

Notice of Teleconferencing for Planning and Zoning Commission Meeting in August

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, August 17, 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 August 10, 2020.

A copy of the agenda & the package may be obtained by contacting the Town Clerk at:

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/planning-and-zoning-meeting-of-august>
- **You can also dial in using your phone.** United States: [+1 \(872\) 240-3212](tel:+18722403212) and **Access Code:** 156-240-165
- Download the application (App) by clicking: <https://global.gotomeeting.com/install/156240165>

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 Chair 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 by Friday, August 14, 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 Chair. 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
AUGUST 17, 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 July 20, 2020 Minutes

DISCUSSION / ACTION ITEMS

2. Draft Ordinance Regarding Sheds & Accessory Structures
3. Draft Ordinance Regarding Fences & Temporary Fences

ADJOURNMENT

**THE NEXT MEETING OF THE PLANNING & ZONING COMMISSION WILL
BE HELD ON SEPTEMBER 21, 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 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. 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 COMMISSION MEETING MINUTES
JULY 20, 2020

Meeting Minutes of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, July 20, 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	Present
Alternate Member Brit Flanagan	Present
Alternate Member James Leming	Absent

(Town Clerk’s Notes: Vice Chair Ric Carey and Alternate Member Brit Flanagan participated virtually. Alternate Member James Leming was absent with notice.)

Staff Present: Town Attorney Brian Shutt, Town Manager Tracey Stevens, Town Planner Corey O’Gorman, Building Official Durrani Guy, Tara Bamber as Representative for the Town Engineer, and Town Clerk Karla Armstrong.

PLEDGE OF ALLEGIANCE

Chair Marsh led the Pledge of Allegiance.

MOMENT OF SILENCE IN MEMORY OF JERRY GORAY

A moment of silence was held in memory of former Chair, Jerry Goray. Chair Marsh gave a speech of remembrance in honor of Mr. Goray. He thanked Mr. Goray for his strong community support and dedication to the Town and further stated that Mr. Goray would be greatly missed. He asked the Planning and Zoning Commissioners to uphold the legacy left by Mr. Goray to preserve the character of Ocean Ridge.

COMMISSIONERS COMMENTS

Town Manager Stevens introduced the new Building Official, Durrani Guy, to the Planning and Zoning Commissioners. Chair Marsh welcomed Building Official Guy to Ocean Ridge.

APPROVAL OF MINUTES

1. Approval of June 15, 2020 Minutes

Chair Marsh noted that there was a typo on the first page of the minutes which should read “LEED” as opposed to “LEAD”.

Member Hutchins moved to approve the minutes as amended; seconded by Member Kosinski. Motion Carried 5-0.

DISCUSSION / ACTION ITEMS

2. Quasi-Judicial Hearing: Development Plan Review for 15 Spanish River Drive

Chair Marsh explained that this was a quasi-judicial hearing, and asked if any of the members had any ex-parte communications with the applicant, owner or builder. All Planning and Zoning Commissioners responded that they had not. Those that wished to give testimony for 15 Spanish River Drive were sworn in by the Town Clerk.

Chair Marsh read the following statement into the record:

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSantis on March 20, 2020, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes. The members of the Planning and Zoning Commission who appeared remotely for the meeting were Vice Chair, Ric Carey, and Planning and Zoning Alternate, Britt Flanagan.

Town Clerk Armstrong informed that the agenda, the material for each item on the agenda, and the notice regarding the virtual meeting were made available beginning July 10, 2020. The Town Clerk also explained the methods of participating in public comment and gave tips on participating virtually.

Chair Marsh introduced the applicant, Steve Varga, to the podium. Steve Varga, applicant for 15 Spanish River Drive and owner of 31 Spanish River Drive, noted that he had built many homes in Ocean Ridge and he stated that the home was a modern design, but still maintained the character of the Town. He further stated that he designed the home to be appealing and compliment the neighborhood as he also lived on Spanish River Drive.

Member Hutchins commended Mr. Varga on his previous builds and how well he maintained his construction sites. He stated that he was in favor of the home as submitted, but asked about the stairwells that project high and stood above the roof line. Mr. Varga explained that the stairwell was on the opposite side of the home and what he was viewing was a design tower that had a bathroom on the first floor and loft area above. He further explained that the design ties the home together and works really well with the lot. He stated that the design was different, but still matched the community.

Member Kosinski asked for clarification from Town Planner O’Gorman if the dimensions between the building and the waterway is 39’10”, and Town Planner O’Gorman confirmed that it was.

Chair Marsh asked the applicant to explain the style of the home, and Mr. Varga explained that it was a transitional modern style home. Chair Marsh asked the applicant if he worked with an Architect, to which Mr. Varga responded that he did not have an Architect, but that he did consult with various Architects on the design.

Chair Marsh voiced his concern for the scale and proportions of the home, and was worried of this type of design being on a prominent site. He also questioned the design tower on the side of the home. Mr. Varga explained that he liked the design as submitted. Chair Marsh reiterated his concern for the scale of the home in regards to the high roof and the tall windows. He referenced

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the home being more of a transitional commercial, to which Mr. Varga disagreed. Chair Marsh explained that the reason for his reference was because of the use of the elements, such as narrow windows. Mr. Varga stated that he liked the design as submitted and that the landscaping would also help tie the home together. Chair Marsh stated that the home did not have residential elements because the windows were tall and fixed. Mr. Varga noted that there were other homes within Town that had similar elements, such as fixed windows. Chair Marsh recommended for Mr. Varga to put transom on the windows to make it more proportionate, and Mr. Varga explained that he built a previous home with similar style windows, and the Board did not have an issue with the windows then. Chair Marsh stated that the project he was referring to was not as regimented as the windows in the project that was being considered. Chair Marsh reiterated his concern for the design tower, and Mr. Varga stated that he did a similar style home at 16 Sabal Island.

Chair Marsh commented that the applicant had no shade trees in the landscaping plans. He stated that the Planning and Zoning Commission encouraged builders to install shade trees in their landscape. Mr. Varga explained that he was also in favor of placing shade trees, but the regulations in regards to the drain field and the septic tank prevented him from adding certain trees. Chair Marsh reiterated that he had an issue with this design being on such a prominent location.

Vice Chair Carey concurred with Chair Marsh's comments in regards to the tower, the verticality of the design, and the window scale. He noted that he also lives on the same island. Vice Chair Carey stated that there were aspects of the design that he was in favor of such as the garage, and the sky roof. He also agreed with Chair Marsh that the scale made the home seem more commercial and less fitting in the community, and he recommended that the applicant widen the windows. He opposed the design as submitted.

Member Hennigan asked the applicant if he would be able to move the drain field to the north side of the lot and replace it with shade trees that would be able to cover the design tower. Mr. Varga responded to Member Hennigan that he could not move the drain field or the septic tank due to Health Department guidelines on how far the septic tank and drain field should be from the waterline. Mr. Varga showed the septic and drain field plan to the Planning and Zoning Commission.

