stated that vegetation provides benefits such as drainage, and retains property values. He stated that staff's recommendation is the addition of six shrubs, a minimum height of 12' for trees, and a requirement to place one tree in the front yard as the street tree.

Chairman Goray asked if the proposed changes are in line with good practice and in line with similar communities, and Mr. Minor responded that they are.

Town Attorney Shutt noted that there was also a recommendation at the last meeting that we change 66-117 to remove the requirement to have 25% of the total area as landscaped open space, however, after staff discussion, it was decided to keep that in as it does not conflict with what we are doing, and we need a minimum amount in the code anyway regarding landscaping, so we did not change that section in the proposed ordinance.

Chairman Goray called for public comment, and there was none.

Member Kosinski moved to recommend approval of Ordinance No. 636 to the Town Commission as submitted; seconded by Member Hutchins. Motion carried 5-0.

3. Ordinance No. 637: An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances By Amending Chapter 66 "Environmental Regulations", Article I "General Provisions, Sea Turtles and Wetlands", Section 66-1 "General Provisions", to Change the Pervious Area Requirements from 25% to 35%, Amending Chapter 67 "Buildings and Building Regulations", Article III "Technical Codes and Other Construction Standards", Section 67-33 "Drainage, Required; Swales; Construction of Driveways", to Provide for the Connection of Trench Drains; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date.

Town Clerk Stevens read Ordinance No. 637 by title only.

Town Attorney Shutt explained that Ordinance 637 increases the pervious area from a 25% requirement to 35% and also provides that trench drains, along a property line, must be connected to a drainage system. Mr. Minor had proposed a change in the open space definition, however, upon further review, it was determined that this change was not needed.

Mr. Minor stated that we are looking at increasing the pervious area. He handed out diagrams showing the existing and proposed scenarios, showing the maximum building footprint and hardscape. He stated that staff examined an existing building permit originally approved at 32 Spanish River Drive which is an 11,000 square foot lot with a

pervious area of over 50%, and the standards are in line with what is being proposed in the ordinance.

Chairman Goray asked when looking at the alternatives, have we considered the impact of 35% open space on the ability to have a circular drive, and Mr. Minor stated that a full circular drive can be provided with 35% open space. Chairman Goray asked Mr. Minor's professional opinion on whether 35% open space is reasonable, and Mr. Minor stated that 35% open space is used by many other communities, and it is standard and good practice.

Public comment: Ken Kaleel, 86 Island Drive South, asked to see the diagrams that were submitted to the Commission, as they were not provided prior to the meeting. He asked what the physical and economical impacts would be on the majority of lots in town. He also disputed the claim that the pervious substance of paver driveways is not pervious, and suggested that there should be a credit because it reduces the amount of decking and things you can do on your property. He also suggested that we look at what the impact is of a non-conforming use, as many properties in town may not conform to the new codes which could make them non-conforming, and you can't expand a nonconforming use. He asked how that will be dealt with. He also asked the Commission to consider using minimum instead of maximum size of a driveway or parking spaces.

Chairman Goray stated that at the last workshop we did have considerable discussion on pervious and impervious regarding gravel, Chattahoochee, or pavers, and the consensus opinion was that over a period of time, if not initially, the surface under the pavers becomes compacted and impervious. Town Engineer Tropepe stated that whenever we do impervious and pervious calculations, we never include the driveway. She stated that she analyzed three diverse geographical areas and they are all modestly proposed or built, and the majority of homes meet the 35% pervious requirement. As far as driveways, they are not considered pervious in her opinion. They may take a small amount of water, but we require inch an hour for the site and the ability to recharge the aquifer by having pervious areas, and driveways do not recharge the aquifer and are not pervious. We have approved rocked driveways in the past and have been watching it, and they become dense and no water can get through it. Also, there has been an evolution of driveways and a lot of driveways now are travertine marble which are totally impervious with no sand spacing at all. Over time, the sand spacing becomes full and the voids are full as well.

Vice Chair Marsh stated that he doesn't know of any engineering department that doesn't classify a driveway paver as impervious, and this is a common definition throughout engineering departments. If you set a paver, you have to do it on a compacted sub base which over time becomes impervious.

Member Kosinski stated that we are a barrier island community and the bottom line to the changes is that we are making ourselves more in line with other communities. She noted that the Commission backed off from the 40% that was discussed previously. She appreciates the detailed discussion, but the bottom line is that it seems like 35% is a good idea for Ocean Ridge. Chairman Goray noted that the Commission has gone through this in detail at several meetings and done modeling on several different scenarios.

