

## **Live Audio Feed Provided for the Planning and Zoning Meeting of February 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, February 8, 2021 at 8:00 A.M.

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

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

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

- **Please dial in using your phone.** United States: [+1 \(872\) 240-3412](tel:+18722403412) and **Access Code:** 742-717-365

### **PUBLIC COMMENTS:**

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

1. Email the Town Clerk at [karmstrong@oceanridgeflorida.com](mailto:karmstrong@oceanridgeflorida.com) by Friday, February 5, 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.

**TOWN OF OCEAN RIDGE, FLORIDA  
PLANNING & ZONING COMMISSION MEETING AGENDA  
FEBRUARY 8, 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 January 11, 2021 Meeting Minutes

**DISCUSSION / ACTION ITEMS**

2. Ordinance Review: An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances By Amending Chapter 67 “Buildings and Building Regulations”, Article III “Technical Codes and Other Construction Standards”, Division 2 “Administration and Enforcement”, Section 67-51 “Permit Required”, To Amend the Requirements to Obtain a Demolition Permit and Provide for Penalties; and Amending Section 67-52 “Commencement and Duration of Construction” To Adjust the Timeframes for Construction; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date.
3. Ordinance Review: An Ordinance of the Town of Ocean Ridge, Florida, Amending Chapter 64 “Zoning,” Article I “District Regulations” By Amending Section 64-1 “RSF and RSE Single-Family Residential Districts,” Amending Section 64-2 “RMM Medium Density Multiple-Family Residential District,” Amending Section 64-4 “RHM High Density Multiple-Family Residential District,” And Amending Article II “Planned Residential Development” By Amending Section 64-24 “Development Standards” To Decrease the Height of Two-Story Buildings When FEMA Regulations are Implicated and to Adjust the Height of a Parapet So That It Does Not Extend Too Far Above the Roof; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date.

**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, MARCH 15, 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 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  
JANUARY 11, 2021

Meeting Minutes of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, January 11, 2021 in the Town Hall Meeting Chambers.

**CALL TO ORDER**

The meeting was called to order at 8:05 a.m. by Chair Marsh.

**ROLL CALL**

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

Chair Mark Marsh	Present
Vice Chair Ric Carey	Present
Member Neil Hennigan	Present
Member David Hutchins	Present
Member Penny Kosinski	Absent
Alternate Member Brit Flanagan	Absent
Alternate Member James Leming	Present

(Town Clerk’s Note: Member Hutchins joined the meeting after roll call was called and Member Leming attended in place of Member Kosinski.)

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

**PLEDGE OF ALLEGIANCE**

Chair Marsh led the Pledge of Allegiance.

**COMMISSIONERS COMMENTS**

Vice Chair Carey expressed the urgency of placing a demolition ordinance in the code. He asked that staff make it a top priority in order to resolve demolition issues throughout the Town, to which Member Hennigan and Chair Marsh concurred.

Chair Marsh asked why the seawall projects near Anna and Edith Street did not come before the Planning & Zoning Commission as a construction improvement, and Town Clerk Armstrong responded that the projects did not meet the threshold to come before the Planning & Zoning Commission as each individual home applied for construction of a seawall. Chair Marsh stated that the Planning & Zoning Commission would like to see projects where neighbors are being impacted, and Town Attorney Ryan stated that the Town could do a courtesy of notifying the Planning & Zoning Commission of those types of projects, to which Town Clerk Armstrong concurred with Town Attorney Ryan and stated that the codes can be reviewed. Member Hennigan asked if there is a way to see the projects based on their coastal location, and Town Clerk Armstrong stated that projects that were east of the Coastal Construction Control Line needed to go through the Town Commissions in order to get approval in the past, but that was changed recently to allow staff to handle internally, along with a new variance stipulation. She stated that the process could be reviewed again, to which Chair Marsh agreed. Chair Marsh asked Town Commissioner Hurlburt who was in the audience for input, and Commissioner Hurlburt responded that beach erosion created an emergency situation for the homes that requested the seawalls. She stated that the issue was presented to the Town Commission on multiple occasions and that all the

information was posted on the website and included within the Town Commission packages. She reiterated that the project was considered an emergency and needed to be treated as such.

