

**TOWN OF OCEAN RIDGE, FLORIDA  
PLANNING & ZONING COMMISSION MEETING AGENDA  
JANUARY 11, 2020  
8:00 A.M.  
TOWN HALL \* MEETING CHAMBERS**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**COMMISSIONER COMMENTS**

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

**PUBLIC COMMENT**

**APPROVAL OF MINUTES**

1. Approval of December 21, 2020 Meeting Minutes

**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.

**ADJOURNMENT**

**THE NEXT MEETING OF THE PLANNING & ZONING COMMISSION WILL BE  
HELD ON MONDAY, FEBRUARY 8, 2021 AT 8:00 AM AT TOWN HALL.**

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING & ZONING COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, HE/SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. PERSONS WHO NEED AN ACCOMODATION IN ORDER TO ATTEND OR PARTICIPATE IN THIS MEETING SHOULD CONTACT THE TOWN CLERK AT 561-732-2635 AT LEAST 5 DAYS PRIOR TO THE MEETING IN ORDER TO REQUEST SUCH ASSISTANCE. PLEASE TAKE NOTICE THAT ONE OR MORE TOWN COMMISSIONERS MAY BE PRESENT AT ANY BOARD OR COMMISSION MEETING OF THE TOWN OF OCEAN RIDGE.

**NOTICE: THE PUBLIC MAY VIEW THE HARD COPY OF THE MEETING  
MATERIALS AT TOWN HALL BEFORE OR DURING THE MEETING**

## **Live Audio Feed Provided for the Planning and Zoning Meeting of January 2021**

Based upon an Executive Order issued by the Governor of the State of Florida, the Town of Ocean Ridge will be holding the meeting in-person, with an additional option of listening to the audio live.

**DATE AND TIME:** Monday, January 11, 2021 at 8:00 A.M.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Town of Ocean Ridge will meet for the purpose of reviewing items as described on the agenda. The agenda along with the meeting package was posted on the Town's website, at Town Hall, and in Town Hall's shadow box the Wednesday prior to the meeting.

A copy of the agenda & the package may be obtained by contacting the Town Clerk at:  
[karmstrong@oceanridgeflorida.com](mailto:karmstrong@oceanridgeflorida.com).

**PLACE:** The meeting will be held at the physical access point of Town Hall, 6450 N. Ocean Blvd, Ocean Ridge, FL 33435. The Town of Ocean Ridge will provide a live audio feed for those that cannot attend the physical access point that would allow the public to listen only. Interested persons may listen by using the following information:

- **Please dial in using your phone.** United States: [+1 \(571\) 317-3122](tel:+15713173122) and **Access Code:** 266-619-765

### **PUBLIC COMMENTS:**

Persons that are unable to attend the meeting in person may submit public comments by utilizing the following options:

1. Email the Town Clerk at [karmstrong@oceanridgeflorida.com](mailto:karmstrong@oceanridgeflorida.com) by Friday, January 8, 2021 at 3 p.m. The email must contain the agenda item number and exactly what is to be read out loud at the meeting (3 minute limit). The Town Clerk will respond to the email if it has been received. If you do not receive a response email from the Town Clerk, assume that it was not received and follow up with a phone call to Town Hall at 561-732-2635. The Town Clerk will read the public comment into the record when the item is taken up.
2. Call Town Hall at 561-732-2635 before the meeting date. Tell Town Hall Staff which agenda item you would like to submit a comment on, and submit your comments to them (3 minute limit). Town Hall staff will notify the Town Clerk of the public comment, and the Town Clerk will read the public comment into the record when the item is taken up during the meeting.

### **ADDITIONAL INFORMATION:**

The recording of the meeting along with the action item summary sheet will be available to the public the following day.

Consistent with section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Town Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons who need an accommodation in order to attend or participate in this meeting should contact the Town Clerk at (561) 732-2635 at least 5 days prior to the meeting in order to request such assistance.

