

**TOWN OF OCEAN RIDGE, FLORIDA
PLANNING & ZONING COMMISSION MEETING AGENDA
MAY 17, 2021
8:00 A.M.
TOWN HALL * MEETING CHAMBERS**

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

APPROVAL OF MINUTES

1. Approval of April 19, 2021 Meeting Minutes

DISCUSSION / ACTION ITEMS

2. Selection of Chair
3. Selection of Vice Chair
4. Amendments to the CCCL Ordinance

COMMISSIONER COMMENTS

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

ADJOURNMENT

**THE NEXT MEETING OF THE PLANNING & ZONING COMMISSION WILL BE
HELD ON MONDAY, JUNE 21, 2021 AT 8:00 AM AT TOWN HALL.**

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

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

Live Audio Feed Provided for the Planning and Zoning Meeting of May 2021

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

DATE AND TIME: Monday, May 17, 2021 at 8:00 A.M.

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

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

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

- **Please dial in using your phone.** United States: [+1 \(408\) 650-3123](tel:+14086503123) and **Access Code:** 409-452-245

PUBLIC COMMENTS:

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

1. Email the Town Clerk at karmstrong@oceanridgeflorida.com by Friday, May 14, 2021 at 3 p.m. The email must contain the agenda item number and exactly what is to be read out loud at the meeting (3 minute limit). The Town Clerk will respond to the email if it has been received. If you do not receive a response email from the Town Clerk, assume that it was not received and follow up with a phone call to Town Hall at 561-732-2635. The Town Clerk will read the public comment into the record when the item is taken up.
2. Call Town Hall at 561-732-2635 before the meeting date. Tell Town Hall Staff which agenda item you would like to submit a comment on, and submit your comments to them (3 minute limit). Town Hall staff will notify the Town Clerk of the public comment, and the Town Clerk will read the public comment into the record when the item is taken up during the meeting.

ADDITIONAL INFORMATION:

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

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

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

PLANNING & ZONING COMMISSION MEETING MINUTES
APRIL 19, 2021

Meeting Minutes of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, April 19, 2021 in the Town Hall Meeting Chambers.

CALL TO ORDER

The meeting was called to order at 8:03 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 |

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

PLEDGE OF ALLEGIANCE

Chair Marsh led the Pledge of Allegiance.

PUBLIC COMMENT

There was none.

APPROVAL OF MINUTES

1. Approval of Minutes of the March 15, 2021 Minutes

Chair Marsh and Vice Chair Carey noted that P.3 had two misspellings, and requested the minutes be amended with the corrections.

Member Hennigan moved to approve the minutes of March 15, 2021 as amended; seconded by Member Hutchins. Motion Carried 5-0.

DISCUSSION / ACTION ITEMS

2. Quasi-Judicial Hearing: Development Plan Review for 29 Eleuthera Drive

Chair Marsh explained that this is a quasi-judicial hearing, and asked if any of the board members had any ex-parte communications with the applicant, owner or builder. All Planning & Zoning Commissioners responded that they had not. Those that wished to give testimony for 29 Eleuthera Drive were sworn in by the Town Clerk.

Town Clerk Armstrong introduced the project by noting that the project is being brought back before the Commission because the site plan has changed since the homeowner has decided to grant the Town a 5’ drainage easement with the conditions described within the memo.

Chair Marsh asked staff if they were satisfied with the proposal, to which Building Official Guy and the Town Engineer’s Representative, Tara Bamber, stated that they are okay with the proposed sketch.

Member Hutchins asked staff to be more proactive, and to develop a plan on how to handle drainage pipes that are on private property. He added that a homeowner should not be asked to provide a drainage easement through the Development Plan Review process, to which Town Attorney Goddeau stated that a plan is a great idea; however, it would be costly and time consuming since the Town would have to do an assessment of all the drains and which are on private property. Town Attorney Goddeau stated that the Town has opted for dealing with drainage easements as situations arise, and that the Town cannot take any private property for drainage easement unless there is a legal plan in place. Member Hutchins opposed any taking of private property, and advocated that the homeowner get compensated for giving an easement. Town Attorney Goddeau stated that in this particular case that Town staff worked with the homeowner to be able to give the conditions shown in the memo of the package.