## **APPROVAL OF MINUTES**

### **1. Approval of Development 21, 2020 Minutes**

Vice Chair Carey noted that Item #9 did not show who seconded the motion and the voting record.

Chair Marsh also noted that the following grammatical corrections, p. 6 should state cross-section rather than sectional, p. 8 should state abandonment rather than abonnement. He also clarified that when he referenced the travertine plating on Item #4 that he meant the travertine inlay with the exterior façade.

**Chair Hennigan moved to approve the minutes of December 21, 2020 as amended; seconded by Vice Chair Carey. Motion Carried 5-0.**

## **DISCUSSION / ACTION ITEMS**

### **2. Ordinance Review: An Ordinance of the Town of Ocean Ridge, Florida, Amending Chapter 64 “Zoning,” Article I “District Regulations” By Amending Section 64-1 “RSF and RSE Single-Family Residential Districts,” Amending Section 64-2 “RMM Medium Density Multiple-Family Residential District,” and Amending Section 64-4 “RHM High Density Multiple-Family Residential District,” To Decrease the Height of Two-Story Buildings When FEMA Regulations are Implicated; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date.**

Town Attorney Ryan informed that she will introduce the item since the Town Manager had to participate in a conference call with the County. She introduced the item by reading the Town Manager’s memo into the record and also explained that the ordinance presented aims to adjust the height of buildings to accommodate FEMA’s new floor elevation regulations.

Vice Chair Carey stated that the ordinance presented was over-complicating the issue and recommended for the height of buildings to be changed to 32’. Town Attorney Ryan asked for clarification from Vice Chair Carey on whether he is referring to changing the presented ordinance to make it a standard 32’ for any home affected by FEMA’s new elevation regulations, and Vice Chair Carey stated that it should be standard so that there is no question or loopholes.

Chair Marsh stated that the exploratory committee met and that staff did a lot of research to provide the ordinance presented. He stated that FEMA was requiring a 12’ base floor elevation on some homes in the Town and that the ordinance being presented tries to limit the building height for those circumstances while also not restricting the homes that are not impacted by FEMA new elevation requirements. Chair Marsh voiced the importance for the Town to have a point of measurement, which could be the crown of road; however the crown of the roads differs and becomes problematic. He stated that they could average out the crown of the road to help alleviate that difference.

Chair Marsh discussed how the ordinance should address the height of parapets and asked Town Planner O’Gorman about the zoning regulations in regards to the parapet and tie beam, to which Town Planner O’Gorman provided the current code regulations and stated that the Board would have to state what their preference of decrease would be. Chair Marsh stated that it is about 2-3’

of the top of tie beams in other municipalities. The Board further discussed the reduction of parapets from the tie beam.

Building Official Guy stated that the ordinance addresses the differentiating elevations between new construction and existing homes. He informed that the Town explored the ordinances from other municipalities on how they are dealing with elevations and that the presented ordinance is a simplified version that has less loopholes than many of the others. He provided a visual for the Commission to show the goal of FEMA and how they calculate their elevation standards. Building Official Guy confirmed that the proposed ordinance does have a loophole for some properties, but that it would only impact the few. He further informed that 36' is high for a two story home as Florida Building Code allows for a two story to be less than that amount.

Member Hennigan agreed with Member Carey's suggestion of making the height of homes a standard 32' for those affected by the elevation because it would resolve ambiguity and would resolve all the issues for the homes that are in the extreme elevation zones. He stated that the parapet can remain as is at the 4' from the tie beam, to which Chair Marsh disagreed because it is too high. Member Hennigan stated that if the standard becomes 32', then when the 4' parapet is added, then it would equal the 36' height as the current code, but that he would not mind decreasing it. Town Attorney Ryan asked if the change in parapet height would only be for the homes affected by FEMA regulations or for the general population, to which Chair Marsh answered that it would be generally.

Member Hennigan stated that the ordinance does not have to mention FEMA if the standard is changed to 32' maximum building height, and Chair Marsh dissented with making 32' a standard idea because the homes that are not affected by the elevation would be penalized. Chair Marsh further informed that there were only a few outliers that would have high floor elevation requirements and the Town should not make a big change for the few. There was further discussions as to why 32' height would not work.

