

## **Notice of Teleconferencing for June's Planning and Zoning Commission Meeting**

Based upon guidance issued by the President of the United States, by the Centers for Disease Control and Prevention, and Executive Orders issued by the Governor of the State of Florida, seating for the Planning and Zoning Commission Meeting of the Town of Ocean Ridge shall be limited based on social distancing guidelines. Based on these restrictions, the Town will be holding the meeting in-person, with the additional option of attending by teleconference for those that are unable to attend in-person.

**DATE AND TIME:** Monday, June 15, 2020 at 8 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 on the June 5, 2020.

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 and [GotoMeeting.com](https://www.gotomeeting.com). Due to COVID-19 social distancing requirements, seating at the physical access point will be limited. The Town of Ocean Ridge will provide for additional public participation through [GotoMeeting.com](https://www.gotomeeting.com), a communication media technology (teleconference). Interested persons may attend by using the following information:

- **Please join the meeting from your computer, tablet or smartphone.**  
<https://www.gotomeet.me/OceanRidge/junes-planning-and-zoning-commission-meeting>
- **You can also dial in using your phone.** United States: [+1 \(646\) 749-3122](tel:+16467493122) and **Access Code:** 909-877-253
- Download the application (App) by clicking: <https://global.gotomeeting.com/install/909877253>

### **PUBLIC COMMENTS:**

Persons who can access the meeting by teleconference using a computer with speaker capabilities or through a smart phone application (app) can provide public comment by typing their name in the chat box along with the agenda item they would like to speak about. When public comment is called by the Chairman during each agenda item, the Town Clerk will unmute each person, in the order received, that have placed their name in the chat box, and ask them to speak at that time.

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

1. Email the Town Clerk at [karmstrong@oceanridgeflorida.com](mailto:karmstrong@oceanridgeflorida.com) by Friday, June 12, 2020 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 either before or during the meeting. 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.

## **TIPS FOR VIRTUAL MEETINGS:**

**TRY TO USE ONE DEVICE.** Do not attend the meeting by using both the computer and telephone at the same time, as you will experience feedback with a strong echo, and will not be able to hear the participants of the meeting properly.

**MUTE YOUR PHONE.** If you are attending by telephone or computer. Those that do not mute their phones can cause disruptions into the meeting, as everyone attending the meeting could hear what is happening in your home, your car, or wherever you are calling from.

**DO NOT UNMUTE YOURSELF.** If you are attending by the Gotomeeting application or a computer, please do not unmute yourself. The Town Clerk will unmute persons after public comment is called by the Chairman. If you have physically muted your phone, please unmute only after public comment is called for and Town Clerk has alerted the public to unmute. After you have made your public comment, make sure to mute your phone again.

**THE INFORMATION IN THE CHAT BOX IS A PUBLIC RECORD.** Please keep in mind that all comments in the chat box become a public record after the meeting.

**CALL TOWN HALL IF EXPERIENCING TECHNICAL DIFFICULTIES.** Town Hall phones will be available for persons to call if they are experiencing any technical difficulties or any issues getting into the call. Please call 561-732-2635.

We would like to thank everyone for continuing to work with us as we navigate through this unprecedented times. Town Commission Meetings and Board Meetings will allow in-person attendance with limited seating, and the virtual meeting will be an additional resource to keep the public as informed as possible.

## **ADDITIONAL INFORMATION:**

The recording of the meeting will be made available to the public the following day.

Please be aware that Communications Media Technologies as a tool for meeting communication is permitted through Executive Order Number 20-69 issued by Governor DeSantis, which was extended. To view the executive order or obtain more information, please call Town Hall at 561-732-2635.

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.

**TOWN OF OCEAN RIDGE, FLORIDA  
PLANNING & ZONING COMMISSION MEETING AGENDA  
JUNE 15, 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.)

**APPROVAL OF MINUTES**

1. Approval of January 13, 2020 Minutes

**DISCUSSION / ACTION ITEMS**

2. Selection of Chair
3. Selection of Vice Chair
4. Discussion Regarding Code Amendment Priorities

**ADJOURNMENT**

**THE NEXT MEETING OF THE PLANNING & ZONING COMMISSION WILL  
BE HELD ON JULY 20, 2020 AT 8:00 A.M.**

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**

PLANNING & ZONING MEETING MINUTES  
JANUARY 13, 2020

Meeting Minutes of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, January 13, 2020 in the Town Hall Meeting Chambers.