PLANNING & ZONING COMMISSION MEETING MINUTES  
DECEMBER 21, 2020

Meeting Minutes of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, December 21, 2020 in the Town Hall Meeting Chambers.

**CALL TO ORDER**

The meeting was called to order at 8:00 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: Alternate Member Leming attended in place of Member Kosinski, who was absent with notice.)

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

**PLEDGE OF ALLEGIANCE**

Chair Marsh led the Pledge of Allegiance.

**COMMISSIONERS COMMENTS**

There were no comments by Commissioners.

**PUBLIC COMMENT**

There were no public comments made at this time.

**APPROVAL OF MINUTES**

**1. Approval of November 16, 2020 Minutes**

**Alternate Member Leming moved to approve the minutes of November 16, 2020; seconded by Member Hennigan. Motion Carried 5-0.**

**DISCUSSION / ACTION ITEMS**

**2. Quasi-Judicial Hearing: Development Plan Review for 95 Island Drive South**

Chair Marsh explained that this is a quasi-judicial hearing, and asked if any of the board members had any ex-parte communications with the applicant, owner or builder. All Planning & Zoning Commissioners responded that they had not. Those that wished to give testimony for 95 Island Drive South were sworn in by the Town Clerk.

Chair Marsh invited the applicant or representative of 95 Island Drive South to the podium. Annie Carruthers, In-Site Design Group LLC and Architect for the project, introduced herself and presented the changes to the home as outlined in the memo within the package.

Paul Catania of Parker Yannette Design Group, the Landscape Architect for the project, explained the changes to the landscaping as outlined in the memo provided within the package and he presented a color rendering of the landscaping to the Commission. He noted that some landscaping was removed from the drainage easement in the rear due to Town Staff direction. Chair Marsh asked if the artificial turf to be placed on the property follows the allowable amount per Town Code, to which Town Planner O’Gorman stated that the amount meets Town Code.

Chair Marsh asked Town Staff for any comments regarding the property. Town Planner O’Gorman and Building Official Guy stated the application met the Town Code as submitted and any additional review will be conducted upon permit submittal. Tara Bamber, representative for the Town Engineer, stated that she directed the applicant to remove the landscaping from the drainage easement because the roots of the landscaping can get into the Town’s drainage system and compromise the system. (Town Clerk’s Note: Engineering comments to be addressed at the Building Permit stage were provided within the package.)

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

Chair Marsh and Member Hennigan commended the architect for the changes made and listening to the Commission’s recommendations. There were no comments on the building architecture.

Member Hennigan asked Mr. Catania to clarify the trunk size of the trees to be placed in the front yard, to which Mr. Catania responded with the sizes of the trunks of the trees to be installed and explained their growth size pattern. Member Hennigan proposed that Mr. Catania place additional medium size trees around the tree in the front yard in the pocket, and Mr. Catania stated that additional landscaping can be added and he will review to see which trees will best fit the neighborhood and not be too dense.

Vice Chair Carey made the following motion based on the competent, substantial evidence, and testimony presented:

**Vice Chair Carey moved to approve the Development Plan Review for 95 Island Drive as submitted with the condition of increasing the landscaping in the front yard as described in the meeting and that no planting be placed in the drainage easement; seconded by Member Hutchins. Motion carried 5-0.**

### **3. Quasi-Judicial Hearing: Development Plan Review for 21 Ocean Avenue**

Chair Marsh explained that this is a quasi-judicial hearing, and asked if any of the members had any ex-parte communications with the applicant, owner or builder. Chair Marsh noted that the applicant sent him an email, but that he did not respond to the email or converse with the applicant regarding the project, and all other Planning & Zoning Commissioners responded that they had not. Those that wished to give testimony for 21 Ocean Avenue were sworn in by the Town Clerk.

Chair Marsh invited the applicant or representative of 21 Ocean Avenue to the podium. Austen & Tricia Bernstein, homeowners and applicants of the project, presented the changes to the home as outlined in the memo within the package.

