

Notice of Teleconferencing for July's Planning and Zoning Commission Meeting

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

DATE AND TIME: Monday, July 20, 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 July 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-commission-july-meeting>
- **You can also dial in using your phone.** United States: [+1 \(872\) 240-3212](tel:+18722403212) and **Access Code:** 328-272-277
- Download the application (App) by clicking: <https://global.gotomeeting.com/install/328272277>

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, July 17, 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
JULY 20, 2020
8:00 A.M.
TOWN HALL * MEETING CHAMBERS**

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE IN MEMORY OF JERRY GORAY

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 June 15, 2020 Minutes

DISCUSSION / ACTION ITEMS

2. Quasi-Judicial Hearing: Development Plan Review for 15 Spanish River Drive
3. Quasi-Judicial Hearing: Development Plan Review for 28 Hudson Ave
4. Draft Ordinance Regarding Coastal Construction Control Line
5. Draft Ordinance Regarding Sheds & Accessory Structures
6. Draft Ordinance Regarding Fences & Temporary Fences

ADJOURNMENT

**THE NEXT MEETING OF THE PLANNING & ZONING COMMISSION WILL
BE HELD ON AUGUST 17, 2020 AT 8:00 A.M.**

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

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

PLANNING & ZONING COMMISSION MEETING MINUTES
JUNE 15, 2020

Meeting Minutes of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, June 15, 2020 in the Town Hall Meeting Chambers.

CALL TO ORDER

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

Vice 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. There were no members of the Planning and Zoning Commission that appeared remotely.

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 June 5, 2020. The Town Clerk also explained the methods of participating in public comment and gave tips on participating virtually.

ROLL CALL

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

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

Staff Present: Town Attorney Brian Shutt, Town Manager Tracey Stevens, and Town Clerk Karla Armstrong.

PLEDGE OF ALLEGIANCE

Vice Chair Marsh led the Pledge of Allegiance.

COMMISSIONERS COMMENTS

Member Hutchins voiced the importance of staying vigilant on construction site management within the Town and inquired about the possibility of encouraging homeowner and builders to construct using best building practices, green construction, and energy efficiency. Vice Chair Marsh stated that there are cities with guidelines on best building practices, but they had not codified guidelines. Town Attorney Shutt informed that he was aware of Towns that would incentivize green construction and mentioned the different varieties of incentives other Towns provided such as allowing applicants to encroach into setbacks, or increasing Floor Area Ratio (FAR). Vice Chair Marsh discussed the Program "LEAD" and discussed how green construction was voluntary. Member Hutchins stated that the Town could at least aim to encourage green building. Member Carey concurred with the idea, but was unsure of the ability of implementing it. Vice Chair Marsh pointed out that the construction industry was evolving and was more conscious of the environment and sustainability.

Vice Chair Marsh called for public comment.

Public Comment: Martin Wiescholek, 5 Engle Drive, concurred with Vice Chair Marsh that green building was voluntary and demand-driven because it was on the hand of the homeowner to pursue it. He informed that the State of Florida and Florida Power and Light (FPL) did incentivize green building, but the homeowner would have to decide if the incentive was worth the trouble. He stated that the Town could show its position of encouraging green building by charging the minimum permit fee to homeowners that apply for renewable energy improvements. Vice Chair Marsh was in favor of green building and stated that it would be a matter of how it could be added as a process through the building department. He also discussed the Gulfstream project that he was the architect for that the homeowner wanted 132 solar panels for the home.

Member Kosinski thanked staff for their communication through these turbulent times and she asked for an update on the property 6009 N Ocean Blvd. Town Attorney Shutt stated that the overgrown vegetation on the property could be handled as a nuisance and stated that the unsafe structure procedure was moving forward, but a Building Official and a third party Engineer would be needed to proceed. Member Kosinski stated that the project had been in the same stage for months and expressed her concern for the unsafe structure. She requested that the Town move forward with the demolition and vegetation removal process. Town Manager Stevens stated that the Interim Building Official, Wayne Cameron, had been working with the homeowner to get them to obtain a demolition permit and further stated that she would follow up.

Vice Chair Marsh asked for an update on Building Department personnel. Town Manager Stevens briefed the public and the Board members that the Building Official, Wayne Cameron, was only working for the Town on a per diem basis as an Interim Building Official and the Town was utilizing HyByrd to conduct plan review and inspections. She advised that she was awaiting a start date for the new Building Official. Vice Chair Marsh asked how the transition was going, to which Town Manager Stevens informed that the transition was going smoothly.