Town Attorney Shutt stated that if we adopt these ordinances as proposed, there will be structures that will be legally non-conforming structures, meaning if the structure is demolished intentionally or if they trigger more than 50% threshold, they would need to comply with all of the new code requirements. He noted that expanding a legally non-conforming use is not allowed, as you cannot increase a non-conformity. He gave different scenarios of what could come up if the changes are adopted.

Vice Chair Marsh moved to recommend approval of Ordinance No. 637 to the Town Commission as submitted; seconded by Member Hutchins. Motion carried 5-0.

4. Ordinance No. 638: An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances by Amending Chapter 64 “Zoning”, Article III “Supplemental Regulations” Section 64-46 “Off-Street Parking”, to Require One Parking Space Per Bedroom and to Require That Some of Those Spaces Must Be Located in a Garage; Amending Section 64-60 “Decks, Patios, Steps, Stoops, and Terraces (Unenclosed and Uncovered)”, to Increase the Setback Requirements of Impervious Areas From a Property Line; Providing for Codification, Repeal of Conflicting Ordinances, Severability, an Effective Date and Termination of the Moratorium Ordinance.

Town Clerk Stevens read Ordinance No. 638 by title only.

Town Attorney Shutt explained that there was a misspelling in the last sentence of his memo to the Commission that was included in the meeting packages. The word should be “impervious”, not “pervious”. He stated that there was a joint meeting between the Town Commission and P&Z and there was a lot of discussion on this topic as well as how to treat areas in the southern part of the town that have been treated differently in the past. Staff has come up with a solution to require only one parking space for single and two family dwellings that are located on existing lots that are less than 10,000 square feet and are not in the RSF or RSE zoning district.

Vice Chair Marsh asked for clarification on the parking space, and Town Attorney Shutt stated that a garage space would not be required; they would just need to provide one parking space whether it be in a garage or in a driveway.

Mr. Minor stated that as discussed in the past, he looked at parking requirements in other communities, and looked at the size of parking spaces and sizes of popular vehicles. He stated that cars range 6-7 feet in width, and the proposed 10x20 parking space size provides for both doors to open in a garage or driveway. He stated that the 10x20 parking space size and one space per bedroom requirement is standard in other towns and works well, and in his professional planning experience these are sufficient standards and consistent with other communities.

Public comment: Shai Ozery, Attorney on behalf of the Luring family at 94 Island Drive South, asked for the basis or rationale for not counting a vertical space on a lift in a garage, and Town Attorney Shutt clarified that a vertically stacked vehicle would be

allowed but will not count as two parking spaces. Mr. Minor agreed that the intent is to allow vertically stacking of the vehicles in the garage, but not to count it as a second parking space because it is an internal operation of the garage and although we would like the garage space to be used for parking, we are not regulating the internal use of the garage.

Chairman Goray asked if there is a precedent in other communities to count the vertical stacking in a garage, and Mr. Minor responded that he does not know of any other communities that count the lift as a parking space. Vice Chair Marsh stated that vertically stacking impacts the scale on the house, so that would be another concern as an aesthetic standpoint, not a functional one.

Public Comment: Shai Ozery, Attorney on behalf of the Lauring Family at 94 Island Drive South, asked what the rationale is to not allow garage stacking if it complies with other code requirements.

Steve Varga, Varga Homes, 31 Spanish River Drive, asked for clarification on how many garage spaces would be needed for a five bedroom home, and Town Attorney Shutt stated that the proposed ordinance provides that five parking spaces would be needed, and two of those would need to be garage spaces. Mr. Varga asked about the parking space size in the garage, and Town Attorney Shutt responded that staff has discussed the size element. Mr. Varga stated that parking spaces in the driveway don't need to be 10x20, and noted that this ordinance is taking away pervious with the setbacks going from three to five. He mentioned that the turning radius with side entry garages may be difficult with the change in side setbacks.

Building Official Cameron stated that staff has looked at those issues and comparable studies with recent homes built, looked at parking size, and conformity with building code to make sure we are mirroring that when the design professionals are allotting for those spaces. Even though the 10x20 parking space size has been suggested, staff revisited that with Mr. Minor and found that a 9x18 parking space would be more consistent with building code. Staff also realizes that increasing the driveway footprint increases the impervious area, so a 9x18 parking space in the driveway is recommended. Staff also did some modeling on the vehicle side approach instead of the straight approach into a garage and the five foot setback can be attained. The advantage to having a five foot setback is to make sure the water is not sheet flowing onto the neighbor's property.