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

Chair Marsh asked Town Staff for any comments regarding the property. Town Planner O’Gorman and Building Official Guy stated the application met the Town Code as submitted and any additional review will be conducted upon permit submittal. Tara Bamber, representative for the Town Engineer, stated that she had no additional comments. (Town Clerk’s Note: Engineering comments to be addressed at the Building Permit stage were provided within the package.)

Member Hutchins and Chair Marsh commended the applicant for the changes. Chair Marsh further recommended for the applicant to enhance the side elevation with vertical landscaping.

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

Vice Chair Carey made the following motion based on the competent, substantial evidence, and testimony presented:

**Vice Chair Carey moved to approve the Development Plan Review for 21 Ocean Avenue Drive as submitted with the condition of increasing vertical landscaping in the West Elevation; seconded by Member Hutchins. Motion carried 5-0.**

**4. Quasi-Judicial Hearing: Development Plan Review for 82 Island Drive South**

Chair Marsh explained that this is a quasi-judicial hearing, and asked if any of the board members had any ex-parte communications with the applicant, owner or builder. All Planning & Zoning Commissioners responded that they had not. Those that wished to give testimony for 82 Island Drive South were sworn in by the Town Clerk.

Chair Marsh asked Town Staff for any comments regarding the property. Town Planner O’Gorman and Building Official Guy stated the application met the Town Code as submitted and any additional review will be conducted upon permit submittal. Tara Bamber, representative for the Town Engineer, stated she had no additional comments. (Town Clerk’s Note: Engineering comments to be addressed at the Building Permit stage were provided within the package.)

Richard Bremer, RWB/Linares Architecture, the Architect for the project, introduced the project by noting that the home will be a two-story coastal traditional home with five bedrooms & five bathrooms and it will follow the new elevations in accordance with FEMA regulations. He showed the Commission the site plan and went over the calculations provided in the site plan. He also went over the materials that will be used to construct the home.

Louis Vlahos, Majestic Views Landscaping, the Landscape Architect for the project, explained the type of landscaping to be installed within the property. He explained the landscaping challenges in the front yard due to the required elevation and due to the septic and drainage.

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

Vice Chair Carey asked about the retaining wall and the differential retaining wall height from the proposed wall and the neighbor's retaining wall, to which Mr. Vlahos stated that the height difference is a couple of inches.

Vice Chair Carey asked if there are any canopy trees to be placed in the property, and Mr. Vlahos explained that there are some canopies being placed throughout the property.

Chair Marsh asked Mr. Vlahos to add an additional tree to the southeast of the property for additional screening, to which Mr. Vlahos discussed that a sea-grape hedge will be placed there that would also serve as a buffer, and that he could install an additional small tree that would be easy to maintain.

Chair Marsh asked about how the applicant will address the drop at the end of the property line, and Mr. Vlahos stated that it is addressed by the retaining wall to be installed and the steps. He further stated that there might be a stem wall that would help with the drop. Steve Varga, applicant of the project, stated that the home will have the piling system and explained how they would lay out the piling to accommodate the drop.

Member Hennigan commented that the front yard appears as a green desert that lacks trees, to which Vlahos stated that the challenge is that the septic and drain-field are in the front of the home and no trees can be placed over those components per the Health Department. Member Hennigan stated that the septic tank and the drain-field can be moved to allow for additional trees. Chair Marsh asked Mr. Varga to have his Engineer relocate the septic tank and drain-field for additional trees in the front yard, and Mr. Varga stated that he will try to accommodate.

Member Hutchins commended the home design and stated that he is okay with the landscaping as submitted and Member Hennigan also commended the home design and stated that he is just commenting on the landscaping. Chair Marsh stated that he does not have any issues with the home except the travertine platting and some of the landscaping.

Vice Chair Carey made the following motion based on the competent, substantial evidence, and testimony presented:

**Vice Chair Carey moved to approve the Development Plan Review for 82 Island Drive South as submitted with the condition that the applicant revise the engineer drawing to relocate a substantial portion of the drain-field to allow for additional landscaping in the front elevation; seconded by Member Hennigan. Motion carried 5-0.**

##### **5. Quasi-Judicial Hearing: Development Plan Review for 18 Hersey Drive**

Chair Marsh explained that this is a quasi-judicial hearing, and asked if any of the board members had any ex-parte communications with the applicant, owner or builder. All Planning & Zoning Commissioners responded that they had not. Those that wished to give testimony for 18 Hersey Drive were sworn in by the Town Clerk.