Chair Marsh stated that the Town is on the right path, but asked that the Town continue to be proactive and work with homeowners to obtain drainage easements.

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

Town Clerk Armstrong mentioned that Town staff is still negotiating with the homeowner so the site plan may change depending on any additional conditions. She asked that the Commission approve the application with the possibility of allowing staff to approve any minor changes that may be needed to accommodate for the drainage easement.

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

Vice Chair Carey moved to approve the Development Plan Review for 29 Eleuthera Drive as submitted with the condition to allow Town staff to approve any minor changes that may be needed to accommodate the drainage easement; seconded by Member Hutchins. Motion carried 5-0.

3. Quasi-Judicial Hearing: Development Plan Review for 54 Spanish River Drive

Chair Marsh explained that this is a quasi-judicial hearing, and asked if any of the board members had any ex-parte communications with the applicant, owner or builder. All Planning & Zoning Commissioners responded that they had not. Those that wished to give testimony for 54 Spanish River Drive were sworn in by the Town Clerk.

Town Planner O’Gorman introduced the project by noting that the project will be a new single family home that will consist of 4 bedrooms and 4 full bathrooms with a cabana and powder room.

Randall Stofft, Randall Stofft Architects from 42 N. Swinton Avenue in Delray Beach, noted that it is a custom home for the Smith family, and that they had to do some redesign to the home to comply with the elevation requirements. He also noted that he agreed with all of the staff comments except with the comment regarding the tie beams. He explained the reasons why they should be allowed to keep the tie beam the height originally proposed.

PLANNING & ZONING COMMISSION MEETING HELD APRIL 19, 2021

Chair Marsh stated that he concurred with staff on the tie beam height. He noted that the pins are too large and for Mr. Stofft to reduce the height or install a beam horizontally, to which Mr. Stofft stated that he did decrease the size of the pins in the redesign.

Chair Marsh asked about the finish materials for the pins, and Mr. Stofft described the type of material. Chair Marsh reiterated he agreed with staff that the tower should stay that size.

Chair Marsh suggested for the applicant to have planting on the drainage easement rather than gravel, and Tara Bamber, representative of the Town Engineer, stated that plantings are not allowed within recorded drainage easements and that the owner will probably just have to sod it. She will review the Code to see if gravel is allowed in the drainage easement.

Vice Chair Carey asked Mrs. Bamber as to why the applicant needed a retaining wall to the east when he could gradually grade the property to match the other property's elevation, and Mr. Stofft responded that he could review the elevations and see if they could make the changes. Vice Chair Carey asked if grading can be done on other sides, and Mrs. Bamber stated that grading may work in the front the property, but not toward the back.

Chair Marsh stated that the landscaping plan mostly shows palm trees, and asked the applicant to add a shade tree. Stephanie Portus, Landscape Architect from PLA Design Studios, described the different proposed plantings and explained that she is limited because of the drain field, septic, and drainage easement.

Member Hutchins asked if the Code specifies the amount of trees that need to be installed, to which Building Official Guy stated that he needs to review the Code in regards to landscaping.

Member Hennigan voiced his concern that some trees are not being protected during the demolition process. He asked if the Town is conducting surveys of existing trees prior to demolitions to ensure that they keep and re-install historic trees. Building Official Guy stated that the town just incorporated a tree inventory system that would help the Town keep track of where historic trees are. He further stated that the new issue is that trees need to be removed in order to elevate homes to meet the new elevation requirements.

Member Hennigan asked if the Town is requiring the contractors to mitigate for removed trees during the demolition process, to which Building Official Guy stated that he would need to review further. Chair Marsh stated that the intent is good and that it would be hard to spend the money to replace all the trees with new construction of a home. Member Hennigan argued that in most cases the site ends with less landscaping than existed there prior to the demolition, and the Town should explore as to who is responsible for reviewing the before and after of the landscaping. Chair Marsh once again asked the Landscape Architect to look into replacing some palms with shade trees.