Mr. Varga recalled that there was another home that had the similar windows in the same community. Chair Marsh stated that he was not against the entire design, but did not see the slit and fixed windows as a residential home element. Mr. Varga stated that he built the home at 27 Eleuthera Drive with fixed windows and that the home sold for \$3.5 million.

Chair Marsh stated that the reasoning behind the development plan review process is for the Planning and Zoning Commission to review the new homes and additions to see the appropriateness and to ensure it fits the character of the Town. He further stated that the home did not match the community and it had many elements of different styles into the home. He noted that applicants should have a qualified Architect that would help to iron out the style of the home, and Mr. Varga responded that he consulted with various Architects.

Member Hutchins voiced his worry that individual members were placing their own opinions onto the applicants, and he stated that he did not like every element of the home, but that he would vote

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in favor of it because he respected the builder designs. He suggested to the applicant to take into consideration some of the critiques and recommendations given by the other Planning and Zoning Commissioners. He commented that the nature of the Town will change as time goes on. Member Hutchins reiterated that Planning and Zoning Commissioners should not put their taste of design onto the builders. Chair Marsh stated that he was not against the design, but questioned some of the elements of the home.

Member Kosinski asked the applicant if he would be able to widen the windows. Mr. Varga voiced his frustration because he would have to redesign the home and questioned whether he wanted to continue investing in Ocean Ridge. He stated that the Development Plan Review Process was expensive and time consuming. He further stated that the process caused a financial hardship because of the constant delays and comments. Mr. Varga stated that the process used to be simpler prior to the Development Plan Review process. Chair Marsh stated that he understood the applicant's frustration, and they would review the process.

Chair Marsh asked if the home was a spec home, and Mr. Varga stated that the home was a spec, but he may opt to buy it for himself.

Member Kosinski asked Town Manager Stevens if there were delays in the Development Plan Review process that needed to be reviewed, and Town Manager Stevens stated that there were delays in the process because the application process became extensive due to the Planning and Zoning Commission directives. She further stated that the review takes longer because of the amount of plans that multiple staff members have to review. Member Kosinski stated that the board liked the extensive application because it shows all the documents that needed to be reviewed. Town Manager Stevens stated that staff is now reviewing plans twice, with the first prior to the Planning and Zoning Commission reviewing the application and then the second when the applicant applies for a building permit. Town Clerk Armstrong noted that not everything was reviewed in the Development Plan Review Process and staff would have to review to ensure that any conditions or comments were addressed, and review mechanical, electrical, and plumbing plans during the permit process.

Member Kosinski asked if the requisites for the Development Plan Review differ from other communities, and Chair Marsh commented that it did not. Mr. Varga stated that the process did in fact differ from other communities as Ocean Ridge reviews drainage during the development plan review phase. Chair Marsh understood the frustration and stated that the process for Development Plan Review would be reviewed.

Town Manager Stevens asked Town Planner O'Gorman if Ocean Ridge's Development Plan Review Process is as long of a process as other communities, to which Town Planner O'Gorman stated that other communities are about the same as Ocean Ridge. Chair Marsh agreed with Town Planner O'Gorman.

Vice Chair Carey pointed out to the applicant that the Planning and Zoning Commission did not make any drainage comments, but rather suggested widening the windows and redesigning the tower. Chair Marsh concurred and stated that the comments were minor because it was commenting on aesthetics and not technical. Chair Marsh stated that the intent of the Development

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Plan Review was to encourage diverse architectural style while also maintaining the characteristics of the Town. Mr. Varga dissented with the suggestions because other homes within the community were similar in style.

Chair Marsh called for public comment.

Public Comment: Town Clerk Armstrong read into the record a letter submitted by Sharon Wheatley. Mrs. Wheatley wrote to the Planning and Zoning Commission to show her support for the project and she commended the applicant on his maintenance of construction sites at his other projects.

Jules Tremblay, 63 Spanish River Drive, mentioned his love for the Town and commented that the home was a piece of art and should be allowed to continue.

Member Hutchins stated that he was in favor of the project as submitted.

Member Kosinski asked the applicant if it would be difficult to add elements such as shutters, louvers, or transom. Mr. Varga stated that he could use the landscaping to compliment the windows and he asked if he would have to come back before the Planning and Zoning Commission to show any changes. He stated that it would be a financial hardship to keep coming before the Board, and Chair Marsh stated that the only time the applicant would have to come back is if the application was deferred. Mr. Varga liked the home as designed and commented that the Planning and Zoning Commissioners were being subjective.

Town Manager Stevens noted that the Planning and Zoning Commissioners can choose to approve the application with conditions which will be met during the building permit process in order to not lengthen the process any more. Chair Marsh concurred.

Mr. Varga asked what legal recourse he would have, and Town Attorney Shutt stated that he can appeal any decision to the Town Commission or he could get an outside counsel to take the Town to court.

Member Hutchins moved to approve the application for 15 Spanish River as submitted. There was no second; therefore, the motion failed.

Member Kosinski stated that she would not like to see the project delayed or impose comments that would significantly impact the applicant. She wanted to give conditions that were fair and able to be handled at the permit stage.

Vice Chair Carey stated that the applicant was not willing to make changes which made it difficult for the Planning and Zoning Commissioners to give comments or formulate conditions. Mr. Varga stated that he was willing to add shutters to the windows.

Chair Marsh requested that the applicant work to change fenestration issues by increasing the width of the windows and introduce transom. He also stated that the applicant should introduce some interruption to the roof and also introduce the option of shutters. Mr. Varga asked about

various options that he could make, and Chair Marsh stated that Mr. Varga should work with an Architect for best practices.

Mr. Varga once again asked if he would have to come back before the Planning and Zoning Commission, and Chair Marsh stated that the project can be approved with conditions to be addressed at the building permit stage. Mr. Varga stated that he was willing to do some changes to move forward.

Chair Marsh moved to approve the development plan review application for 15 Spanish River Drive with conditions for fenestration (primarily windows) be increased in width, not in height, with introduction of transom at the top of the windows, minor detail to delineate the height of the building and the option to introduce louvers to the windows; seconded by the Member Kosinski. Motion Carried 5-0.

Town Attorney Shutt asked if the motion included all the windows, to which Chair Marsh responded that it did include all the windows. Mr. Varga stated that if he added all the elements in the condition to the room window, then that may impact the home. Chair Marsh asked the applicant to work with an Architect to accommodate the conditions.

Member Kosinski asked if there was any way to expedite the plans, and Mr. Varga asked about what the next steps would be. Town Clerk Armstrong stated that the Town will issue a letter with all the conditions and that the applicant can apply for a permit as soon as he addresses the conditions.