Scott Correale, agent for the homeowner and applicant, presented the project by noting that the project is a 200 sq. ft. addition expanding the living space and an additional bathroom. The project will also include new windows and doors with a roof replacement.

Vice Chair Carey asked how the property will be used, to which Mr. Correale stated that the property would most likely be used as a rental property. Vice Chair Carey asked Town Staff if the applicant met the parking requirement, to which Town Planner O’Gorman stated that the applicant did meet the regulations in regards to parking. Town Manager Stevens noted to the applicant and for the record that the Town does not allow short-term rentals within the Town of Ocean Ridge.

Chair Marsh asked Town Staff for any comments regarding the property. Town Planner O’Gorman and Building Official Guy stated that they had no issues that would hold up the permit. Tara Bamber, representative for the Town Engineer, voiced that the applicant did not provide drainage plans, to which Mr. Correale responded that he is working with an Engineer to provide the drainage plans to the Town and work with staff to meet all codes. (Town Clerk’s Note: Zoning and Engineering comments to be addressed at the Building Permit stage were provided within the package.)

Chair Marsh voiced his concern with the massive roof area, and asked the applicant to work with staff on drainage concerns, and Mr. Correale stated that he is looking to work with the town. Chair Marsh discussed the driveway and parking with the applicant.

Chair Marsh recommended for the applicant to add a privacy tree into the island in the front elevation to create a buffer, to which the applicant stated that he would be willing to add more landscaping.

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

John Riskas of Riskas Construction, Contractor of the project, asked if they could start the project once they receive approval from the Commission, and the Town Clerk responded that they could not start the work as the approval will come from the Building Department and through a permit.

Vice Chair Carey made the following motion based on the competent, substantial evidence, and testimony presented:

**Vice Chair Carey moved to approve the Development Plan Review for 18 Hersey Drive as submitted with the conditions that a hedge buffer be added along Hersey Drive and for drainage plans to be provided and approved by the Town; seconded by Member Hutchins. Motion carried 5-0.**

## **6. Discussion Regarding Development Plan Review Checklist**

Town Clerk Armstrong introduced the item to the Commission by stating that changes were made based on the Joint Workshop and discussions with Chair Marsh. She noted all changes were highlighted in yellow or green. Town Manager Stevens added that a change was made to the Development Plan Review Checklist requiring the applicant to provide a narrative of the home as defined in Town Code Section 63-56.

## PLANNING & ZONING COMMISSION MEETING HELD DECEMBER 21, 2020

Chair Marsh commented that the packages were too cumbersome and packed with information that is not relevant to the Board and he worked with staff to help reduce the amount of paperwork.

Vice Chair Carey asked if the applicant is submitting less information or if the Board will be receiving less information, to which Town Clerk Armstrong stated that some items were removed while the amount of copies of others were reduced. Vice Chair Carey voiced his concern that simply requiring less copies is not sufficient as the goal is for the applicant to spend less money on the Development Plan Review application, and Town Manager Stevens concurred.

Chair Marsh stated that the Board should be seeing minimal plans about the home and that the Board does not need to see technical plans. He also stated that the applicant should be notating for projects that have been previously deferred by the Commission, properly mark as “previously proposed” and “currently proposed”. The Town Clerk stated that the requirement was added per Chair Marsh’s suggestion.

Vice Chair Carey reiterated his concern that the Board is still requiring too much paperwork to be submitted, which is costly to the application, and Town Manager Stevens concurred while also reminding that components of the checklist were added due to directions from the Board last year.