Vice Chair Carey thanked the Architect for his work, and asked if he would be willing to raise the finish slab for the garage, to which Mr. Stofft stated that he would not like to because it would create a steep driveway for his clients. Member Hennigan asked the applicant what amount of percentage slope should be the maximum, and Mr. Stofft stated that it is 10%. Vice Chair Carey recommended that Mr. Stofft raise the finish slab of the garage because of the drainage issues on

that street, and in the case that the Town raises the road. Chair Marsh concurred with Vice Chair Carey and recommended the same. Mr. Stofft mentioned that he could look into it, but that the changes could be made later when they are needed.

Building Official Guy noted that there is a section of the landscaping code that exempts single family homes and noted that there is a requirement of how many trees need to be installed per lot. He stated that he would have to review it more.

Member Kosinski asked whether the Board is interested in allowing the applicant to stay with the tower size as originally proposed, and Chair Marsh explained that he would be okay with allowing the height in the front, but not in the back due to massing. Mr. Stofft stated that after reviewing and discussing the project that he would like to keep the tower with the changes.

Member Hennigan asked to work with Building Official and staff in regards to the landscape code, and Town Manager Stevens stated that Commissioner Hurlburt is already working on the landscape code with staff. Chair Marsh stated that landscaping should be an item for a workshop with the Town Commission.

Chair Marsh called for public comment.

Mr. and Mrs. Smith, 54 Spanish River Drive, introduced themselves to the board. All board members welcomed them to the Town.

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

Vice Chair Carey moved to approve the Development Plan Review for 54 Spanish River Drive as submitted with the conditions established by staff in the staff reports and with the suggestions to reduce the height of pins, gradually grading the property or another alternate water retaining method in lieu of the retaining wall on the east side of the property, raise the finished floor slab of the garage, and explore the possibility of installing more shade trees with a larger canopy instead of some of the palm trees; seconded by Member Kosinski. Motion carried 5-0.

COMMISSIONERS COMMENTS

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

Vice Chair Carey asked Building Official Guy if he had read Mr. Schwartzberg's email from the last meeting, to which Building Official Guy responded that he did. Vice Chair Carey stated that the homeowner made good points that we should take into consideration when changing the handbook or making policy changes to demolition, to which Building Official Guy stated that the points provided by Mr. Schwartzberg were valid and he is reviewing to see which points could be implemented. Member Hutchins commented that a high fence may not be doable.

Member Hutchins stated that the board should be careful when reviewing Development Plan Review applications to not pass their personal preferences to applications, but rather just stick to code. He asked to be considered to be the liaison for the Town Commission during the summer months when Vice Chair Carey is out of Town.

PLANNING & ZONING COMMISSION MEETING HELD APRIL 19, 2021

ADJOURNMENT

Meeting adjourned at 9:10 a.m.

Minutes prepared by Town Clerk Armstrong, and adopted by the Planning & Zoning Commission on May 17, 2021.

Mark Marsh, Chair

Attest:

Karla Armstrong, Town Clerk

Agenda: May 17, 2021
Memo: Item #2 & 3

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

Subject: Chair and Vice Chair Selection

The Town Commission re-appointed Ric Carey and David Hutchins at their May meeting. After every appointment cycle, the board has to choose a Chair and Vice Chair as indicated in the Code.

Section 63-31 (c) of the Town Code of Ordinances requires that a chair and a vice-chair 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 Chair 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.

MEMORANDUM

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

At the May 3, 2021 Town Commission meeting, Commissioner Steve Coz addressed his discussion item regarding Ordinance No. 2020-05, adopted September 8, 2020, requiring a variance for all development seaward of the 1979 Coastal Construction Control Line (CCCL) including dune crossovers. Commissioner Coz pointed out that in Ordinance No. 2020-06, adopted October 5, 2020, the Town set forth specific requirements for all dune crossovers constructed after October 5, 2020. Commissioner Coz expressed his concern that based on those two ordinances, a variance is now required for all new dune crossovers if they are seaward of the 1979 CCCL. Commissioner Coz said a variance for a dune crossover adds delays to the development process and unnecessary cost (\$1,500 for the variance application), which he believes the Town Commission did not intend in adopting the ordinances.