Chair Marsh asked Building Official Guy for input on the current floor elevation average for the Town and how many homes fall within the average, and Building Official Guy stated that currently it is 7' base floor and all the homes that have been built in the last year were average elevation, but new construction will need to comply with the new elevations.

Vice Chair Carey asked if the homes that have recently applied for Development Plan Review designed their single family structure to the maximum of 36' even with the 10' elevation, to which Building Official Guy stated that they had.

Member Hennigan suggested making the maximum building height to 43' with the elevation included, meaning that a 7' finished floor elevation could build up home to be 36' as together it would be the 43'. Vice Chair Carey concurred with Member Hennigan's suggestion.

Member Hutchins asked Building Official Guy what happens to the properties that are in between the ridge and the in-lots. Building Official Guy stated that the homes in the middle point would not be affected greatly and that eventually the streets would need to be elevated since the homes will be elevated.

## PLANNING & ZONING COMMISSION MEETING HELD JANUARY 11, 2021

Vice Chair Carey commended Building Official Guy on his explanation and stated that the ordinance presented did not address some of the issues the many will face due to having neighbors with high elevations and 36' building height, and Chair Marsh stated that retaining walls would be a crucial part of the process.

Member Hennigan reiterated his recommendation of making the maximum height for a building to be 43' inclusive of the floor elevations and the height of the building would have to be adjusted for each person depending on their elevation. Town Attorney Ryan stated that there is no wrong way to address this situation, but that the Commission would need to choose how to address. Member Hennigan stated that 43' building height would make it even for everyone and would match current code. Vice Chair Carey agreed with Member Hennigan's proposal and that the town should focus on resolving the issues that will impact many residences due to the new FEMA floor elevations. Member Hennigan further explained his recommendation to the Commission. Town Planner O' Gorman stated that the 43' maximum height could work.

Chair Marsh stated that Member Hennigan's idea may work, but that the ordinance should have a point of measurement. Member Hennigan stated that the datum could be the 7', but that it would measure it from the top being 43' maximum. Chair Marsh dissented and stated that the point of measurement should be at the bottom and not at the top. Member Hutchins agreed with the recommendations. There were further discussions about whether the point of measurement should be from the top or from a base.

Chair Marsh asked Building Official Guy about making the point of reference the 7' base floor elevation. Building Official Guy responded that it could work. Member Hennigan stated that the goal is to keep the current height for the buildings even with the elevation. He stated that there may be some push back from builders about reduction of heights, but that the Commission should consider the neighbors. Chair Marsh explained how the 7' point of measurement would work.

Chair Marsh asked Town Attorney Ryan if it would be a hardship for a home to lose a certain amount of height, to which Town Attorney Ryan stated that it may not be a hardship, but it may be a point of fairness as people buy a home with the intentions of building a certain height and the proposed idea would reduce that dramatically. She stated that the Town would have to advertise and communicate that correctly. The Commission discussed the properties that are required by FEMA to be 11' or 12' in elevation and how they would be impacted by the idea presented. Chair Marsh stated that there are many issues that may need further discussions between the Planning & Zoning Commission and the Town Commission at a workshop.

Vice Chair Carey asked if there were any applications submitted with homes that would have to elevate their base floor elevation to be 11' or 12', and Building Official Guy stated that there have been no new submissions with those elevations, but the Town is expecting one to come soon since the engineers have been calling.

Member Hennigan stated that the Town needs to put an ordinance on the books in a timely manner before they submit, to which Chair Marsh stated that the Town could do a zoning in progress ordinance, and Town Attorney Ryan stated that the Town would need to do an ordinance or resolution for it which would take more time. Town Attorney Ryan recommended for the

## PLANNING & ZONING COMMISSION MEETING HELD JANUARY 11, 2021

Commission to continue discussing the issues and to provide staff a clear understanding on how to proceed in order to save time.