Member Hennigan stated that the applicant can work on other parts of their permit while staff only extracts what is necessary for the Board, to which Town Manager Stevens stated that the Board is asking for an entire permit package in the Development Plan Review process. Town Clerk Armstrong clarified that the Development Plan checklist may be detailed, but it does not require everything that a building permit would require. Town Clerk Armstrong stated that the applicant did not have to submit any electrical, plumbing, and mechanical information at this stage. Chair Marsh and Vice Chair Carey agreed that the process should be streamlined so the applicant is spending less on the Development Plan Review process, and that the Board will be reviewing the application over the next couple of months and will make adjustments as necessary.

Member Hutchins asked Chair Marsh if the process seemed similar to other municipalities, to which Chair Marsh stated that it is getting there and the Board will make adjustment as necessary.

Member Hennigan stated that the location of the septic is crucial to the Board, to which Chair Marsh stated that the location of where it will be placed is important for the placement of other items such as landscaping, but the plans for it need to be processed by staff.

Member Hennigan stated that he would like to see sectionals at the edge of the property, and Chair Marsh stated that the Board will be able to obtain that information through floor plans and the elevations. Chair Marsh stated that staff could review the sectional and require it for Building Permit stage. Town Clerk Armstrong also notified that the Building Official requires a sectional of the edge of the property for the applicant. Member Hennigan stated that the sectional not only shows they will accommodate for drainage, but also how they will tie into the surrounding areas. Building Official Guy stated that plans may change during the building permit stage, but the applicant will have to find a way to encompass the conditions by the Board. Town Attorney Ryan stated that the goal is for the Board to be as objective as possible in their motion that will give the

proper guidance to staff and the applicant. She stated that the Board tries not to defer or deny applications, but provide comments that staff can oversee. She recommended that staff provide an update of the project after the fact.

Vice Chair Carey asked for clarification if the same documents are then submitted to the Building Department, and Town Manager Stevens stated that it is. Town Attorney Ryan stated that there should be distinction of what the applicant needs to submit at this stage and what is needed for the Building Department stage. Town Clerk Armstrong clarified that the checklist presented is only for the Development Plan Review and that the Building Department has their own checklist for new construction building permit submittal. Vice Chair Carey stated that he would like to see the applicant come before the Board faster to help speed up the process. Town Clerk Armstrong explained the process and commended the Town Planner, Building Official and Town Engineer on their quickness in reviewing.

Vice Chair Carey stated that Section 63-56 of the Town Code of Ordinances does not need to be in the checklist and that the checklist can just note the code section.

**Vice Chair Carey moved to approve the application with the change to remove the wording from Section 63-56 of the Town Code of Ordinances; seconded by Member Hutchins. Motions carried 5-0.**

**7. Ordinance Review: Water Conservation & Landscape Irrigation; and**

**8. Ordinance Review: Water Shortage Plan**

Town Manager Stevens explained the item by notifying that the ordinance is being proposed by South Florida Water Management. She stated that the Attorneys have reviewed and accommodated it to fit Ocean Ridge. Town Manager Stevens stated that item 7 and 8 can be combined since they are both proposed by South Florida Water Management and are similar in nature.

Chair Marsh asked when the landscape watering changed from three days to two days, to which Town Manager Stevens stated that the Town needs to get caught up in the code with the new regulations. Chair Marsh stated that if there will be such a change, then the public will need to be alerted with proper notice, to which Town Manager Stevens concurred.

Vice Chair Carey asked if the Town Commission will be able to revoke this later or make adjustments as needed. He also asked about the process in enforcing the proposed ordinances if passed and how will it impact seasonal residents. Member Hennigan asked who set the fines, to which Town Manager Stevens stated that South Florida Water Management did. Vice Chair Carey asked if the Town could set their own fines, and Member Hennigan stated that the Town could be stricter if they wanted to. Police Chief Hutchins briefed that the South Florida Water Management District has relied on local code enforcement to ensure compliance in the past, and that passing such an ordinance would be burdensome on the Town and its enforcement arm. He discussed how the compliance process would look like if the ordinances are adopted, but he questioned some of the issues within the ordinance.