Cindy Martel, 46 South Harbour Drive, stated that Mr. Varga was a great builder and should remain building within the Town. She also discussed the importance of focusing on the shed issue.

3. Quasi-Judicial Hearing: Development Plan Review for 28 Hudson Ave

Chair Marsh explained that this was a quasi-judicial hearing, and asked if any of the members had any ex-parte communications with the applicant, owner or builder. All Planning and Zoning Commissioners responded that they had not. Those that wished to give testimony for 28 Hudson Avenue were sworn in by the Town Clerk.

Chair Marsh asked the Architect for the project to proceed to the podium to introduce the application. Shane Ames, Architect for 28 Hudson Avenue, stated that the plans were previously approved by the Planning and Zoning Commission, however, the home was re-designed to reduce the footprint, which created more ground for the driveway and septic system. He stated that all comments were addressed and noted that the roof was changed from the previous submitted design. Mr. Ames stated that the configuration of the home was unique and the public would only be able to see the right side of the home from the street. He presented the floor plan, and the landscaping of the project to the Planning and Zoning Commissioners.

Town Clerk Armstrong reminded Chair Marsh to ask staff for any input or report. Chair Marsh asked staff if they had any input, and Town Planner O’Gorman stated he did not have any comments.

Chair Marsh called for public comment.

Public Comment: David Offstein, 9825 Marina Blvd, Boca Raton, FL 33428, asked about the condition within the engineer report about relocating the retention area that was located in the intracoastal easement. He stated that the placement was approved when the previous project went before the Development Plan Review and he asked that placement of the retention area be able to remain. He also noted that he was obtaining permits from the Army Corps of Engineer to allow the retention area to remain. Chair Marsh stated that the Army Corp of Engineer does oversee that. Tara Bamber, Representative for the Town Engineer, stated that the relocation was a condition on her letter, but that she would allow the retention area to remain in its location if they obtained a permit from the Army Corps of Engineers.

Andrew Klapper, 28 Hudson Avenue, stated that he was the owner of the home and thanked the Planning and Zoning Commission for their consideration. He stated that the home reflects him and the things he loves.

Member Hutchins asked if the home would have a dock. Mr. Ames, Architect, stated that there would be a dock but the permit would be pulled separately from the single family home. He further stated that they had submitted a request for the dock to the Department of Environmental Protection (DEP). Member Hutchins asked if the egress from the house to the dock would be through the retention area, to which Mr. Ames confirmed that it would.

Chair Marsh stated that the home was an improvement from what was previously submitted and resolved many of the issues the Planning and Zoning Commission had. Chair Marsh asked the applicant about the type of style of the home, and Mr. Ames commented that it was Asian influence transitional.

Member Hutchins moved to approve the Development Plan Review application for 28 Hudson Avenue as submitted; seconded Member Kosinski. Motion carried 5-0.

Mr. Ames asked if the Town was looking to change the code in regards to the roof pitch, and Chair Marsh commented that the Town was not.

Member Hutchins asked the Town Engineer about the comments on both projects about the possibility of the elevation increasing. Chair Marsh stated that the finished floor elevation was controlled by FEMA. Tara Bamber, Representative for the Town Engineer, stated that the Town approves plans based on current FEMA Maps, but that the maps may change. Member Hutchins asked if the change would impact the homes, and Chair Marsh stated that it would not and that the Town looks from finish floor to the roof.

Mr. Offstein asked for clarification if the retention area could remain if they obtained approval from the Army Corps of Engineers, and Tara Bamber, Representative for the Town Engineer, stated that it could if they obtain approval.

4. Draft Ordinance Regarding Coastal Construction Control Line

Town Attorney Shutt introduced the item by noting that the proposed ordinance provided that any construction or excavation that would be occurring east of the 1979 Coastal Construction Control Line must be approved through the variance process currently in the town code. However, if there was an existing structure east of the 1979 line and the construction contemplated did not involve any extension beyond the footprint of the existing structure then a variance would not be required. He stated that the current ordinance allowed construction to occur east of the 1979 line if there was adequate engineering data provided to the Town that showed there was no adverse effect upon beach erosion, hurricane protection, coastal flood control and shoreline rehabilitation. Town Attorney Shutt also noted the definition for “usable land space” because the current reference to “usable land space” provides that the public health unit of the state would determine the usable land space, which was incorrect.

Member Kosinski asked if people would still be permitted to install a deck on the dune, and Chair Marsh responded that the applicant would have to go through DEP to install a deck on the dune. Town Attorney Shutt also responded to Member Kosinski by stating that it would be possible but with a process.

Vice Chair Carey asked what would be considered a structure, such as whether a pool, or pool deck would be a structure. Town Attorney Shutt stated, after receiving confirmation from the Building Official, that a pool and a pool deck would be considered a structure.

Vice Chair Carey asked a clarifying question on whether Section 67-18 (d)(1) of the proposed ordinance could be redrafted by adding a period, to which Chair Marsh stated that he preferred the Section 67-18 (d)(1) as it was written because it would be a catch-all. He further stated that east of 1997 Coastal Control Construction Line was governed by DEP, which means a compromise would be needed.

Chair Marsh asked if Section 64-1 (k)(6) of the proposed ordinance was consistent with the current Town Code. Town Planner O’Gorman stated that it was existing language within the code.

Chair Marsh asked that “Department of Environmental Protection” be capitalized on the proposed ordinance as it is a state agency. He also summarized that when the ordinance passes from the Town Commission that the 1979 Coastal Control Construction Line (CCCL) would become the new reference setback line for the Town. Member Kosinski asked if that would create more non-conforming homes, and Chair Marsh stated that there would be more non-conforming homes, but the ordinance would allow for those properties in the setback to stay within their current footprint.

Chair Marsh called for public comment.

Public Comment: Martin Wiescholek, 5 Engle Drive and Town Commissioner, stated the intent of the Coastal Control Construction Line ordinance is to establish a setback line that would help preserve and protect the dunes. He voiced his concern for renovations where people were not fully tearing down homes, but doing completely different homes under the 50% threshold of substantial improvement. He asked that the Planning and Zoning Commission look at the definition of the 50% and make clearer what was included in the 50% threshold. Chair Marsh concurred.

Member Kosinski asked if an existing homes' footprint extends east of the 1979 CCCL would the owner be able to continue to build within the same footprint even if they exceeded the 50% threshold of substantial improvement. Chair Marsh clarified that FEMA governs the criteria of substantial improvement value and in order to prove to the Town that the work would be below the threshold, the homeowner would have to submit an appraisal to the Town showing the work was under 50%. Chair Marsh stated to Mr. Wiescholek that he did not foresee the issue going away. Building Official Guy noted that the substantial improvement threshold is calculated over a period of five years.