Member Hutchins stated that any ordinance should not prevent someone from building the home that they would like and the ordinance should give people leeway. Member Hennigan stated that he is also calculating from the bottom as well. Chair Marsh reminded that the parapet needs to be addressed. Vice Chair Carey stated that Member Hennigan's idea might help address some of the concerns as it reduces a foot for the building height due to every increase in elevation and that it would apply broadly to everyone. He stated that the Commission should give staff a clear direction of how to proceed with building heights and parapets.

(Town Clerk's Note: Town Manager Stevens joined the meeting.)

Chair Marsh stated that the Town of Palm Beach uses a point of measurement of about 7' and that the motion should include a point of measurement, which he suggested could be 7'. They discussed the impact that a 7' point of measurement would have on properties that would be required to have base floor elevation of 11' or 12'. Member Hennigan and Chair Marsh summarized the discussions for Town Manager Stevens. Town Attorney Ryan stated that an ordinance can be drafted with the recommendations and then further conversation at a later meeting. Town Manager Stevens asked Town Planner O'Gorman for this thoughts, and Mr. O'Gorman did not have an issue with the ideas presented.

Chair Marsh stated that the parapet still need to be addressed, and Member Hennigan asked about roof styles and effects on height. Chair Marsh provided information on roof styles.

Chair Marsh stated that the ordinance is not ready for the Planning & Zoning Commission to make a recommendation to the Town Commission, and reiterated the importance of workshops to discuss important items that impact the Town as a whole. Town Manager Stevens stated that it would be better for the exploratory committee to meet and entertain the proposed ideas, as direction was already given at the last joint meeting between the Planning & Zoning Commission and Town Commission.

Chair Marsh asked Town Planner O'Gorman on the limitation of the parapet for other municipalities, to which Town Planner O'Gorman stated that it is usually 3-4'. Chair Marsh recommended 3' due to roof top equipment. Member Hennigan asked if 3' would be able to accommodate the roof equipment and the Town's current requirements, and Building Official Guy stated that it could accommodate and would work with the current regulations. The Board consented to limiting the parapet to 3'.

**Member Hennigan moved to recommend that staff draft an ordinance that would make the 7' NAVD the point of measurement, and every foot increase in the floor elevation would decrease the building height by 1' from the 36' building height, and that flat roof parapets be a maximum of 3' above the tie beam; seconded by Vice Chair Carey. Motion carried 5-0.**

Vice Chair Carey requested to see the ordinance at the February meeting along with the demolition ordinance.

**Vice Chair Carey moved to adjourn the meeting; seconded by Member Hutchins. Motion carried 5-0.**

ADJOURNMENT

Meeting adjourned at 9:50 a.m.

Minutes prepared by Town Clerk Armstrong, and adopted by the Planning & Zoning Commission on February 11, 2020.

\_\_\_\_\_  
Mark Marsh, Chair

Attest:

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

DRAFT

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

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**Meeting Date: February 8, 2021**  
**Subject: Ordinance Review: Demolition, Building Height in Reference to FEMA Regulations, and Construction Timeframes**

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P&Z Commissioners:

At the joint Town Commission and Planning & Zoning Commission Workshop, staff was directed to develop an exploratory committee to discuss building height in reference to the changes in elevation due to the new FEMA regulations, and draft an ordinance addressing that issue. The committee met several times, and was given additional direction from the Planning & Zoning Commission at the January meeting. Based on that direction, staff worked together to draft the attached ordinance.

Staff was also directed to amend the demolition and construction timeframes codes which are attached for your review.

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

Respectfully,



Tracey L. Stevens, MMC  
Town Manager & Finance Director

**DRAFT ORDINANCE – DEMOLITION & CONSTRUCTION TIMEFRAMES**

**AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 67 “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE III “TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS”, DIVISION 2 “ADMINISTRATION AND ENFORCEMENT”, SECTION 67-51 “PERMIT REQUIRED”, TO AMEND THE REQUIREMENTS TO OBTAIN A DEMOLITION PERMIT AND PROVIDE FOR PENALTIES; AND AMENDING SECTION 67-52 “COMMENCEMENT AND DURATION OF CONSTRUCTION” TO ADJUST THE TIMEFRAMES FOR CONSTRUCTION; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.**