Town Manager Stevens stated that the ordinance is aiming to also help combat the overwatering and drainage issues that the Town faces, and Vice Chair Carey stated that the Town could have its

own ordinance regarding overwatering without needing to pass the South Florida Water Management ordinances.

Town Attorney Ryan stated that she would have to speak with a representative from South Florida Water Management before she can make any recommendation to the Town on how to move forward.

Member Hennigan asked a clarifying question about enforcement on fines. Chief Hutchins stated that the Officer enforcing the ordinance will need some discretion as to when to give fines based on circumstances. Chief Hutchins stated that it will be a huge change for all residents moving from three days to two days for watering. Vice Chair Carey stated that he is in favor of the Town doing its own ordinances. Town Attorney Ryan stated that South Florida Water Management may have an issue if the Town has a different code and one that's less stringent because South Florida Water Management also has an enforcement arm to ensure compliance. They discussed in greater details the authority of South Florida Water Management and preference for Ocean Ridge to do its own ordinance that does not mimic that of South Florida Water Management. Town Attorney Ryan agreed to follow up once she discusses the Town's options of passing its own ordinance with South Florida Water Management.

**Member Hennigan moved to defer both ordinances until staff gathers more information; seconded by Member Hutchins. Motion carried 5-0.**

#### **9. Ordinance Review: Demolition**

Town Manager Stevens provided the Commission an overview of the ordinance as outlined in the memo for the item within the package.

Commissioners commended staff for presenting the ordinance. Member Hennigan stated that he would like for the ordinance to be more comprehensive because it needs to discuss the code enforcement process in the case of abatement and to clarify the ordinance in regards to time certain definition. He also asked that staff look into the possibility of adding a financial impact, such as a bond, if the contractor does not meet the timeframe to complete the demolition. Member Hennigan asked Building Official Guy for his view on the ordinance and on demolition abandonment or blight, to which Building Official Guy stated that the proposed ordinance would help a great deal and would be a first step to help alleviate some of the issues with demolitions.

Town Manager Stevens asked Member Hennigan what kind of bond he would like to see, and Member Hennigan responded that would like a bond that would not preclude the contractor from going to the magistrate, to which Town Attorney Ryan discussed the different possibilities and stated that she will investigate. Member Hennigan asked staff what will be the process of mandating payment from code enforcement, to which Town Attorney Ryan stated the violator would get a fine and the fine would go through the lien process and the lien would require the violator to pay prior to selling or refinancing. Member Hennigan stated he would like staff to explore what similar communities do, in particular the ones that require a bond, to which Chair Marsh concurred and stated he would like to discuss the possibility of adding a penalty fee that is a percentage of the permit fee, and Town Attorney Ryan stated that she will further review.

Vice Chair Carey stated that he would like to see the ordinance move forward to the Town Commission because there is nothing currently on the books, and changes will delay the process. Town Manager Stevens stated that the ordinance can move forward and additional changes be made later; however, Chair Marsh stated that he would not like the Commission to receive an incomplete ordinance as they would more than likely have the same questions. **Member Hennigan moved to defer the demolition ordinance for staff to review the time certain definition in the ordinance and for staff to look into financial motivation in terms of a bond.**

**10. Discussion Regarding Meeting Dates for January & February Due to Holidays**

No Board Member had an issue with changing the dates to January 11, 2021 & February 8, 2021 due to the holidays. Member Hennigan notified that he may not be able to attend the January 11, 2021 meeting, to which Alternate Member Leming stated that he would be able to attend on behalf of Member Hennigan. **There was a consensus to change the P&Z meeting dates to January 11, 2021 and February 8, 2021.**

Meeting adjourned at 10:38 a.m.

Minutes prepared by Town Clerk Armstrong, and adopted by the Planning & Zoning Commission on January 11, 2021.