Member Kosinski asked for clarification if the valuation would allow for the owner to build a lesser home. Chair Marsh stated that the owner would have to do less demolition and more renovation.

Town Attorney Shutt stated that an owner would be able to build to the same footprint even if the work exceeded the 50% threshold and the ordinance only prohibited an owner from extending the footprint of the home without an approved variance.

Chair Marsh stated that Ocean Ridge was one of the few that had not adopted the 1979 CCCL as their setback.

Member Hutchins moved to recommend approval of the proposed ordinance in regards to Coastal Construction Control Line (CCCL) to the Town Commission; seconded by Member Hennigan. Motion carried 5-0.

5. Draft Ordinance Regarding Sheds & Accessory Structures

Town Attorney Shutt stated that the proposed ordinance was re-drafted based on the comments by the Planning and Zoning Commission when the item was last discussed. He stated that the proposed ordinance no longer included the fences and the fences had a stand-alone proposed ordinance. Town Attorney Shutt stated that the proposed ordinance modifies the Town's regulations regarding sheds and other accessory structures, such as dune crossovers. He also stated that the proposed ordinance also provides that only one shed may be allowed on a property and specifies regulations for sheds. If a shed is a pre-fabricated shed with no plumbing or electric, does not exceed 100 square feet or 7 feet in height, it shall not be allowed in the front yard, with a minimum 3 foot setback on side interior and 5 foot minimum rear yard setback if the shed is predominately screened from view. If the shed is completely screened from view, and it meets the size requirements, then it may be placed on the property line with no setback. No building permit shall be required, only an administrative review. The roof of the shed may not drain onto the adjacent property. Prefabricated sheds that are less than 25 square feet in size and 4 feet in height shall not be subject to any administrative review or permit and may be placed in the setback area. There was also a proposed definition of a private dune crossover that references what is allowed by DEP.

Chair Marsh called for public comment.

Public Comment: Cindy Martel, 46 Harbour Drive South, voiced her concern over which materials would be required to cover a fence. She was against allowing a person to cover the fence by using a lattice or plywood as those materials would not fully cover a fence and would be unappealing. She informed that she was not against sheds, but stated that the view of the shed should not impact neighbors or the property values of the surrounding homes. She stated that if sheds were to be allowed, then she would prefer for a permit to be required rather than an administrative approval. Mrs. Martel preferred a building permit because it would require an inspection by the Building Official that would check for code compliance. She was also concerned over the maintenance of sheds and the water pooling that may be caused by the drainage of water from the roof of the shed. Town Manager Stevens stated to Mrs. Martel that the proposed ordinance addressed some of her concerns, such as that the roof of the shed may not drain into adjacent properties and that the shed be screened by vegetation, fencing, or other materials as determined by the Building Official. She informed that the “determined by the Building Official” language was added due to similar concerns. Mrs. Martel stated that she was still concerned over allowing the shed to be screened by fencing because some fencing may not fully cover the shed and the owner may choose to paint it an unappealing color. She was in favor of sheds being screened by vegetation. Chair Marsh suggested to change the wording within the ordinance to state opaque fencing.

Member Hennigan asked if the height of the shed would be allowed to be higher than the height of the fence, to which he was told that the shed could be higher. Member Hennigan was not in favor of allowing the shed to be placed on the property line, and commented that staff take into account the homes that were on the waterway. Chair Marsh concurred that he was not in favor of having a shed be placed on the property line. Vice Chair Carey concurred that a shed should not be allowed on the property line and that it should have a 3 foot setback, to which Chair Marsh concurred. Member Hutchins disagreed with the 3 foot setback suggestion and stated smaller lots would not be able to accommodate the setback and Vice Chair Carey responded that a person would have the option of being able to put it next to the main structure. Member Hutchins then stated that a shed placed next to the main structure would not be able to be screened.

Member Hutchins discussed his own experience of having a shed and stated that the proposed ordinance did not mention grandfathering those that already had a shed in place. He suggested for the ordinance to include a grandfathering clause. Vice Chair Carey reiterated that the shed should not be placed on the property line.

Member Hutchins asked if an owner would be able to place the shed up to the property line as long as it was screened by vegetation, and Vice Chair Carey stated that sheds would need to be screened regardless of placement.

Chair Marsh stated that staff should define the possibility of negotiating a setback for lots with unique conditions when the owner cannot meet the 3-foot setback, but that shed should not be placed on the property line. Member Hutchins informed how both him and his neighbors owned a shed and they screen it from view. Chair Marsh commented that both owners were good neighbors and mindful, but that the Town should impose a setback requirement on sheds to see how it works.

PLANNING & ZONING COMMISSION MEETING HELD JULY 20, 2020

Cindy Martel, 46 Harbour Drive South, stated that every case was different in dealing with neighbors with sheds and stated that a shed on the property line would cause noise that would be heard by owners of adjacent properties.

Member Kosinski noted that a hedge being used as a screen would force the owner to not place the shed on the property line, to which Mr. Hutchins stated that a hedge did not take up that much space.

Chair Marsh stated that Member Hutchins had a non-conforming home because of the lot size. Town Attorney Shutt noted that current code did not allow for accessory structures to be placed within the setbacks. He further stated that it would be difficult to explore the non-conforming route. Town Manager Stevens stated that Section 64-41(3)(b) was added to accommodate small lots in the South end of Town and she explained that the Town has worked with residents to help them install a code conforming shed on a small lot. Chair Marsh stated that he spoke with the previous Building Official regarding sheds and tents being on the setback.

Chair Marsh stated that his only concern was for the shed not to be allowed on the property line, but he further stated that Mrs. Martel had pointed out concerns to consider. Member Hennigan pointed out that the Planning and Zoning Commission should address how to deal with sheds on properties adjacent to a body of water.

Planning and Zoning Commission Alternate, Britt Flanagan, voiced her support for encouraging green construction and using vegetation as a screening tool rather than allowing fencing.

Martin Wiescholek, 5 Engle Drive, asked if the ordinance addressed the decks within the crossovers or if it just addressed the pathway. Chair Marsh stated that the dune crossover section would be reviewed later in the meeting.

Member Hennigan asked if the proposed ordinance was clear about the size requirement of what would need a building permit versus what would need an administrative approval, and Town Attorney Shutt confirmed that it was. Member Hennigan summarized that any shed that is less than 25 square feet would not need a permit or administrative approval, a shed that ranges from 26-100 square feet would need an administrative approval, and any shed over 101 would need a building permit, to which Town Attorney Shutt concurred.

Member Hennigan stated that the setback for waterway properties should be more than three feet. He suggested that the same setback as accessory structures apply to sheds placed on properties adjacent to water. Chair Marsh asked if a 5-foot setback would work, and Member Hennigan stated that it would be better than the 3-foot setback, but still would be intrusive.