**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 amend its ordinances to provide additional regulation of demolition permits because of increased safety issues that arise with demolition projects; and

**WHEREAS**, the Town Commission wishes to adjust the timeframes for construction and to provide for penalties when the timeframes are not met; 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 67 “Buildings and Building Regulations”, Article III “Technical Codes and Other Construction Standards”, Division 2 “Administration and Enforcement”, Section 67-51 “Permit required” is hereby amended to read as follows (underline is added; ~~stricken through~~ is deleted):

**Sec. 67-51. - Permit required generally; Demolition permits.**

(a) Permits generally. No construction, alteration, remodeling or demolition of any

improvement on any lot may be commenced without a permit by the town building official.

(b) Demolition permits.

(1) Partial Demolition. Applications for permits for a partial demolition of any improvement must be accompanied by one of the following:

A. ~~(1)~~ An ~~application for a~~ approved building permit for any reconstruction, alteration or remodeling which is the purpose for which the partial demolition permit is being sought, including a time certain within which new construction will commence and be completed; or

B. ~~(2)~~ Plans prepared by a registered architect or engineer demonstrating that once the partial demolition has been completed, the property and improvements remaining will consist of a complete, finished structure(s) in compliance with all other applicable provisions of the town's zoning and building requirements.

(2) Complete Demolition. Applications for permits for complete demolition shall include a plan to meet the applicable clearing, groundcover and other requirements of sections 67-136 and 67-153, or be accompanied by an approved building permit for any reconstruction, alteration or remodeling which is the purpose for which the complete demolition permit is being sought, including a time certain within which new construction will commence and be completed.

(3) Timeframes. For purposes of this section, and notwithstanding any code section to the contrary, once demolition or partial demolition begins, a contractor has ninety (90) days to complete the demolition. In addition, the requirements under sections 67-136 and 67-153 must be completed no later than one hundred eighty (180) days of the issuance of the demolition permit. These requirements do not extend the timeframes for construction as set forth in section 67-52.

(4) Posting. Permits for the demolition or partial demolition of any improvements on land within the Town shall be posted in the same manner as and pursuant to the same requirements for construction permits as required by the Town's Code of Ordinances, including but not limited to those found in sections 67-59 and 67-153, as well as the Florida Building Code and any applicable county amendments thereto.

(5) Letter of credit. To ensure that a demolition occurs within the timeframes set forth herein, the town requires that the property owner, developer or contractor, as appropriate, file with the town documents guaranteeing that the demolition will occur as set forth herein. Such guarantee shall be a personal bond secured by an unconditional and irrevocable letter of credit in an amount equal to 110 percent of the total cost of the demolition project which shall include grading and other requirements of sections 67-136 and 67-153. The expiration date of the letter of credit shall be at least three (3) months after the expiration date of the anticipated demolition project date. The letter of credit shall be issued to the town by a state or United States banking institution. The town, after thirty (30) days' written notice to the property owner, developer, or contractor, as appropriate, shall have the right to use any funds resulting from drafts on the letter of credit to secure satisfactory completion of the demolition project in the event the property owner, developer, or

contractor, as appropriate, fails to compete the demolition project within the timeframe prescribed.

(6) Penalties. Failure to comply with these requirements of this section will subject the property owner to code enforcement, injunction, or any other remedies under the town's code or the law.

**SECTION 3 – Amendment:** Chapter 67 “Buildings and Building Regulations”, Article III “Technical Codes and Other Construction Standards”, Division 2 “Administration and Enforcement”, Section 67-52 “Commencement and duration of construction” is hereby amended to read as follows (underline is added; stricken through is deleted):

**Sec. 67-52. - Commencement and duration of construction.**

Construction shall commence within six months from the date of issuance of a building permit. If construction has not commenced within six months, the building permit shall expire. Following commencement of construction pursuant to a building permit, all construction shall be completed within two years for single family residential estates, or one year for all other buildings or structures, unless extended for no more than one six-month period by the administrative official, upon a showing of good cause. Subsequent to the granting of one administrative extension, any additional extensions may be granted by the town commission upon a showing of good cause. If construction is not completed within the timeframes prescribed in this code, a financial penalty equal to the cost of the original building permit fee shall be imposed.