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Mark Marsh, Chair

Attest:

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Karla Armstrong, Town Clerk

**Town of Ocean Ridge, Florida**  
**Planning & Zoning Commission Agenda Memorandum**  
**Office of the Town Manager**

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**Meeting Date: January 11, 2021**  
**Subject: Ordinance Review – Building Height in Reference to FEMA Regulations**

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P&Z Commissioners:

At the joint Town Commission and Planning & Zoning Commission Workshop, staff was directed to develop an exploratory committee to discuss building height in reference to the changes in elevation due to the new FEMA regulations, and draft an ordinance addressing that issue. The committee met several times and based on the conversations, Town Attorney Ryan drafted the attached ordinance.

Commissioner Wiescholek, who was part of the exploratory committee, has asked that P&Z also discuss the concept of using a height differential for larger lots, making it tiered to the setbacks. Example: If a 15ft setback is required, but the homeowner chooses to build at a setback of 25ft, the building height could be increased to 36 feet maximum as opposed to 32 feet as stated in the ordinance.

Staff will be available at the meeting to answer any questions you may have.

Respectfully,



Tracey L. Stevens, MMC  
Town Manager & Finance Director

**DRAFT ORDINANCE – BUILDING HEIGHT / FEMA**

**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.**

**WHEREAS**, the Town of Ocean Ridge, Florida (the “Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, in response to new guidelines from Federal Emergency Management Agency (“FEMA”) the Town recently amended its code indicating that FEMA’s Flood Insurance Rate Map be considered “best available data” when considering floor elevations for buildings; and

**WHEREAS**, in an effort to ensure proper scale and massing throughout the Town, the Town is proposing changes to the code as it relates to the maximum height for two-story buildings in residential zoning districts when FEMA guidelines are implicated; and

**WHEREAS**, the Town Commission has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:**

**SECTION 1 – Findings of Fact:** The **WHEREAS** clauses set forth above are adopted herein as findings of fact.

**SECTION 2 – Amendment:** Chapter 64 “Zoning,” Article I “District Regulations,” Section 64-1 “RSF and RSE single-family residential districts” is hereby amended to read as follows:

**Sec. 64-1. - RSF and RSE single-family residential districts.**

- (j) *RSF — single-family residential property development regulations.* Property development regulations for the RSF district are as follows:
  - (1) *Minimum lot area and dimensions.* Minimum lot area and dimensions are as follows:

- a. Area: 10,000 square feet.
- b. Width (interior): 80 feet.
- c. Width (corner): 90 feet.
- d. Depth: 100 feet.

(2) *Minimum yard setback requirements.* Minimum yard setback requirements are as follows:

- a. Front: 25 feet.
- b. Side (interior): 15 feet.
- c. Side (corner): 20 feet.
- d. Rear: 15 feet.
- e. Waterway: 25 feet.

Exterior balconies, bay windows, exterior chimneys, or other architectural features which do not measure more than 25 square feet in the horizontal plane, and eaves which do not extend more than three feet from the vertical wall of the building shall not be considered as encroachments in the setback.

(3) Maximum building height shall be no more than 24 feet for single-story buildings ~~or 36 feet for two-story buildings to the ridge~~ and the maximum two-story building height shall be no more than 36 feet. Height shall be measured to the ridge or highest point of the structure, including all nonhabitable architectural features, but excluding chimneys, as measured from the top of the lowest finished floor elevation of the first floor, as described in section 67-32. No building with more than two stories is permitted. No chimneys, including caps, shall exceed four feet in height from the ridge of the roof. Wherever a base flood elevation (BFE) is dictated by the FEMA National Flood Insurance Program (NFIP) maps where the differential between the BFE and existing crown of road is 4 feet or higher, the maximum two-story building height shall be no more than 32 feet. The adjustment for the FEMA NFIP is not indicated in Figure 64-6.

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(k) *RSE — single-family residential estate property development regulations.* Property development regulations for the RSE district are as follows:

(1) *Minimum lot area and dimensions.* Minimum lot area and dimensions are as follows:

- a. Area: 20,000 square feet.
- b. Width (interior): 100 feet.
- c. Width (corner): 100 feet.
- d. Depth: 100 feet.