Town Manager Titcomb noted that the recommended 9x18 parking space would also address Mr. Kaleel's concerns by making a lot less homes non-conforming, and it does compete with the pervious vs. impervious equation having the larger spaces.

Chairman Goray stated that the critical factor in determining the amount of parking spaces and garage spaces has to do with number of bedrooms, and he recognizes that there is a caveat in the proposed ordinance regarding the number of bedrooms or the rooms that may qualify as a bedroom, and asked the Building Official if that is

appropriate. Building Official Cameron stated that as it relates to a bedroom, rooms that appear to be a bedroom can be determined by looking at the building code standards. A bedroom is required to have a smoke detector, and if there is a closet in a room it could be used as a bedroom if there is a smoke detector in the room. He stated we can use those factors to determine if a room is going to be used as a bedroom or not. Member Kosinski stated that it is a difficult concept, as you could put an armoire in a room for a closet and use that room as a bedroom. Vice Chair Marsh noted that we now have a trained and certified Building Official, and if someone does not agree with the determination of the Building Official, there is an appeal process to the Board of Adjustment.

Chairman Goray asked if similar communities have a definition of bedroom that may be helpful in making this determination, and Vice Chair Marsh responded that the Fair Housing Act has a national definition and that is what the fall back is. Building Official Cameron confirmed that information, and noted that a bedroom also needs to meet egress requirements as well as secondary egress. He stated that the Building Code sets the minimum standards that we work from and we do our best to make a determination based on what is presented to us.

Public comment: Ken Kaleel, 86 Island Drive South, suggested that the Town Attorney tweak the language for the Town's benefit as opposed to making an arbitrary standard, and if we can tie something into the code, he suggests that is done. He stated that his comments are from past experience, and it would be better if we can tie it in so it's not arbitrary so the Architects know what they are doing when looking at the code. He stated that the 35% proposed is not unreasonable; it is the other aspects we need to look at to make sure we are doing the right thing.

Town Attorney Shutt clarified on subpart A, the language would read, "all single and two family dwellings shall require one off street parking space per bedroom or per room that may qualify as a bedroom in accordance with the building code". And at the end, the language will read "parking spaces shall be located on the same property as the primary structure, and vertically stacked spaces shall not be counted as more than one space."

Member Hutchins stated that he would like to address residential single family lots under 10,000 square feet in the RSF zoning district, as there are three on his street with a one-car garage, one other home with a one-car garage, and one home that applied for a variance to convert a carport into a two-car garage. He stated that on the smaller lots, if we go over 50%, they would be obligated to create a two-car garage with no space to do it. He asked if it is possible to make a change in the proposed Ordinance 638 to address the smaller lots because if someone sells the house, the lot remains small and there is only so much someone could build on it if we have 35% open space. The existing homes were designed to accommodate one car garage and one additional parking space in the driveway, and some people have widened their driveways to accommodate a second vehicle so there are no stacking issues, but we may create problems for someone who owns the property and diminish the property values.

Town Engineer Tropepe stated she does not think there are any lots on Harbour Drive that are less than 10,000 square feet, and Member Hutchins stated he thinks there are. Ms. Tropepe stated that we can check the data after the meeting to make that determination.

Greg Zink, 54 River Drive, stated that he appreciates all of the work that has gone into these ordinances, and stated that he is concerned that we have not yet determined whether there would be any negative economic impact, and if there is, are there any risk management issues as far as potential exposure. Mr. Minor responded that how anything impacts the lot is one of the things we looked at, and noted that any regulation has an impact, or lack thereof in some instances. He stated that by looking at the impacts, the recommendation was reduced from 40% to 35%, which is a reasonable number used in other communities along the island.

Chairman Goray asked whether we have adequately and thoroughly examined all of the negative and positive ramifications, or if there is more work that could reasonably be done to pursue a logical and reasonable answer to any of the issues. He asked if staff is satisfied that all of the work has been done reasonably, and Mr. Minor confirmed that it has. Town Attorney Shutt responded that the land development code is a living document that will change over time. The recommendations that we are making now could change after six months. There are other changes in the code that need to be made as well, but this is a first step in addressing the concerns that have been brought to our attention.

Vice Chair Marsh stated that we are playing catch up now, as we are way behind some of the standards of other communities, and what we are proposing is not on the high restrictive end; it is a fair result of what we are asking to be modified. He stated there is nothing out of the ordinary that will deny the economic or use opportunities of the properties.