Town Attorney Shutt commented that the proposed fence ordinance changed the definition of yard frontage to remove the fact that a rear yard that abuts the water would be considered yard frontage. He stated that by changing the definition then it would change the setback requirement. Chair Marsh read a section of the proposed ordinance that referenced a 5-foot setback, and Town Attorney Shutt explained that sheds less than 100 square feet could be placed in the setbacks. Member Hennigan was not in favor of allowing any shed regardless of square footage into the

setback. Chair Marsh suggested making it a minimum of 5-foot setback for sheds placed on properties adjacent to a body of water.

Member Hutchins commented that waterway properties were allowed to install docks past their property lines and asked where would be the beginning point for the setback for a shed, to which Town Attorney Shutt stated that his comment was a good observation and he would have to change the proposed ordinance to state that the measurement for the shed will start at the landward most point of the seawall cap. Member Hennigan stated that the goal was to have space between a shed and the adjacent properties. Town Attorney Shutt stated to the Planning and Zoning Commission that they could opt to add a clause that would require a 10-foot setback for sheds that would be placed on properties adjacent to water, but he also commented that it may be an issue as accessory structures only had a 5 foot setback. Member Hutchins asked if a large box could be considered a shed, to which Member Hennigan stated that it would be considered a shed, but as long as it was below the 25 square feet, then it would be okay. Town Attorney Shutt stated that boxes as sheds were common and should not be regulated because of their small size.

Town Planner O’Gorman, noted to Town Attorney Shutt that the waterway setback for side and rear are 25 feet. Town Attorney Shutt asked if that was because the rear of the waterway properties was treated the same as the front, and Town Planner O’Gorman stated that the setbacks for properties adjacent to a body of water was 25 feet regardless of whether the definition for double frontage to remove the mention of rear yard.

Tara Bamber, Representative for the Town Engineer, stated that the setbacks for sheds should be similar to the setbacks for pool decks and pathways, which are 5-feet. She further stated that it should have a 5-foot setback or more. Chair Marsh stated that sheds were usually placed on the side of the homes and a too restrictive setback would diminish the placement location.

Ms. Bamber stated that the proposed ordinance stated that the roof drain would not adversely impact the adjacent properties and she asked that the statement be further defined on how to accommodate that. Chair Marsh mentioned that a 6-foot curb could be added to the property line to catch water from the shed that was draining. He further mentioned that the homeowners could have varieties of ways to ensure that the adjacent properties are not impacted. Member Hennigan stated that review should be done by internal staff on what needs to be placed to ensure compliance, and Town Manager Stevens concurred with Member Hennigan. Member Kosinski also concurred with Member Hennigan that the Building Official would be the one to review for drainage compliance.

Member Hutchins moved that the proposed ordinance be re-drafted to include the items mentioned. Town Manager Stevens asked the Planning and Zoning Commissioners to give clear indication of what they would like changed from the ordinance. Town Attorney Shutt stated that he would review the proposed ordinance in regards to setbacks for waterway properties and see if it could include a 10-foot setback. Member Kosinski stated that she was in favor of using vegetation as the only tool for screening and reminded that the Planning and Zoning Commissioners were not in favor of having any sheds on the property line regardless of size. Town Attorney Shutt stated that he would change the ordinance to state that as long as it was determined by the Building Official

that the shed be predominately screened from view that it would be allowed to encroach up to 3 foot of the setback.

Vice Chair Carey stated that he was in favor of the setbacks for sheds being a minimum of 3-feet, to which Member Hutchins stated that it would be an issue to have the 3-foot setback. He invited the Building Official to view his lot and see the hardship that it would cause to accommodate the setback requirements. Town Attorney Shutt stated that the homeowner would be able to apply for a variance if there was a hardship on the property due to the lot size. Member Hutchins asked if there was a fee to apply for a variance, and Town Manager Stevens responded that there was a fee of \$1,500 for a variance. Member Hutchins opposed having a 3-foot setback because smaller lots would not be able to accommodate the setback. Town Attorney Shutt pointed out that the current code did not even allow for sheds to go as far as 3-feet from the property line. Town Manager Stevens stated that the proposed ordinance was drafted with smaller lots in mind.

Member Kosinski asked if the proposed ordinance could be re-drafted to include the possibility of setbacks being determined by lot size. Member Hennigan commented that accessory structures were not allowed in the rear setbacks of waterway properties and that sheds under 100 square feet should not either. He stated that they should also have the same setback requirement as accessory structures. Member Hennigan further stated that it would be hard to accommodate accessory structures to comply with the setback requirements, but that the homeowner would have to make choices of what they preferred to have and make compromises.

Town Manager Stevens stated that the Town currently had a case of a shed that was placed on the property line on a smaller lot, and Chair Marsh stated that he was aware of the case.

Cindy Martel, 46 Harbour Drive South, reminded that she would prefer for vegetation to be the only tool allowed for screening and Chair Marsh stated that Member Kosinski already commented that to Town staff.

Town Attorney Shutt stated that the definition added for dune crossover was similar to the definition of dune crossovers from DEP. He stated that the definition was inclusive. The ordinance did not include discussion of decks and if a homeowner would like to put in a new deck to the crossovers then it would need a variance due to the CCCL ordinance. Chair Marsh stated that many dune walkways have decks, and he stated that the proposed ordinance should make reference to address the decks. Town Attorney asked for direction on how to proceed, and asked if common sizes of dune decks were reviewed. Town Manager Stevens stated that the proposed ordinance made reference to the common size, to which Town Attorney Shutt clarified that the proposed ordinance references sizes as it related to the walkway, but not for the deck. Town Attorney Shutt then asked how the Planning and Zoning Commissioners would like to address the decks and whether it would differ from single family and multi-family homes. Chair Marsh stated that the Town should have an ordinance that would provide guidance to DEP of what would be allowed.

Member Hennigan asked if the proposed ordinance would only allow for a dune crossover to be built if the dune was tied to a dwelling unit, to which Town Attorney Shutt stated that the section in referenced was already in place, but that people were being allowed to build without the dune being tied to a dwelling unit. Member Kosinski asked if any work on the dune would require a

permit from DEP, to which staff responded that it would. Chair Marsh asked staff to review other municipalities for common deck sizes in regards to single family homes and multi-family homes, and Member Kosinski concurred and further added that staff should review the elevation of the walkway and deck. Chair Marsh responded to Member Kosinski that DEP governs the elevation of how long or high the dune crossover could be from the sand. **There was consensus to include a deck into the proposed ordinance.**

Member Hennigan moved to direct staff to re-draft the ordinance with suggestions provided and to research inquiries from Planning and Zoning Commissioners; seconded by Member Hutchins. Motion carried 5-0.