**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 \_\_\_\_\_, 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 \_\_\_\_\_

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 \_\_\_\_\_, 2021.

TOWN OF OCEAN RIDGE, FLORIDA

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

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

**DRAFT ORDINANCE – BUILDING HEIGHT & PARAPETS**

**AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING CHAPTER 64 “ZONING,” ARTICLE I “DISTRICT REGULATIONS” BY AMENDING SECTION 64-1 “RSF AND RSE SINGLE-FAMILY RESIDENTIAL DISTRICTS,” AMENDING SECTION 64-2 “RMM MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT,” AMENDING SECTION 64-4 “RHM HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT,” AND AMENDING ARTICLE II “PLANNED RESIDENTIAL DEVELOPMENT” BY AMENDING SECTION 64-24 “DEVELOPMENT STANDARDS” TO DECREASE THE HEIGHT OF TWO-STORY BUILDINGS WHEN FEMA REGULATIONS ARE IMPLICATED AND TO ADJUST THE HEIGHT OF A PARAPET SO THAT IT DOES NOT EXTEND TOO FAR ABOVE THE ROOF; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORANCES, SEVERABILITY, AND AN EFFECTIVE DATE.**

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

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

**WHEREAS**, in an effort to ensure proper scale and massing throughout the Town, the Town is proposing changes to the code as it relates to the maximum height for two-story buildings in residential zoning districts when FEMA guidelines are implicated and to decrease the height of a parapet so that is does not extend too far above the roof ; and

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

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

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

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

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

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- (f) *Roof pitch, elevation and covering.* Flat roof areas, that are less than 4:12 pitch (rise to run) are permitted on single- and multifamily structures, provided they do not exceed 15 percent of the total horizontal ground surface area covered by the roof, including but not limited to all living areas, porches, patios, garages, porte cocheres, carports, entrances, and exterior balconies. The maximum permitted pitch is 10:12 (rise to run). Flat roof areas may be increased to 20 percent, if at least five percent is used as a deck, porch or usable outdoor space. It shall be unlawful to construct or maintain a sloped roof system consisting of tar paper or felt without approved exterior shingles, tiles or metal covering. Flat roof areas, excluding decks and porches, shall be screened entirely by a parapet, which shall not extend above the top of the tie beam by more than ~~30 inches~~ three (3) feet. This parapet shall extend around the flat roof area and shall screen all flat roof elements. Where a parapet is used to conceal a pitched roof, the top of the parapet shall not extend above the top of the tie beam by more than three (3) feet.

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- (j) *RSF — single-family residential property development regulations.* Property development regulations for the RSF district are as follows:
- (1) *Minimum lot area and dimensions.* Minimum lot area and dimensions are as follows:
    - a. Area: 10,000 square feet.
    - b. Width (interior): 80 feet.
    - c. Width (corner): 90 feet.
    - d. Depth: 100 feet.
  - (2) *Minimum yard setback requirements.* Minimum yard setback requirements are as follows:
    - a. Front: 25 feet.
    - b. Side (interior): 15 feet.
    - c. Side (corner): 20 feet.
    - d. Rear: 15 feet.
    - e. Waterway: 25 feet.

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

- (3) Maximum building height shall be no more than 24 feet for single-story buildings ~~or 36 feet for two-story buildings to the ridge~~ and the maximum two-story building height shall be no more than 36 feet. Height shall be measured to the ridge or highest point of the structure, including all nonhabitable architectural features, but excluding chimneys, as measured from the top of the lowest finished floor elevation of the first floor, as described

in section 67-32. No building with more than two stories is permitted. No chimneys, including caps, shall exceed four feet in height from the ridge of the roof. Wherever a base flood elevation (BFE) is dictated by the FEMA National Flood Insurance Program (NFIP) maps requiring the finished floor elevation to be above 7' NAVD, for every foot above 7' NAVD there shall be a corresponding decrease of one foot in the maximum building height.