**CALL TO ORDER**

The meeting was called to order at 8:00 a.m. by Vice Chair Marsh.

**ROLL CALL**

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

Chairman Gerald Goray	Absent
Member Ric Carey	Present
Member David Hutchins	Present
Member Penny Kosinski	Absent
Vice Chair Mark Marsh	Present
Alternate Member Neil Hennigan	Present
Alternate Member James Leming	Present

Let the record show that Chairman Goray and Member Kosinski were absent with notice.

Staff Present: Town Attorney Brian Shutt, Building and Public Works Director Wayne Cameron, Town Manager Tracey Stevens, Town Clerk Karla Armstrong, and Building Clerk Lisa Burns.

**PLEDGE OF ALLEGIANCE**

Chairman Goray led the Pledge of Allegiance.

**COMMISSIONERS COMMENTS**

Member Hutchins inquired if the changes in Planning and Zoning Commission meeting dates worked for staff and members. Town Manager Stevens stated that the 3<sup>rd</sup> Monday for Planning and Zoning Commission dates are better for setting up packages. There was a consensus that the 3<sup>rd</sup> Monday was working out better.

Vice Chair Marsh advised that the Town Commission approved the synthetic turf ordinance on first reading and he recommended that P&Z Commissioners attend the February Town Commission Meeting to answer any questions.

**APPROVAL OF THE MINUTES**

1. Approval of December 16, 2019 Minutes

Member Carey noted that there was a typo on page 3 and the word should be “louver” not “allover”. He also noted that on page 3, the sentence should read “7 feet, 6 inches”.

**Member Hutchins moved to adopt the December 16, 2020 minutes as amended; seconded by Member Carey. Motion carried 5-0.**

**DISCUSSION / ACTION ITEMS**

2. **Draft Ordinance Regarding Sheds**

Town Attorney Shutt noted that Town Planner, Corey O’Gorman, had reviewed the proposed ordinance and had comments in regards to accessory structures, which include the definition of the front yard and dune crossovers. He asked the Planning and Zoning Commission for further directions and explained that any changes to definitions can affect other sections of the code, such

as fence height. He explained the shed example sheets within the packet and stated that the proposed ordinance suggests screening the shed with either the fence or vegetation. He also asked for further clarification on how to calculate the floor-area-ratio for properties that have a dune which is separated by a road.

Vice Chair Marsh introduced Town Planner, Corey O’Gorman.

Corey O’Gorman, Town Planner, advised that most of his comments are in reference to the code section in regards to accessory structures with a focus on front yard definition and how that affects waterfront properties. He further advised that dune crossovers are also considered an accessory structure based on definition. He asked the board for direction for calculation purposes for staff and applicants.

Member Carey asked for clarification on what a dune crossover can be and how the deck area size was derived. Mr. O’Gorman responded that the dune crossover would be allowed to be an elevated platform and that the deck area size was an arbitrary number chosen to give residents a size requirement. Member Carey asked if the allowable deck size would be the same for RSF and RMM, and Mr. O’Gorman stated that RSF and RMM would be treated the same. Member Carey commented that the allowable deck area might be too spacious for single family, but the right size for multifamily and he also inquired if the large deck area would be harmful to the dune. Mr. O’Gorman responded that any changes to structures in the dunes has to be approved by DEP.

Vice Chair Marsh voiced his concern over the maximum allowed deck area and stated that DEP regulations are not rigorous on dune crossovers because they are looking at structures that touch the beach.

Alternate Member Hennigan asked if a dune crossover has to be put on pilings. Vice Chair Marsh stated that the dune crossovers would be on pilings and if it is high in height then it would not cause much concern to DEP even if large in size. He asked for staff to get other references for the size of the deck area. Building & Public Works Director Cameron stated that the allowable deck size was encompassing of exiting decks and also to be inclusive of all decks. Member Carey mentioned that many will aim to maximize the allowable deck size. Alternate Member Hennigan proposed making the deck size a percentage area. Vice Chair Marsh stated that RSF and RMM should be treated alike and that non-conforming should not be the defining factors. He requested for staff to find the average size of current dune crossovers in town. Member Hutchins stated that the size of the Porter Street crossover is an ideal size based on his personal experience. He concurred with size change from the allowable size in the proposed ordinance and asked about the process for the City of Delray Beach. Vice Chair Marsh reiterated that all proposed structure changes in the dune have to be approved by DEP, who do not have a rigorous criteria. Member Hutchins questioned whether the deck size could be a percentage. Member Carey asked for deck size suggestions. Vice Chair Marsh asked if the 500 square foot deck size include the walkway, and Town Attorney Shutt clarified that the walkway is not included in the calculation, but it can be changed if the board directs it. He stated that the allowed size for the dune crossover can include the entire structure. Vice Chair Marsh was in favor of the allowable size to be inclusive of the entire dune structure. Member Hutchins asked if the walkway has to be ADA compliant, and Building & Public Works Director Cameron responded that private walkways do not have to be

