

PLANNING & ZONING COMMISSION MEETING MINUTES
JANUARY 11, 2021

Meeting Minutes of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, January 11, 2021 in the Town Hall Meeting Chambers.

CALL TO ORDER

The meeting was called to order at 8:05 a.m. by Chair Marsh.

ROLL CALL

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

Chair Mark Marsh	Present
Vice Chair Ric Carey	Present
Member Neil Hennigan	Present
Member David Hutchins	Present
Member Penny Kosinski	Absent
Alternate Member Brit Flanagan	Absent
Alternate Member James Leming	Present

(Town Clerk's Note: Member Hutchins joined the meeting after roll call was called and Member Leming attended in place of Member Kosinski.)

Staff Present: Town Attorney Pamala Ryan, Building Official Durrani Guy, Town Planner Corey O'Gorman, and Town Clerk Karla Armstrong. Town Manager Stevens joined later in the meeting.

PLEDGE OF ALLEGIANCE

Chair Marsh led the Pledge of Allegiance.

COMMISSIONERS COMMENTS

Vice Chair Carey expressed the urgency of placing a demolition ordinance in the code. He asked that staff make it a top priority in order to resolve demolition issues throughout the Town, to which Member Hennigan and Chair Marsh concurred.

Chair Marsh asked why the seawall projects near Anna and Edith Street did not come before the Planning & Zoning Commission as a construction improvement, and Town Clerk Armstrong responded that the projects did not meet the threshold to come before the Planning & Zoning Commission as each individual home applied for construction of a seawall. Chair Marsh stated that the Planning & Zoning Commission would like to see projects where neighbors are being impacted, and Town Attorney Ryan stated that the Town could do a courtesy of notifying the Planning & Zoning Commission of those types of projects, to which Town Clerk Armstrong concurred with Town Attorney Ryan and stated that the codes can be reviewed. Member Hennigan asked if there is a way to see the projects based on their coastal location, and Town Clerk Armstrong stated that projects that were east of the Coastal Construction Control Line needed to go through the Town Commissions in order to get approval in the past, but that was changed recently to allow staff to handle internally, along with a new variance stipulation. She stated that the process could be reviewed again, to which Chair Marsh agreed. Chair Marsh asked Town Commissioner Hurlburt who was in the audience for input, and Commissioner Hurlburt responded that beach erosion created an emergency situation for the homes that requested the seawalls. She stated that the issue was presented to the Town Commission on multiple occasions and that all the

information was posted on the website and included within the Town Commission packages. She reiterated that the project was considered an emergency and needed to be treated as such.

APPROVAL OF MINUTES

1. Approval of Development 21, 2020 Minutes

Vice Chair Carey noted that Item #9 did not show who seconded the motion and the voting record.

Chair Marsh also noted that the following grammatical corrections, p. 6 should state cross-section rather than sectional, p. 8 should state abandonment rather than abonnement. He also clarified that when he referenced the travertine plating on Item #4 that he meant the travertine inlay with the exterior façade.

Chair Hennigan moved to approve the minutes of December 21, 2020 as amended; seconded by Vice Chair Carey. Motion Carried 5-0.

DISCUSSION / ACTION ITEMS

2. Ordinance Review: An Ordinance of the Town of Ocean Ridge, Florida, Amending Chapter 64 “Zoning,” Article I “District Regulations” By Amending Section 64-1 “RSF and RSE Single-Family Residential Districts,” Amending Section 64-2 “RMM Medium Density Multiple-Family Residential District,” and Amending Section 64-4 “RHM High Density Multiple-Family Residential District,” To Decrease the Height of Two-Story Buildings When FEMA Regulations are Implicated; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date.

Town Attorney Ryan informed that she will introduce the item since the Town Manager had to participate in a conference call with the County. She introduced the item by reading the Town Manager’s memo into the record and also explained that the ordinance presented aims to adjust the height of buildings to accommodate FEMA’s new floor elevation regulations.

Vice Chair Carey stated that the ordinance presented was over-complicating the issue and recommended for the height of buildings to be changed to 32’. Town Attorney Ryan asked for clarification from Vice Chair Carey on whether he is referring to changing the presented ordinance to make it a standard 32’ for any home affected by FEMA’s new elevation regulations, and Vice Chair Carey stated that it should be standard so that there is no question or loopholes.