Public comment: Don MaGruder, 9 Ridge Blvd, asked for clarification if we are going to require a 10x20 garage and 9x18 parking spaces in the driveway, and Building Official Cameron stated that the recommendation is to change the parking space to a 9x18 minimum standard for all spaces on the interior and exterior. Vice Chair Marsh stated that if you build an 18' wide garage, you will not be able to park two cars comfortably in the garage, so you will have one car inside and one outside which is going against the intent of the Commission. Member Kosinski asked for clarification if we could set different parameters than the building code, and Town Attorney Shutt confirmed that we could set our own parking space sizes. Member Kosinski stated that she is not in favor of changing the garage size from 10x20 to 9x18. Mr. MaGruder followed up that he asked for clarification because of the examples we see today with cars hanging out into the road due to not enough parking room on the lots. He is in favor of the 10x20 size for the garage, and does not have a problem with the 9x18 size for the driveway spaces.

PLANNING & ZONING COMMISSION MEETING HELD SEPTEMBER 24, 2018

Steve Varga, 31 Spanish River Drive, stated he agrees that less than 10x20 is not a usable parking space in the garage. He stated that 8x18 would work for the driveway because people can step out of the vehicle onto the grass.

Chairman Goray clarified that we need to consider the 10x20 space for vehicles inside and outside, as that is how the proposed ordinance is currently worded. Vice Chair Marsh stated he would support reducing the outside parking spaces to 9x18.

Town Engineer Tropepe stated that staff evaluated three diverse areas on Old Ocean, Harbour Drive, and Spanish River, and all of the proposed requirements can be met except for the outside parking space sizes at 10x20; however, 9x18 will work.

Chairman Goray asked what the preferred outside space size is from a good planning standpoint, and Town Manager Titcomb stated that the building code standard is 9x18 minimum. He stated that the competition for pervious vs. impervious floats around the 9x18 vs. 10x20 sizes, and there is a good argument for maintaining the 9x18 minimum building code standard outside because it will make a lot less properties non-conforming, but there are also arguments for keeping the 10x20 size.

Member Kosinski asked if 10x20 vs 9x18 causes it to be non-conforming if we required 10x20 simply based on the size of the parking space, and Town Manager Titcomb confirmed that it increases the impervious surface to meet the requirements for the minimum parking space. Member Kosinski asked if it is non-conforming under the proposed ordinance of 35% pervious, or is it non-conforming by changing 9x18 to 10x20, and Town Engineer Tropepe stated it is only the latter, and stated it would still meet the 35% pervious even if it were 10x20.

Mr. Minor stated that the standard parking sizes are 9x18 to 10x20, with 9x18 being the minimum, which you would not put in places where a lot of cars are coming in and out such as shopping centers, however, it works for residential areas. He stated he is not concerned about changing the size from 10x20 to 9x18, but noted the 10x20 size was recommended for functionality purposes. He stated he would be comfortable with the 9x18 size.

Town Attorney Shutt read the changes in the ordinance that was presented today based on what appears to be consensus of the Commission: In Subpart A, the language would read, "all single and two family dwellings shall require one off street parking space per bedroom or per room that may qualify as a bedroom in accordance with the building code"; and "interior parking spaces shall be a minimum of 10x20 feet each, and the exterior parking space shall be a minimum of 9x18 feet", and the last sentence will read "parking spaces shall be located on the same property as the primary structure, and vertically stacked spaces shall not be counted as more than one space."

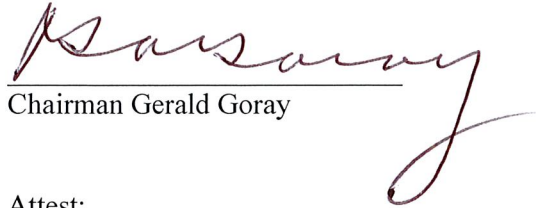
Vice Chair Marsh moved to recommend approval of Ordinance No. 638 to the Town Commission as amended; seconded by Member Kosinski. Motion carried 5-0.

PLANNING & ZONING COMMISSION MEETING HELD SEPTEMBER 24, 2018

ADJOURNMENT

Meeting adjourned at 9:38 a.m.

Minutes adopted by the Planning & Zoning Commission at its meeting on October 15, 2018.


Chairman Gerald Goray

Attest:


Tracey L. Stevens, MMC, Town Clerk