6. Draft Ordinance Regarding Fences & Temporary Fences

Town Attorney Shutt stated that the proposed ordinance modified the Town's regulations regarding fences by removing the language from the definition that properties adjacent to a body of water have the same requirement for the rear yard as the front yard. Town Planner O'Gorman stated that the intent was to allow for homeowners to install fences as high as 6 feet. Member Hutchins stated that increasing the height for fences may impact the neighbor's view of the water. Town Attorney Shutt stated that the proposed fence ordinance was tied to the proposed shed ordinance because the height for a fence on waterway properties needed to be increased to accommodate for the sheds that would be installed if the shed ordinance passes. The fence would allow for screening of the shed.

Member Kosinski asked if the proposed ordinance only increased the height of the fence, to which Town Attorney Shutt stated that was the intent. Member Hennigan stated that increasing the height of the fence would be an additional encroachment because neighbors would install fences as high as they can. Member Hutchins stated that people use hedges to screen their properties since hedges did not have a height restriction. Chair Marsh stated that no homeowner had viewing rights past their own property. Member Hennigan stated that he did not oppose hedges being used to screen properties, but he mentioned that fences were a structure that could be painted various colors or have to be composed of various materials.

Chair Marsh asked that the proposed ordinance reference that the height of the fence be measured from the lowest adjacent grade, and Town Attorney confirmed that he would add that to the ordinance.

Alternate Planning and Zoning Commission Member, Britt Flanagan, asked if Section 64-44(d) (1) in the proposed ordinance would make a change that would impact the hedges at the Yacht Club, to which Town Manager Stevens stated that the section she was viewing was not being changed and was already in place.

Alternate Planning and Zoning Commission Member, Britt Flanagan, asked that the Planning and Zoning Commission review the code in regards to chain-link fences and change it to only allow chain-link fences to be installed if screened by vegetation. Member Kosinski asked if chain-link fences were allowed, to which Town Attorney Shutt stated that chain-link fences were allowed as long as covered by vinyl. Chair Marsh stated that chain-link fences were usually covered by hedges, and Town Attorney Shutt stated that the code would allow for a chain link

fence even if not covered by vegetation as long as it was covered by vinyl. Chair Marsh stated that all elements should be reviewed. **There was a consensus to direct staff to review the proposed ordinance and to review codes from other communities.**

Member Kosinski asked for an update on the status of 6009 N Ocean Blvd and she asked what was the amount of the violation for them, to which Town Manager Stevens stated that the final fines would have to be calculated since the property had reoccurring daily fines and was incurring interest. Member Kosinski asked how will the Town be enforcing the code to 6009 N Ocean Blvd, to which Town Attorney Shutt stated that the Town was still working with the homeowner and asked that the Planning and Zoning Commissioners give time for the homeowner to comply. He also asked for adequate time for the new Building Official to be updated on the issue.

Town Manager Stevens informed the Planning and Zoning Commissioners that the Town Commission was requesting a monthly report from the Planning and Zoning Commission. Chair Marsh stated that he would be able to attend the August meeting on behalf of Vice Chair Carey, who served as the liaison to the Town Commission.

Chair Marsh stated that the Development Plan Review was established to ensure the values and best practices of construction were being complied within Ocean Ridge. He voiced his concern with homes looking repetitive and like “cookie-cutter” homes. He stated that the process did not look at who the applicant was, but that applicants should aim to work with a designer that have the qualifications to help guide the applicant to design appropriately. Chair Marsh stated that designs should match the characteristic of the town and the Planning and Zoning Commission should not aim to deny applications, but rather give critiques that help the applicant match character of the town. Member Hutchins stated that he agreed with some of the critiques from the Planning and Zoning Commissioners on applications for the Development Plan Review, but he did not want to see the board diminish the construction. Chair Marsh stated that the board was looking at scaling and proportion of homes as it relates to the community. Member Hutchins asked if the Chair would be able to interact with builders and Architect prior to the meeting, to which Chair Marsh stated that he could not because it would be a conflict. Member Kosinski stated that the presenters should be willing to work with the Planning and Zoning Commission. Chair Marsh stated that the process should not aim to redesign the home, but give guidance on the design. Vice Chair Carey concurred with Chair Marsh on the importance of reviewing because applicants would use it as precedent.

ADJOURNMENT

Meeting adjourned at 10:38 a.m.

Minutes prepared by Town Clerk Armstrong, and adopted by the Planning & Zoning Commission on August 17, 2020.

Mark Marsh, Chair

Attest:

Karla Armstrong, Town Clerk

DRAFT ORDINANCE SHEDS & ACCESSORY STRUCTURES

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 1 “GENERAL PROVISIONS”, SECTION 1-3 “DEFINITIONS”; CHAPTER 64, “ZONING”, ARTICLE III “SUPPLEMENTAL REGULATIONS”, SECTION 64-41 “ACCESSORY USES, BUILDINGS AND STRUCTURES GENERALLY” TO PROVIDE FOR MORE SPECIFIC REGULATIONS REGARDING SHEDS AND DUNE CROSSOVERS; 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, the Town Commission wishes to provide for regulations regarding sheds and to modify the regulations regarding dune crossovers; 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 1 “General Provisions”, Section 1-3 “Definitions”, is amended to read as follows:

Sec. 1-3. - Definitions.

Dune crossover (private), means a structure used specifically for pedestrian access across the dune area. Crossovers for single-family dwelling units should not exceed 4 feet in overall width and the support posts shall not be greater than 4 inch wide posts, unless a larger structure has been previously permitted by the Florida Department of Environmental Protection, then the larger structure would be allowed. Crossovers for multi-family dwelling units shall not exceed 6 feet in overall width and the support posts shall not be greater than 6 inch wide posts, unless a larger structure has been previously permitted by the Florida Department of Environmental Protection, then the larger structure would be allowed. A deck may be allowed in conjunction with the crossover provided the deck is attached to the crossover and does not exceed one hundred (100)

square feet where the crossover is used by a single family dwelling unit and two hundred (200) square feet where the crossover is used by a multi-family dwelling unit. There shall be no commercial use, leasing, renting, any form of non-monetary contribution or otherwise allowing the use of the dune crossover by anyone other than the person(s) occupying the primary dwelling unit. No dune crossover shall have any sort of roof or covering.

SECTION 3 – Amendment: Chapter 64 “Zoning”, Article III “Supplemental Regulations”, Section 64-41 “Accessory uses, buildings and structures generally” is hereby amended to read as follows:

Sec. 64-41. - Accessory uses, buildings and structures generally.

(a) *Scope.* This section includes those accessory uses, buildings and structures customarily incidental and subordinate to the main use or building and located on the same lot.

(b) *Development regulations.*

(1) *Location.* All accessory uses, buildings and structures shall be located on the same lot as the principal or main use and not within any required yard setbacks, except as provided in this land development code. Where lots, located east of the 1997 Coastal Construction Control Line and a lot divided by a street or right of way, the accessory use or structure a dune crossover may be located on that portion of the lot separated by the street or right of way from that portion of the lot on which the main use or building is located, as set forth in subsection (d). The accessory use is subject to the same setback requirements as for a principal use.