Chair Marsh stated that the exploratory committee met and that staff did a lot of research to provide the ordinance presented. He stated that FEMA was requiring a 12’ base floor elevation on some homes in the Town and that the ordinance being presented tries to limit the building height for those circumstances while also not restricting the homes that are not impacted by FEMA new elevation requirements. Chair Marsh voiced the importance for the Town to have a point of measurement, which could be the crown of road; however the crown of the roads differs and becomes problematic. He stated that they could average out the crown of the road to help alleviate that difference.

Chair Marsh discussed how the ordinance should address the height of parapets and asked Town Planner O’Gorman about the zoning regulations in regards to the parapet and tie beam, to which Town Planner O’Gorman provided the current code regulations and stated that the Board would have to state what their preference of decrease would be. Chair Marsh stated that it is about 2-3’

of the top of tie beams in other municipalities. The Board further discussed the reduction of parapets from the tie beam.

Building Official Guy stated that the ordinance addresses the differentiating elevations between new construction and existing homes. He informed that the Town explored the ordinances from other municipalities on how they are dealing with elevations and that the presented ordinance is a simplified version that has less loopholes than many of the others. He provided a visual for the Commission to show the goal of FEMA and how they calculate their elevation standards. Building Official Guy confirmed that the proposed ordinance does have a loophole for some properties, but that it would only impact the few. He further informed that 36' is high for a two story home as Florida Building Code allows for a two story to be less than that amount.

Member Hennigan agreed with Member Carey's suggestion of making the height of homes a standard 32' for those affected by the elevation because it would resolve ambiguity and would resolve all the issues for the homes that are in the extreme elevation zones. He stated that the parapet can remain as is at the 4' from the tie beam, to which Chair Marsh disagreed because it is too high. Member Hennigan stated that if the standard becomes 32', then when the 4' parapet is added, then it would equal the 36' height as the current code, but that he would not mind decreasing it. Town Attorney Ryan asked if the change in parapet height would only be for the homes affected by FEMA regulations or for the general population, to which Chair Marsh answered that it would be generally.

Member Hennigan stated that the ordinance does not have to mention FEMA if the standard is changed to 32' maximum building height, and Chair Marsh dissented with making 32' a standard idea because the homes that are not affected by the elevation would be penalized. Chair Marsh further informed that there were only a few outliers that would have high floor elevation requirements and the Town should not make a big change for the few. There was further discussions as to why 32' height would not work.

Chair Marsh asked Building Official Guy for input on the current floor elevation average for the Town and how many homes fall within the average, and Building Official Guy stated that currently it is 7' base floor and all the homes that have been built in the last year were average elevation, but new construction will need to comply with the new elevations.

Vice Chair Carey asked if the homes that have recently applied for Development Plan Review designed their single family structure to the maximum of 36' even with the 10' elevation, to which Building Official Guy stated that they had.

Member Hennigan suggested making the maximum building height to 43' with the elevation included, meaning that a 7' finished floor elevation could build up home to be 36' as together it would be the 43'. Vice Chair Carey concurred with Member Hennigan's suggestion.

Member Hutchins asked Building Official Guy what happens to the properties that are in between the ridge and the in-lots. Building Official Guy stated that the homes in the middle point would not be affected greatly and that eventually the streets would need to be elevated since the homes will be elevated.

PLANNING & ZONING COMMISSION MEETING HELD JANUARY 11, 2021

Vice Chair Carey commended Building Official Guy on his explanation and stated that the ordinance presented did not address some of the issues the many will face due to having neighbors with high elevations and 36' building height, and Chair Marsh stated that retaining walls would be a crucial part of the process.

Member Hennigan reiterated his recommendation of making the maximum height for a building to be 43' inclusive of the floor elevations and the height of the building would have to be adjusted for each person depending on their elevation. Town Attorney Ryan stated that there is no wrong way to address this situation, but that the Commission would need to choose how to address. Member Hennigan stated that 43' building height would make it even for everyone and would match current code. Vice Chair Carey agreed with Member Hennigan's proposal and that the town should focus on resolving the issues that will impact many residences due to the new FEMA floor elevations. Member Hennigan further explained his recommendation to the Commission. Town Planner O' Gorman stated that the 43' maximum height could work.

Chair Marsh stated that Member Hennigan's idea may work, but that the ordinance should have a point of measurement. Member Hennigan stated that the datum could be the 7', but that it would measure it from the top being 43' maximum. Chair Marsh dissented and stated that the point of measurement should be at the bottom and not at the top. Member Hutchins agreed with the recommendations. There were further discussions about whether the point of measurement should be from the top or from a base.