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

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

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

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

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

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

(3) Maximum building height shall be no more than 24 feet for single-story buildings ~~or 36 feet for two-story buildings to the ridge~~ and the maximum two-story building height shall be no more than 36 feet. Height shall be measured to the ridge or highest point of the structure, including all nonhabitable architectural features, but excluding chimneys, as measured from the top of the lowest finished floor elevation of the first floor, as described in section 67-32. No building with more than two stories is permitted. No chimneys, including caps, shall exceed four feet in height from the ridge of the roof. Wherever a base flood elevation (BFE) is dictated by the FEMA National Flood Insurance Program maps requiring the finished floor elevation to be above 7' NAVD, for every foot above 7' NAVD there shall be a corresponding decrease of one foot in the maximum building height.

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

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

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

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(3) *Maximum building height.* Maximum building height is 36 feet, subject to the additional provisions of section 64-1 as applicable to single-family dwellings and of subsection 64-41(b)(2) as applicable to accessory uses, buildings or structures. Any flat roof areas, excluding decks and porches, shall be screened entirely by a parapet, which shall not extend above the top of the tie beam by more than ~~30 inches~~ three (3) feet. This parapet shall extend around the flat roof area and shall screen all flat roof elements. Where a parapet is used to conceal a pitched roof, the top of the parapet shall not extend above the top of the tie beam by more than three (3) feet.

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(7) *Single-family development regulations.* Except as otherwise provided in this section, each single-family dwelling and its customary private accessory uses, including garage, swimming pool and tennis court constructed in the RMM district shall be subject to the property development regulations set forth in sections 64-1(b) through 64-1(i) herein, except the minimum floor area shall be 1,600 square feet. In addition, for two-story buildings, wherever a base flood elevation (BFE) is dictated by the FEMA National Flood Insurance Program maps requiring the finished floor elevation to be above 7' NAVD, for every foot above 7' NAVD there shall be a corresponding decrease of one foot in the maximum building height.

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

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

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

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(3) *Maximum building height.* Maximum building height is 44 feet and no more than four stories. Any flat roof areas, excluding decks and porches, shall be screened entirely by a parapet, which shall not extend above the top of the tie beam by more than ~~30 inches~~ three (3) feet. This parapet shall extend around the flat roof area and shall screen all flat roof elements. Where a parapet is used to conceal a pitched roof, the top of the parapet shall not extend above the top of the tie beam by more than three (3) feet.

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(6) *Single-family development regulations.* Except as otherwise provided in this section, each single-family dwelling and its customary private accessory uses, including garage, swimming pool and tennis court constructed in the RHM district shall be subject to the property development regulations set forth in section 64-1(b) through 64-1(i) herein. In addition, for two-story buildings, wherever a base flood elevation (BFE) is dictated by the FEMA National Flood Insurance Program maps requiring the finished floor elevation to be above 7' NAVD, for every foot above 7' NAVD there shall be a corresponding decrease of one foot in the maximum building height.

**SECTION 5 – Amendment:** Chapter 64 “Zoning”, Article II “Planned Residential Development”, Section 64-24 “Development Standards” is hereby amended to read as follows:

**Sec. 64-24. – Development standards.**

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(g) *General design criteria.* All planned residential developments shall observe and accommodate in the design solution the following objectives and requirements:

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(4) *Roof Design.* Any flat roof areas, excluding decks and porches, shall be screened entirely by a parapet, which shall not extend above the top of the tie beam by more than ~~30 inches~~ three (3) feet. This parapet shall extend around the flat roof area and shall screen all flat roof elements. Where a parapet is used to conceal a pitched roof, the top of the parapet shall not extend above the top of the tie beam by more than three (3) feet.

**SECTION 6 - Codification:** The ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

**SECTION 7 - Repeal of Conflicting Ordinances:** All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

**SECTION 8 - 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 9 - 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 \_\_\_\_\_

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 \_\_\_\_\_, 2021.

TOWN OF OCEAN RIDGE, FLORIDA

BY: \_\_\_\_\_  
KRISTINE DE HASETH, MAYOR

ATTEST: \_\_\_\_\_  
KARLA ARMSTRONG, TOWN CLERK