ADA compliant. He further suggested that Town staff reach out and ask Isiminger & Stubbs Engineer about their average allowed size structures. Member Carey asked how dune crossover construction may be impacted by the CCCL. Vice Chair Marsh commented that that it would start with DEP.

Town Attorney Shutt reiterated staff concerns over the fence height restriction and the front yard definition. He noted that if the definition of front yard is changed then it will affect the fence height. He asked for direction on how to proceed.

Member Carey listed some changes to add to the proposed ordinance: changing the word from electrical outlet to electrical service on Section 3, and that the screening should be higher than the fence by removing the language about 6 foot. Town Attorney Shutt stated that change can be added and that it can be at the discretion of the Building Official if it is properly screened.

Alternate Member Hennigan asked for clarification on a shed being 7 feet. Town Attorney Shutt clarified that 7 feet would be the highest point on the shed. Alternate Member Hennigan referred to the shed example sheet provided in the package and asked for clarification on why an 8 foot shed was listed as an example. Building & Public Works Director Cameron clarified that it was a visual for members to see the height of an 8 foot shed. Alternate Member Hennigan opposed a shed being 8 foot high and voiced his concern over the screening being high fences and with the 3 foot setback for the sheds. Building & Public Works Director Cameron stated that the objective was to see what type of shed can fit within the setbacks. Alternate Member Hennigan disagreed and stated that the objective should be the aesthetic to maintain within the town and how the sheds play a role into it. Vice Chair Marsh stated that the 3 foot setback would serve as a buffer for the shed to not be up against the fence. Building & Public Works Director Cameron concurred. Town Attorney Shutt noted that the proposed setback was attempting to make existing sheds be in compliance.

Vice Chair Marsh asked about the permit requirement for sheds. Building & Public Works Director Cameron responded that the proposed ordinance would require a permit for heavy duty sheds that meet the wind loads and an administrative review for the sheds that are smaller and cannot meet the wind loads. Vice Chair Marsh stated that a review should be needed for all sheds regardless of size. Building & Public Works Director Cameron concurred. Alternate Member Hennigan stated that language should be added that anchoring is required for sheds that need an administrative review. Building & Public Works Director Cameron agreed and also noted that the manufacturer does require anchoring. Alternate Member Hennigan also proposed adding the words “no motor vehicles” to the domestic equipment section. Building & Public Works Director Cameron concurred and stated that the language “no plumbing or electrical” can be added as well.

Member Carey inquired about the color of the shed in comparison to the house. Town Attorney Shutt stated that it was direction given at a previous meeting and that it would be difficult to enforce. Member Carey noted that the most important part is the screening for the shed.

Alternate Member Hennigan asked if an amortization clause can be added. Town Attorney Shutt stated that an amortization clause can be added to the ordinance once the shed requirements are solidified.

PLANNING & ZONING COMMISSION MEETING HELD JANUARY 13, 2020

Vice Chair Marsh called for public comment.

Public Comment: Ned Kimmelman, Attorney representing the Vinas residence, stated that many of the guidelines being passed are contradicting and it would be hard for his clients, like others, to comply due to their lot size and shape. He stated that it would be contradicting to allow a 7 foot shed while only allowing a 6 foot high fence to enclose it. He also stated that the town would incur costs if they would allow the screening to be at the discretion of the Building Official. He recommended for the code to be less subjective and more definite to help residents comply.

Member Hutchins asked for clarification on the fence setbacks on the rear of the properties. Building & Public Works Director Cameron clarified that waterfront properties front and rear yard setbacks are 25 feet.