Chair Marsh asked Building Official Guy about making the point of reference the 7' base floor elevation. Building Official Guy responded that it could work. Member Hennigan stated that the goal is to keep the current height for the buildings even with the elevation. He stated that there may be some push back from builders about reduction of heights, but that the Commission should consider the neighbors. Chair Marsh explained how the 7' point of measurement would work.

Chair Marsh asked Town Attorney Ryan if it would be a hardship for a home to lose a certain amount of height, to which Town Attorney Ryan stated that it may not be a hardship, but it may be a point of fairness as people buy a home with the intentions of building a certain height and the proposed idea would reduce that dramatically. She stated that the Town would have to advertise and communicate that correctly. The Commission discussed the properties that are required by FEMA to be 11' or 12' in elevation and how they would be impacted by the idea presented. Chair Marsh stated that there are many issues that may need further discussions between the Planning & Zoning Commission and the Town Commission at a workshop.

Vice Chair Carey asked if there were any applications submitted with homes that would have to elevate their base floor elevation to be 11' or 12', and Building Official Guy stated that there have been no new submissions with those elevations, but the Town is expecting one to come soon since the engineers have been calling.

Member Hennigan stated that the Town needs to put an ordinance on the books in a timely manner before they submit, to which Chair Marsh stated that the Town could do a zoning in progress ordinance, and Town Attorney Ryan stated that the Town would need to do an ordinance or resolution for it which would take more time. Town Attorney Ryan recommended for the

PLANNING & ZONING COMMISSION MEETING HELD JANUARY 11, 2021

Commission to continue discussing the issues and to provide staff a clear understanding on how to proceed in order to save time.

Member Hutchins stated that any ordinance should not prevent someone from building the home that they would like and the ordinance should give people leeway. Member Hennigan stated that he is also calculating from the bottom as well. Chair Marsh reminded that the parapet needs to be addressed. Vice Chair Carey stated that Member Hennigan's idea might help address some of the concerns as it reduces a foot for the building height due to every increase in elevation and that it would apply broadly to everyone. He stated that the Commission should give staff a clear direction of how to proceed with building heights and parapets.

(Town Clerk's Note: Town Manager Stevens joined the meeting.)

Chair Marsh stated that the Town of Palm Beach uses a point of measurement of about 7' and that the motion should include a point of measurement, which he suggested could be 7'. They discussed the impact that a 7' point of measurement would have on properties that would be required to have base floor elevation of 11' or 12'. Member Hennigan and Chair Marsh summarized the discussions for Town Manager Stevens. Town Attorney Ryan stated that an ordinance can be drafted with the recommendations and then further conversation at a later meeting. Town Manager Stevens asked Town Planner O'Gorman for his thoughts, and Mr. O'Gorman did not have an issue with the ideas presented.

Chair Marsh stated that the parapet still need to be addressed, and Member Hennigan asked about roof styles and effects on height. Chair Marsh provided information on roof styles.

Chair Marsh stated that the ordinance is not ready for the Planning & Zoning Commission to make a recommendation to the Town Commission, and reiterated the importance of workshops to discuss important items that impact the Town as a whole. Town Manager Stevens stated that it would be better for the exploratory committee to meet and entertain the proposed ideas, as direction was already given at the last joint meeting between the Planning & Zoning Commission and Town Commission.

Chair Marsh asked Town Planner O'Gorman on the limitation of the parapet for other municipalities, to which Town Planner O'Gorman stated that it is usually 3-4'. Chair Marsh recommended 3' due to roof top equipment. Member Hennigan asked if 3' would be able to accommodate the roof equipment and the Town's current requirements, and Building Official Guy stated that it could accommodate and would work with the current regulations. The Board consented to limiting the parapet to 3'.

Member Hennigan moved to recommend that staff draft an ordinance that would make the 7' NAVD the point of measurement, and every foot increase in the floor elevation would decrease the building height by 1' from the 36' building height, and that flat roof parapets be a maximum of 3' above the tie beam; seconded by Vice Chair Carey. Motion carried 5-0.

Vice Chair Carey requested to see the ordinance at the February meeting along with the demolition ordinance.

Vice Chair Carey moved to adjourn the meeting; seconded by Member Hutchins. Motion carried 5-0.

ADJOURNMENT

Meeting adjourned at 9:50 a.m.

Minutes prepared by Town Clerk Armstrong, and adopted by the Planning & Zoning Commission on February 11, 2020.



Mark Marsh, Chair

Attest:



Karla Armstrong, Town Clerk