(2) *Height.* No accessory use, building or structure shall exceed the height permitted for a one story structure.

(3) *Use.* Such accessory building shall not be rented or otherwise used as a separate dwelling unit.

(4) In the event a dune crossover is allowed on a lot divided by a right of way, a unity of title shall be required, in a form acceptable to the Town, prior to the issuance of any permits for the construction of the dune crossover.

(c) *Utility shed/storage building.*

(1) Only one utility shed/storage building shall be allowed per lot, unless as otherwise set forth below.

(2) A permit shall be required for a utility shed/storage building unless the shed meets the requirements set forth in paragraphs (23) or (34) below. No utility sheds/storage building shall be allowed in any setbacks, drainage detention areas, easement areas or front yard area, unless as set forth below.

(3) The following shall apply to prefabricated utility sheds/storage buildings that do not exceed 100 square feet in size or seven feet in height and which is only used for the storage of

household items and supplies and domestic equipment (no vehicles) and does not have any plumbing or electrical service:

a. No shed shall be allowed in a front yard.

b. If the shed is predominately screened from view from adjoining properties and abutting rights-of-way and waterways by vegetation, fencing or other obstructions, as determined by the building official, then the minimum side interior setback shall be three feet and minimum rear setback shall be five feet. If a greater easement width exists, the width of the easement shall be the minimum setback. ~~If a shed is completely screened from view from adjoining properties and abutting rights of way and waterways by vegetation, fencing or other obstructions, as determined by the building official, then the shed may be allowed to be placed immediately adjacent to the property line.~~

c. The roof drainage shall be retained on the property and shall not adversely impact adjoining properties.

d. No building permit shall be required, however, an administrative review and/or inspections by the building official shall occur to document that the above requirements are met. However, the building must be anchored according to the manufacturer's specifications regarding anchoring. An administrative fee may be charged as set forth on the fee schedule as adopted by the Town Commission.

~~e. No more than two utility sheds/storage buildings shall be allowed per lot.~~

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(34) Any prefabricated shed that is less than 25 square feet in size and less than four feet in height shall not be required to have a building permit or an administrative review by the Town and shall be allowed to be placed into a setback, provided it is properly screened from the public right of way. A prefabricated shed that is less than 25 sq. feet shall not count toward the one shed maximum allowance, however, ~~only one~~ -no more than four of these sheds shall be allowed per lot.

(45) Utility sheds/storage buildings shall be maintained in good condition, free from evidence of deterioration, rust, holes, or breaks.

(d) ~~Dune crossovers~~. Dune crossover (private) shall be subject to the following:

(1) ~~A P~~private dune crossovers ~~are is~~ only allowed for the specific use of the primary residential dwelling unit, unless as otherwise set forth in this paragraph. Only one dune crossover shall be allowed per parcel.

(2) ~~A D~~dune crossovers used and installed by a multi-family complex, greater than four dwelling units, located in the Town ~~and where the crossover is located in a multi-residential zoning district~~ may not be required to own property directly adjacent and across from the beach side parcel, separated by a public street, provided that the crossover may only be used by the residents of the multi-family complex.

(3) Other dwelling units, located in the Town, may be allowed a dune crossover if there is an existing written instrument, in existence at the time of adoption of this ordinance, providing for the allowed use. Such use shall be allowed to continue in accordance with the terms of the written instrument.

(4) Decks shall not extend beyond the seaward toe of the dune.

(5) Dune crossovers shall be located, designed and constructed to minimize damage to the beach and dune system, including native vegetation systems, and shall extend seaward only as far as necessary to protect the dune and vegetation.

(6) Plans submitted for approval under this provision shall include proposed dune, beach or vegetation restoration.

(47) Dune crossovers, existing at the time of adoption of this ordinance, shall be allowed to remain and be repaired and replaced, however such crossovers shall not be expanded or modified in any manner to exceed the original footprint.

(58) A dune crossover shall be subject to the same setback requirements as set forth in the zoning district where the crossover is located.

SECTION 4 - Codification: The ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

SECTION 5 - Repeal of Conflicting Ordinances: All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

SECTION 6 - 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 7 - Effective Date: This Ordinance shall become effective immediately upon adoption.

FIRST READING this ___ day of _____, 2020.

SECOND AND FINAL READING this ___ day of _____, 2020.

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 ____ day of _____, 2020.

TOWN OF OCEAN RIDGE, FLORIDA

BY: _____
KRISTINE DE HASETH, MAYOR

ATTEST: _____
TOWN CLERK

MEMORANDUM

TO: PLANNING AND ZONING COMMISSION MEMBERS
FROM: R. BRIAN SHUTT, TOWN ATTORNEY
RE: PROPOSED ORDINANCE REGARDING CODE CHANGES TO MODIFY THE REGULATIONS GOVERNING SHEDS AND DUNE CROSSOVERS
DATE: AUGUST 6, 2020

At the July 20, 2020 Planning and Zoning Commission meeting the Commission reviewed the proposed ordinance regarding changes to the Town's code as it relates to sheds and dune crossovers and made recommendations regarding possible changes to the proposed ordinance. Staff has attempted to modify the proposed ordinance in accordance with the direction given by the Planning and Zoning Commission. The proposed changes from the version that was presented to the Planning and Zoning Commission at the July 20 meeting are shown in track changes.

The proposed ordinance has specific regulations for sheds, and a new subsection was added. If a shed is a prefabricated shed with no plumbing and no electric, does not exceed 100 sq. ft. or 7 ft. in height, it shall not be allowed in the front yard, it will have a minimum 3 foot setback on side interior and 5 foot minimum rear yard setback if the shed is predominately screened from view. No building permit shall be required, only an administrative review. The roof of the shed may not drain onto the adjacent property.

Prefabricated sheds that are less than 25 square feet in size and 4 feet in height shall not be subject to any administrative review or permit and may be placed in the setback area.

The proposed changes to the ordinance from the last meeting are as follows:

A definition for dune crossover is provided, the change from the last meeting allows decks not exceeding 100 sq. ft. for single dwelling units, 200 sq. ft. for multi-family units (staff did review codes from other jurisdictions and there was no standard size for a deck).

The 1979 line is clarified to provide that it is the setback line, unless the normal setback is further west than the 1979 line.

The language was clarified to provide that only one dune crossover is allowed per parcel.

The language was modified to provide that if a crossover is used by a multi-family unit then those regulations will apply, regardless of the zoning district where the parcel is located.

For sheds under 100 sq. ft. no more than two sheds shall be allowed per parcel and for sheds under 25 sq. ft. no more than 4 sheds shall be allowed per parcel.