The Town Commission discussed the matter and directed the Town Attorney to prepare an amendment to allow for dune crossovers if all other requirements are satisfied. The Town Commission also asked that steps from the dune crossover be addressed in the ordinance.

The attached ordinance amends section 64-41, Accessory uses, buildings and structures generally, to allow for dune crossovers and their steps as follows:

(4) Decks shall not extend beyond the seaward toe of the dune; however, the walkway inclusive of steps may extend past the seaward toe of the dune up to _____ feet.

(8) A dune crossover shall be subject to the same setback requirements as set forth in the zoning district where the crossover is located. Notwithstanding the foregoing or Section 67-18(b) requiring a variance for all development seaward of the 1979 coastal construction control line, a dune crossover may be constructed subject to approval of a building permit if all other requirements of this Code and local and state law for the dune crossover have been satisfied.

Should you have any questions regarding the above, please do not hesitate to contact me.

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES AT CHAPTER 64, “ZONING”, ARTICLE III “SUPPLEMENTAL REGULATIONS”, SECTION 64-41 “ACCESSORY USES, BUILDINGS AND STRUCTURES GENERALLY” TO ADDRESS THE ALLOWANCE OF DUNE CROSSOVERS BY ADMINISTRATIVE SPECIAL EXCEPTION IF SEAWARD OF THE 1979 COASTAL CONSTRUCTION CONTROL LINE AND TO ADDRESS DUNE CROSSOVER STEPS; 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, on September 8, 2020, through Ordinance No. 2020-05, the Town Commission adopted the 1979 Coastal Construction Control Line (“CCCL”) as the rear setback line for those properties bordering on the ocean; and

WHEREAS, Ordinance No. 2020-05 also imposed a variance requirement for all development seaward of the 1979 CCCL; and

WHEREAS, on October 5, 2020, through Ordinance No. 2020-06, the Town Commission adopted amendments to the dune crossovers requirements, which included specific requirements for all dune crossovers developed thereafter; and

WHEREAS, the Town Commission has determined that dune crossovers which satisfy all of the requirements of Ordinance No. 2020-06 and all other applicable ordinances in the Town’s Code of Ordinances and local and state law, should be authorized by administrative special exception; and

WHEREAS, the Town Commission has also determined that requirements for dune crossover steps should be addressed in the Town’s Code of Ordinances; and

WHEREAS, the Town Commission desires to amend Ordinance No. 2020-06 to allow for an administrative special exceptions for dune crossovers and to address dune crossover steps; 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 true findings of fact of the Town Commission.

SECTION 2 – Amendment:

Chapter 64 “Zoning”, Article III “Supplemental Regulations”, Section 64-41 “Accessory uses, buildings and structures generally”, Subsection (d), “Dune crossover”, is hereby amended to read as follows:

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

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

(1) A private dune crossover 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 and a unity of title shall be required.

(2) A dune crossover used and installed by a multi-family complex, greater than four dwelling units, located in the Town 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; however, the walkway inclusive of steps may extend past the seaward toe of the dune up to _____ feet.

(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.

(7) 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.

(8) A dune crossover shall be subject to the same setback requirements as set forth in the zoning district where the crossover is located. Notwithstanding the foregoing or Section 67-18(b) requiring a variance for all development seaward of the 1979 coastal construction control line, a dune crossover may be constructed subject to approval of a building permit if all other requirements of this Code and local and state law for the dune crossover have been satisfied.

(9) The town building official shall have the authority to require the use of building materials and practices that are deemed more environmentally and dune friendly construction, as determined by the building official.

SECTION 3 - Codification: The ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

SECTION 4 - Repeal of Conflicting Ordinances: All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

SECTION 5 - 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 6 - Effective Date: This Ordinance shall become effective immediately upon adoption.

FIRST READING this ___ day of _____, 2021.

SECOND AND FINAL READING this ___ day of _____, 2021.

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

KRISTINE DE HASETH, Mayor _____

SUSAN HURLBURT, Vice Mayor _____

STEVE COZ, Commissioner _____

GEOFF PUGH, 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 _____, 2021.

TOWN OF OCEAN RIDGE, FLORIDA

BY: _____
KRISTINE DE HASETH, MAYOR

ATTEST: _____
TOWN CLERK