Mr. Kimmelman urged the Planning and Zoning Commission to consider raising the fence requirement. Vice Chair Marsh disagreed with the idea of increasing the fence height and he also commented that the homeowner can go to the Board of Adjustment to ask for a variance if needed.

Town Attorney Shutt stated that the definition issues need to be addressed by the board because staff would need that for applications. Vice Chair Marsh advised that the fence height for waterfront properties should be based on the idea that the water should be seen. Town Attorney Shutt reminded the Commission that there are no height requirements for vegetation. Vice Chair Marsh stated that vegetation is not permanent and that the code should not be changed over one issue. Member Carey stated that there might be more properties with similar issues. Member Hutchins concurred.

Mr. Kimmelman stated that many properties are limited by size and their shed would have to be installed next to the property line. Vice Chair Marsh reiterated that the homeowners should apply for a variance through the Board of Adjustment if needed. Town Attorney Shutt stated that many properties would have issues with the definition. Member Carey concurred that a homeowner with issues can apply for a variance through the Board of Adjustment and stated that sheds should not be encouraged on the property lines.

Town Attorney Shutt asked for clarification on direction from the board. Vice Chair Marsh stated for staff to follow directions given at this meeting and to bring changes back to the Planning and Zoning Commission for further comments after changes are made.

Alternate Member Hennigan recommended for the shed setbacks to be changed from 3 feet to 5 feet from the property line, and he also stated that there needs to be a standard for sheds. Vice Chair Marsh concurred that no shed should go onto the property line, but preferred to keep the setback at 3 feet. Member Carey concurred. Member Hutchins stated that sheds should be able to go onto the property line because there are properties smaller in size that lack the space, and asked if there are lots with problematic sheds within the town. Vice Chair Marsh stated that regulations need to be in place in order for people to not maximize their lots.

Member Hutchins inquired about why the issue of sheds was brought up, and Town Attorney Shutt stated that complaints regarding sheds have been received by staff for certain properties.

Mr. Kimmelman stated that all complaints should be treated and enforced the same. Member Hutchins, Vice Chair Marsh, and Member Carey concurred that the setback for sheds in the ordinance should remain at 3 feet. Alternate Member Hennigan asked if there was a distance requirement for the shed from the house or garage. Vice Chair Marsh stated that the distance from the house should be at the homeowner discretion. Member Carey concurred.

### **3. Draft Ordinance Regarding Coastal Construction Control Line (CCCL)**

Town Attorney Shutt advised that changes were made based on previous directions given, and clarification was added to the definition of usable and buildable lot to help calculate Floor-Area-Ratio (FAR). He also advised that the proposed ordinance provides that any construction or excavation that will occur east of the 1979 Coastal Construction Control Line (CCCL) must be approved through a variance process unless there is an existing structure east of the 1979 CCCL. In that case, no variance would be needed to construct within the footprint. He asked the Commission for any input.

Corey O' Gorman, Town Planner, added that the language included would help to calculate the floor area ratio for staff and the applicant. He also mentioned that the definition takes into consideration past practices.

Member Carey asked whether the 1979 CCCL would be used as a setback line or be used to build up to the line. Vice Chair Marsh mentioned that the 1979 CCCL is a definitive point of reference that is generally used. He also asked if the 1979 CCCL would be used as setback.

Member Carey noted that if allowed to build up to the 1979 CCCL then some homeowners would be building on their dune. Town Attorney Shutt pointed out that any construction eastward of the 1997 CCCL would be required to obtain approval from the Department of Environmental Protection (DEP). Member Carey stated that the town should aim to have its own regulation and not be dependent of DEP approval only. Building & Public Works Director Cameron clarified that the intention was to clarify the meaning of usable and buildable lot.

Member Carey stated that the dune needs to be protected. Town Attorney Shutt understood and stated that language would be added to make the 1979 CCCL the setback line. Member Carey reiterated that people may still encroach into their dune with the 1979 CCCL as their setback line. Town Attorney Shutt stated that the ordinance states that appropriate measures shall be taken by the Town Manager to protect the dunes.

Vice Chair Marsh noted that DEP requires that any removal of landscape eastward of the 1997 line be mitigated within the same area. He also noted that other jurisdictions use the 1979 CCCL as their rear setback line and it is a consistent line. Member Carey asked if there were any height restrictions for building on the same footprint. Town Attorney Shutt stated that they are allowed to increase in height according to town code as long as the footprint is not changed. Vice Chair Marsh noted that other jurisdictions allow the same regulation to build within the same footprint and allow the height to increase.