Further, staff has reviewed other municipal codes based on the direction of the P&Z Commission. While numerous codes have language that refers to sheds and crossovers, there was no standard language that appeared to be in use. Most codes seemed to address this issue on a very local level.

Please call if you have any questions on this item.

MEMORANDUM

TO: PLANNING AND ZONING COMMISSION MEMBERS
FROM: R. BRIAN SHUTT, TOWN ATTORNEY
RE: PROPOSED ORDINANCE REGARDING CODE CHANGES TO MODIFY
THE REGULATIONS GOVERNING FENCES
DATE: AUGUST 6, 2020

At the July 20, 2020 Planning and Zoning Commission meeting the Commission reviewed the proposed ordinance regarding changes to the Town's fence code and made recommendations regarding possible changes to the proposed ordinance. Staff has attempted to modify the proposed fence ordinance in accordance with the direction given by the Planning and Zoning Commission. The proposed changes from the version that was presented to the Planning and Zoning Commission at the July 20 meeting are shown in track changes.

Currently the town code provides that for those properties adjacent to a body of water, the rear yard setback shall be the same as a front yard setback. The proposed ordinance removes that language from the definition. Other proposed changes to the ordinance are as follows:

General language is added to provide that "similar structures" is included in references to fences and walls.

The ordinance was amended from the last meeting to provide that fences in rear yards, adjacent to a waterway, may not exceed 4 feet in height while in the rear setback.

Language was amended to provide the measurement for the height of the fence is measured from the lowest adjacent grade.

Language was modified to provide that chain link fences are only allowed as temporary construction fencing.

Language is added to provide that a fence must be made of material that is manufactured for such purpose.

Please call if you have any questions.

DRAFT ORDINANCE - FENCES

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 1 “GENERAL PROVISIONS”, SECTION 1-3 “DEFINITIONS TO MODIFY THE DEFINITION OF FRONT YARD; AMENDING SECTION 64-44 “FENCES, WALLS AND HEDGES” TO MODIFY THE REGULATIONS REGARDING THE HEIGHT OF FENCES, WALLS AND SIMILAR STRUCTURES; 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, the Town Commission wishes to modify the regulations regarding the height of fences and similar structures; 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 1 “General Provisions”, Section 1-3 “Definitions”, is amended to read as follows:

Sec. 1-3. - Definitions.

Yard, front, means a yard extending across the front of a lot, being the required minimum horizontal distance between the front lot line and the front of the buildings, ~~or a yard extending across the lot and adjacent to a body of water, being the required minimum horizontal distance between the property line adjacent to the water and the building (see *Setback line*).~~

SECTION 3 – Amendment: Chapter 64 “Zoning”, Article III “Supplemental Regulations”, Section 64-44 “Fences, walls and hedges” is hereby amended to read as follows:

Sec. 64-44. - Fences, walls and hedges.

- (a) In all residential districts, fences, walls, ~~and~~ hedges or similar structures, or appurtenances thereto, may be erected or maintained along or adjacent to a lot line.
- (b) All tennis courts shall be fenced, and, should such fence be greater than six feet in height, it shall be constructed of material allowing no less than 50 percent light and 50 percent air circulation, shall not be roofed and shall be placed subject to all building setback requirements.
- (c) The height of a wall, fence, ~~or~~ hedge or similar structure, or appurtenances thereto, located in the front yard shall be measured on the street side of the wall, fence, ~~or~~ hedge or similar structure, or appurtenances thereto, from the top of the fence, wall, ~~or~~ hedge or similar structure, or appurtenances thereto. The height of walls, ~~and~~ fences or similar structures, or appurtenances thereto, located in the front yard setback, or in a rear yard setback abutting (meaning parallel to), where the property is adjacent to a waterway, shall not exceed four feet in height. The height of a wall, fence, ~~or~~ hedge or similar structure, or appurtenances thereto, located in a side or rear yard setback shall be measured on either side of the wall, fence, ~~or~~ hedge or similar structure, or appurtenances thereto, from the top of the wall, fence, ~~or~~ hedge or similar structure, or appurtenances thereto. Walls, ~~and~~ fences or similar structures, or appurtenances thereto, located in a side or rear yard setback shall not exceed six feet in height as measured from the lowest adjacent grade ~~opposite such point of measurement~~. Where the grade elevation is different on either side of the wall, ~~or~~ fence or similar structure, or appurtenances thereto, and the wall, ~~or~~ fence or similar structure, or appurtenances thereto, is within five feet of the property line, the wall, ~~or~~ fence or similar structure, or appurtenances thereto, height may be increased, as measured from the lowest grade, by one-half of the difference in elevations, provided that such increase is constructed of lattice, open bars, or other type of nonsolid material which will permit no less than 50 percent light and 50 percent air circulation.
- (d) Additional landscaping requirements: In any location where a fence, ~~or~~ a wall or similar structure, or appurtenances thereto, is placed along or parallel to an improved public right-of-way (roadway or waterway), the following additional landscaping requirements shall apply:
- (1) Not more than 50 percent of any wall, fence, ~~or~~ hedge or similar structure, or appurtenances thereto, (measured linearly) shall be within 18 inches from the public right-of-way; and
 - (2) At least 50 percent of the linear distance of any such wall or fence shall be landscaped using plant materials and standards as provided in article IV, landscaping, of chapter 66 of this land development code. Notwithstanding any other requirement of this land development code, such landscaping shall be shown on the site plan furnished to the town for permitting.
- (e) *Chain link fences; where permitted and prohibited.* No chain link fence shall be permitted to be erected in or across any yard within the town, ~~except where permitted on a construction site, which abuts an improved street or waterway. Where chain link fences are permitted, they may extend only up to and no further than the setback line of any adjacent yard or portion of the lot which abuts an improved street or waterway. All chain link fences shall be made of or covered in their entirety by vinyl.~~
- (f) Block walls: No concrete block, or cinder block wall, but not including split face, or other decorative block, shall be erected within the town unless the same shall be finished with stucco

with integral color or finished with stucco and painted, or finished with other decorative opaque material so the seams of the blocks are obscured.

- (g) A wall or fence may include lighting or decorative elements which exceed the height limitation herein provided such do not cause off-site lighting or shading effects and do not constitute more than five percent of the cumulative area of the fence. A fence must be constructed of material manufactured for such purpose.

SECTION 4 - Codification: The ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

SECTION 5 - Repeal of Conflicting Ordinances: All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

SECTION 6 - 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 7 - Effective Date: This Ordinance shall become effective immediately upon adoption.

FIRST READING this ___ day of _____, 2020.

SECOND AND FINAL READING this ___ day of _____, 2020.

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 _____ day of _____, 2020.

TOWN OF OCEAN RIDGE, FLORIDA

BY: _____
KRISTINE DE HASETH, MAYOR

ATTEST: _____
TOWN CLERK