

PLANNING & ZONING COMMISSION MEETING MINUTES
FEBRUARY 8, 2021

Meeting Minutes of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, February 8, 2021 in the Town Hall Meeting Chambers.

CALL TO ORDER

The meeting was called to order at 8:01 a.m. by Chair Marsh.

Chair Marsh asked if members could remove the face mask since they were separated by the shields, to which Town Manager warned against it due to a positive COVID case from the Town Commission Meeting. Vice Chair Carey asked if any information can be released about the individual who had COVID-19, to which Town Manager Stevens stated that she could not release any information about the individual.

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	Present
Alternate Member Brit Flanagan	Present
Alternate Member James Leming	Present

Staff Present: Town Attorney Pamala Ryan, Building Official Durrani Guy, Town Planner Corey O’Gorman, Town Manager Stevens, and Town Clerk Karla Armstrong.

PLEDGE OF ALLEGIANCE

Chair Marsh led the Pledge of Allegiance.

APPROVAL OF MINUTES

1. Approval of Minutes of the January 11, 2021 Minutes

Vice Chair Carey moved to approve the minutes of January 11, 2021; seconded by Member Hennigan. Motion Carried 5-0.

DISCUSSION / ACTION ITEMS

2. Ordinance Review: An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances By Amending Chapter 67 “Buildings and Building Regulations”, Article III “Technical Codes and Other Construction Standards”, Division 2 “Administration and Enforcement”, Section 67-51 “Permit Required”, To Amend the Requirements to Obtain a Demolition Permit and Provide for Penalties; and Amending Section 67-52 “Commencement and Duration of Construction” To Adjust the Timeframes for Construction; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date.

Town Manager Stevens stated that staff worked together to make the changes to both demolition and building heights ordinances as per the Board directions and suggested any changes be made at the meeting so that it can be forwarded to the Town Commission.

Vice Chair Carey commended staff on the ordinance presented and asked that the timeframes listed for the completion of demolitions on P. 3 be reduced to 45 and 90 days, respectively, to which

PLANNING & ZONING COMMISSION MEETING HELD FEBRUARY 8, 2021

Town Attorney Ryan stated that the timeframe proposed follows the same timeframe as a standard permit and Building Official Guy agreed that it's the State standard. Vice Chair Carey dissented to have the demolition permits be the same timeframe as other permits and he noted that sections in the code that refer to ground covers or others provide a different timeframe than the standard permit time.

Member Hutchins recommended to leave the ordinance as presented and make changes if needed. He also asked what would happen to the timeframe in the case of an emergency, to which Town Attorney Ryan informed that if the Governor of Florida declares a State of Emergency, then the contractor would be allowed to extend the building permit if the contractor requests it per the Florida Statutes. She explained the technicalities within the State Statutes in regards to automatic extension due to emergency declared events.

Chair Marsh asked if the timeframe included plan review time, to which Building Official Guy stated that the timeframe will start once the permit is issued.

Vice Chair Carey asked the construction timeframe for an RSE versus an RSF district, and Town Manager Stevens responded that it is proposed to be two years and one year respectively to complete a construction project.

Member Kosinski is in favor of the letter of credit, but asked how the Town would continue to enforce ongoing maintenance of a vacant lot, and Building Official Guy stated that there are ordinances in place that regulate vacant lots, such as maintenance and height of the grass. Member Kosinski asked if the Town could place a fine on the owners of the vacant lot or if the Town could do the maintenance and pass the cost to the owner, to which Building Official Guy stated that the Town could send the owner of the vacant lot to Code Enforcement or the Town could do it, then go through the process to pass the cost to the owner if the owner does not comply by a date certain. He added that the Town is working on a citation process, to which Town Attorney Ryan further added that the Town always has to provide due process. Member Kosinski stated she would like to see quicker enforcement. Chair Marsh asked about the legality of the Town doing the maintenance on a property, to which Town Manager Stevens stated that the Town could do it with the letter of credit, by placing a lien on the property, or going through the special assessment procedures and Town Attorney Ryan responded that the Town may not receive reimbursement if they lien the property.

Member Hennigan stated that he concurred with Vice Chair Carey's suggestion of lowering the demolition timeframes, and asked about how the value on the letter of credit was calculated, to which Town Manager Stevens stated that it would be based on the cost of the job and Building Official Guy that it is industry standard to have a letter of credit be 110 percent of the total cost of the demolition project. Member Hennigan asked if the cost for the letter of credit included turning the site into a green field after the demolition, to which Town Manager Stevens answered that it does and Town Attorney Ryan also agreed that it does.

Member Hutchins asked Town Planner O'Gorman if he is aware of the average timeframes to complete demolition, to which Town Planner O'Gorman responded that he is not aware of the

average, but believes that some municipalities follow the State's permit timeframe. He did say that most municipalities require the vacant lot to be seeded or sodded after a demolition.

Town Attorney Ryan stated that the timeframes can be reduced if that is the Board's preference, and the contractor could have the option to extend the permit if needed. Chair Marsh proposed reducing the timeframe dates to 60 and 120 days respectively. All members were okay with the reduction of the demolition timeframes, and Member Kosinski asked if staff had any objection to the change. Building Official Guy stated that there is no objection, but that staff is making technical amendments to the Florida Building Code to make the Code more stringent within the Town of Ocean Ridge. Town Clerk Armstrong asked the members to consider that staff has outdated building permits software that does not allow staff to track permits with different dates than the standard, so that all has to be tracked manually. Town Manager Stevens stated that the Town is looking into getting a new building permits program and Building Official Guy concurred, and commended the efficiency of the administrative staff in Town Hall.