PLANNING & ZONING COMMISSION MEETING HELD JANUARY 13, 2020

Vice Chair Marsh called for public comment.

Public Comment: Kristine de Haseth, 29 Sabal Island Drive, Town Commissioner, asked for other Commissioners to exit the Chambers while she speaks. Town Attorney Shutt stated that the other Commissioners can be present, but conversations cannot take place. Ms. de Haseth mentioned that she was the initiator for staff reviewing the CCCL code. She stated that the town can have stricter regulations than DEP in order to protect the dunes and encroachments. She further stated that her intentions were to see the 1997 line be used for new construction and 50% or more rebuild.

Member Hutchins asked if there was a consensus from the Commission on the 1997 CCCL issue, and Ms. de Haseth clarified that the 1997 CCCL proposal was her initiative, but that the Town Commission gave directive to the Planning & Zoning Commission to review the CCCL ordinance.

Town Manager Stevens added that the primary goal under the Coastal Element in the Town's Comprehensive Plan is to conserve, manage, and sensibly use the environmental assets of Ocean Ridge's coastal zone location. Vice Chair Marsh stated that the proposed ordinance achieves the Coastal Element goal. He noted that any new construction would have to be raised based on FEMA's base floor elevation. He stated that the town has come a long way and that the 1979 CCCL is a good reference point.

Member Carey asked if there is a reference to the 50% rebuild in the code, and Building & Public Work Director Cameron stated that any substantial improvements would have to build according to all the current codes. Member Hutchins clarified that the 1979 CCCL is made the setback line and DEP would continue to monitor anything built east of the 1997 CCCL. Town Attorney Shutt asked members if they would like to add language that the 1979 CCCL would be the setback line.

**Member Carey moved to recommend the proposed ordinance to the Town Commission with additional language that the 1979 CCCL would be the setback line; seconded by Member Hutchins. Motion Carried 5-0.**

ADJOURNMENT

Meeting adjourned at 9:26 a.m.

Minutes prepared by Town Clerk Armstrong, and adopted by the Planning & Zoning Commission on June 15, 2020.

\_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Karla Armstrong, Town Clerk

**Agenda: June 15, 2020**  
**Memo: Item #2**

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

**Subject: Chair and Vice Chair Selection**

Section 63-31 (c) of the Town Code of Ordinances requires that a chairman and a vice-chairman are selected among its members. A motion with a second and a majority will be needed to select both a chairman and a vice-chairman.

The Chairman will serve as the presiding officer for the Planning and Zoning Commission meetings. The Presiding Officer shall preserve order during the Planning and Zoning Commission meetings. In the case of absence or disability of the Chairman, the Vice-Chairman shall assume the responsibilities of the Chairman as Presiding Officer.

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

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**Meeting Date: June 11, 2020**  
**Subject: Prioritizing Pending Code Amendments**

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P&Z Commissioners:

We will be resuming our regular Planning & Zoning Commission meetings beginning in June, and hiring a new Building Official. Now is the time to begin prioritizing pending code amendments as we move forward with the Town Commission's goals for the coming year. Two of the Town Commission's goals relative to code amendments are:

1. Preserve the Integrity of Single Family Neighborhoods; and
2. Continue engaging the Planning & Zoning Commission to close loopholes in Town Code and develop Town Codes that are fair and enforceable. The P&Z should explore code amendments related to Blight and Property Maintenance, Dune Protection, Unity of Title for Dune Properties, Streetscapes, and Protecting our Canopy.

The following is a list of code amendments that staff has been working on with the Planning & Zoning Commission (the first 5 items), along with topics that may be explored:

1. Coastal Construction Control Line Setbacks & Regulations, to include dune preservation
2. Unity of Title for Dune Properties
3. Sheds & Accessory Structures
4. Fences & Temporary Fences
5. Signs
6. Demolition
7. Blight & Property Maintenance
8. Right of Way Encroachments
9. Streetscapes
10. Protecting our Canopy
11. Scooters

The Town Commission will be reviewing this priority list at their next meeting, and if the P&Z has recommendations, I will forward those to them for discussion.

Respectfully,



Tracey L. Stevens, MMC  
Town Manager & Finance Director