(2) *Minimum yard setback requirements.* Minimum yard setback requirements are as follows:

- a. Front: 25 feet.
- b. Side (interior): 15 feet.

- c. Side (corner): 20 feet.
- d. Rear: 15 feet.
- e. Waterway: 25 feet.

Exterior balconies, bay windows, exterior chimneys, or other architectural features which do not measure more than 25 square feet in the horizontal plane, and eaves which do not extend more than three feet from the vertical wall of the building shall not be considered as encroachments in the setback.

- (3) Maximum building height shall be no more than 24 feet for single-story buildings ~~or 36 feet for two-story buildings to the ridge~~ and the maximum two-story building height shall be no more than 36 feet. Height shall be measured to the ridge or highest point of the structure, including all nonhabitable architectural features, but excluding chimneys, as measured from the top of the lowest finished floor elevation of the first floor, as described in section 67-32. No building with more than two stories is permitted. No chimneys, including caps, shall exceed four feet in height from the ridge of the roof. Wherever a base flood elevation (BFE) is dictated by the FEMA National Flood Insurance Program maps where the differential between the BFE and existing crown of road is 4 feet or higher, the maximum two-story building height shall be no more than 32 feet.

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**SECTION 3 – Amendment:** Chapter 64 “Zoning”, Article I “District Regulations”, Section 64-2 “RMM medium density multiple-family residential district” is hereby amended to read as follows:

**Sec. 64-2. - RMM medium density multiple-family residential district.**

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- (e) *Property development regulations.* Property development regulations for the RMM district are as follows:

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- (7) *Single-family development regulations.* Except as otherwise provided in this section, each single-family dwelling and its customary private accessory uses, including garage, swimming pool and tennis court constructed in the RMM district shall be subject to the property development regulations set forth in sections 64-1(b) through 64-1(i) herein, except the minimum floor area shall be 1,600 square feet. In addition, for two-story buildings, wherever a base flood elevation (BFE) is dictated by the FEMA National Flood Insurance Program maps where the differential between the BFE and existing crown of road is 4 feet or higher, the maximum two-story building height shall be no more than 32 feet.

**SECTION 4 – Amendment:** Chapter 64 “Zoning”, Article I “District Regulations”, Section 64-4 “RHM high density multiple-family residential district” is hereby amended to read as follows:

**Sec. 64-4. - RHM high density multiple-family residential district.**

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(e) *Property development regulations.* Property development regulations for the RHM district are as follows:

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(6) *Single-family development regulations.* Except as otherwise provided in this section, each single-family dwelling and its customary private accessory uses, including garage, swimming pool and tennis court constructed in the RHM district shall be subject to the property development regulations set forth in section 64-1(b) through 64-1(i) herein. In addition, for two-story buildings, wherever a base flood elevation (BFE) is dictated by the FEMA National Flood Insurance Program maps where the differential between the BFE and existing crown of road is 4 feet or higher, the maximum building height shall be no more than 32 feet.

**SECTION 5 - Codification:** The ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

**SECTION 6 - Repeal of Conflicting Ordinances:** All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

**SECTION 7 - Severability:** If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

**SECTION 8 - Effective Date:** This Ordinance shall become effective immediately upon adoption.

FIRST READING this 1<sup>st</sup> day of February, 2021.

SECOND AND FINAL READING this 1<sup>st</sup> day of March, 2021.

Commissioner \_\_\_\_\_ offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

KRISTINE DE HASETH, Mayor \_\_\_\_\_

STEVE COZ, Vice Mayor \_\_\_\_\_

PHILIP BESLER, Commissioner \_\_\_\_\_

SUSAN HURLBURT, Commissioner \_\_\_\_\_

MARTIN WIESCHOLEK, Commissioner \_\_\_\_\_

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this 1<sup>st</sup> day of March, 2021.

TOWN OF OCEAN RIDGE, FLORIDA

BY: \_\_\_\_\_  
Kristine de Haseth, Mayor

ATTEST: \_\_\_\_\_  
Karla Armstrong, Town Clerk