Chair Marsh asked what the standard duration of a building permit is, to which Building Official Guy stated that the Florida Building Code does not have a time limit for completion of a project as it can continue to get extended with active inspections. Chair Marsh stated that most municipalities require for a homeowner to commence construction with 12 months of the issuance of a building permit, and Building Official Guy stated that the Town does not have that requirement in place, but it is changing it by making technical amendments that would address that. Chair Marsh asked about the legality of the ordinance, to which staff responded that the legality of ordinances is explored by the Town Attorney before being presented.

Chair Marsh called for public comment, and there was none.

Vice Chair Carey moved to approve the draft ordinance for demolition as proposed with the amendment to reduce the timeframes from 90 days to 60 days for a contractor to complete a demolition once the demolition or partial demolition has begun, and from 180 days to 120 days after the issuance; seconded by Member Hennigan. Motion carried 5-0.

- 3. 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," Amending Section 64-4 "RHM High Density Multiple-Family Residential District," And Amending Article II "Planned Residential Development" By Amending Section 64-24 "Development Standards" To Decrease the Height of Two-Story Buildings When FEMA Regulations are Implicated and to Adjust the Height of a Parapet So That It Does Not Extend Too Far Above the Roof; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date.**

Town Attorney Ryan stated that staff made changes as indicated by the Board and asked for the members to give any critiques.

Member Kosinski asked what would be the impact to the ceiling height if the building height is reduced because of properties with high floor elevation, and Chair Marsh responded that the owner

would still be able to get the industry standard of ceiling height requirement with the building height reduced. Chair Marsh added that those properties required to conform to FEMA's higher elevation requirements may feel penalized which may result in more flat roofs to adjust to building height and Vice Chair Carey concurred that the contractor will make the adjustment by reducing the roof and roof pitch and that they would have enough for the ceiling.

Member Hutchins asked for clarification on the point of measurement being 43' from the minutes, to which Vice Chair Carey and Member Hennigan stated that it is the same measurement, but getting there a different way by making the point of measurement from the bottom of the structure not the top of the structure.

Member Kosinski asked why the board moved to change the parapet height, to which Chair Marsh stated that the change was made to allow the covering of equipment.

Chair Marsh asked how the ordinance addresses RHM, and Town Manager Stevens stated that no changes were added to RHM. Member Hennigan asked what is the flood elevation for the RHM districts, and Town Engineer Tropepe stated that most homes on the north end of Town were impacted, but those in the RHM district were not impacted by FEMA's latest change as they are in Flood Zone X. Town Engineer Tropepe is concerned about the areas that are not addressed in the ordinance such as Flood Zone X, but she did commend the Board for the changes made in the ordinance. She also provided a history of elevation changes made by FEMA in the latest years, and asked what would happen if FEMA changes again and Member Hennigan stated that changes can be made to the ordinance as needed in the future.

Member Hutchins asked what is the difference between RHM and RMM, to which Town Manager Stevens responded that RHM is the high density district and RMM is medium density. Member Hutchins asked if the ordinance would change the height for RHM, and Town Manager Stevens stated that the ordinance is not changing the heights of the RHM.

Building Official Guy commented that properties in Flood Zone X will not be affected by FEMA and that the ordinance should mention Flood Zone X, and Town Attorney Ryan stated that she can add a reference to Flood Zone X through a "Whereas" clause. The members and staff discussed whether to include mention of Flood Zone X, but Chair Marsh and Town Engineer Tropepe preferred that the Flood Zone X be mentioned.

Member Kosinski asked if the Town would consider higher than two story homes if FEMA continues to increase the elevation, and Member Hennigan and Vice Chair Carey agreed that it can be addressed if FEMA makes additional changes once the Town can see the impact.

Member Hennigan moved to approve the ordinance as submitted with the addition of a "Whereas" clause that addresses Flood Zone X; seconded by Vice Chair Carey. Motion carried 5-0.

COMMISSIONERS COMMENTS

(This item is reserved for any Commissioner comments that are not related to any item printed on the agenda.)

PLANNING & ZONING COMMISSION MEETING HELD FEBRUARY 8, 2021

Building Official Guy informed that the Building Department will be hosting monthly forums to discuss general building information. He further informed that the first forum will be on March 1, 2021 from 5-5:45 p.m. to discuss FEMA flood maps. Town Manager Stevens thanked Building Official Guy for putting together an educational forum for residents and contractors. Chair Marsh asked that the schedule be published in the Coastal Star.

Member Hennigan asked Vice Chair Carey if he is comfortable being the spokesperson for the Board at the Town Commission meetings, and Vice Chair Carey stated that he is and he gave a summary of some of the past meetings.

Alternate Member Flanagan introduced herself to the public and other members in-person. Vice Chair Carey asked her if she is here in the summers to be an alternate if he is not here, to which Alternate Member Flanagan responded that she is not in Town in the summer.

Member Hennigan moved to adjourned the meeting; seconded by Member Hutchins. Motion carried 5-0.

ADJOURNMENT

Meeting adjourned at 8:58 a.m.

Minutes prepared by Town Clerk Armstrong, and adopted by the Planning & Zoning Commission on March 15, 2021.



Mark Marsh, Chair

Attest:



Karla Armstrong, Town Clerk