Member Carey was surprised that there was no Development Plan Review applications scheduled for the meeting and questioned why there was not. Town Clerk Armstrong explained that staff reviews applications for completeness and compliance to Town Code, and that the contractors have to address all comments prior to the deadline to advertise. She further explained that there were two applications that might be placed on July's agenda. Member Carey asked what the advertisement requirements are for Development Plan Review, and Town Clerk Armstrong stated that mail notices had to be sent out 20 days prior to the meeting, and website posting and placard placed on the property 15 days prior to the meeting.

Vice Chair Marsh stressed the importance of having a joint workshop between the Planning and Zoning Commission and the Town Commission in order to prioritize code amendments and avoid issues. He requested that the Town Manager schedule joint workshops at least twice a year, to which Town Manager Stevens asked him for preference for meeting months. Vice Chair Marsh responded that there should be a joint workshop in January while everyone is in Town and having them in 6-month intervals, however, having a workshop in July may be problematic.

APPROVAL OF THE MINUTES

1. Approval of January 13, 2020 Minutes

Member Carey noted that the minutes needed to be changed to show that Vice Chair Marsh did the pledge of allegiance as he presided over the meeting.

Member Hutchins clarified that on page 4, he was asking for fence setbacks for waterfront properties and not the yard setbacks. He further asked how close the fence could be to a seawall or if there was a setback for a fence. Town Attorney Shutt clarified that the setbacks for fences on waterfront properties are the same for the front and rear, which are 25 feet. He further stated that the Town had developed suggestions, to discuss at a later meeting, to change the rear setback for waterfront properties.

Member Hennigan moved to adopt the January 13, 2020 minutes as amended; seconded by Member Hutchins. Motion carried 5-0.

DISCUSSION / ACTION ITEMS

2. Selection of Chair

Member Hutchins nominated Vice Chair Marsh to become the Chair of the Planning and Zoning Commission meetings. Town Clerk Armstrong reminded Vice Chair Marsh to call for public comment prior to members taking a vote.

Vice Chair Marsh called for public comment on the selection of Chair and Vice Chair, and there was none.

Vice Chair Marsh asked if an alternate member was missing. Town Clerk Armstrong stated that there was an alternate position open and that the Town Commission would make their selection, if any applications were received, at the July Town Commission meeting. Vice Chair Marsh asked what happened to Matt Gracey, who was selected as the Alternate Planning and Zoning Member, to which Town Clerk Armstrong responded that Mr. Gracey declined the position.

Member Hutchins moved to nominate Vice Chair Marsh to become the Chair of the Planning and Zoning Commission; seconded by Member Carey. Motion carried 5-0.

3. Selection of Vice Chair

Member Hennigan moved to nominate Member Carey to serve as Vice Chair of the Planning and Zoning Commission; seconded by Member Kosinski. Motion carried 5-0.

Chair Marsh requested that Vice Chair Carey serve as the Planning and Zoning Commission liaison that attends the Town Commission meetings.

4. Discussion Regarding Code Amendment Priorities

Town Manager Stevens read her memo that can be found in the Planning and Zoning Commission package into the record and she further asked the Planning and Zoning members to choose code priorities so that she may notify the Town Commission.

Chair Marsh asked for clarification on the goal for single family, to which Town Manager Stevens responded that one of the Town Commission goals was to preserve the integrity of single-family neighborhoods.

PLANNING & ZONING COMMISSION MEETING HELD JUNE 15, 2020

Vice Chair Carey asked if there were items at the bottom of the list that the Town Commission would like the Planning and Zoning Commission to prioritize. Member Kosinski voiced her support for prioritizing the blight and property maintenance code. Member Hutchins suggested choosing items that would take the least time to change in the code to get them done right away.

Vice Chair Marsh called for public comment.

Public Comment: Kristine de Haseth, 29 Sabal Island Drive, Mayor of the Town of Ocean Ridge, noted that she was the one that placed the item on the Town Commission agenda. She requested that the Planning & Zoning Commission review existing codes, difficulties in enforcing codes, and the penalties for breaking codes. She stressed that all codes be reviewed in regards to how it will affect new construction and existing homes. She added two more items to the list, which were flood and light nuisance. She advised that flood nuisance was due to new construction that did not have drainage in place to mitigate the water that it's producing or flood nuisance from elevated homes or homes that removed landscaping that was retaining water. She further advised that light nuisance was due to contractors lighting up their construction sites and from homeowners that would leave all their outdoor lights on. Chair Marsh stated that light pollution and flood nuisance could be code enforced through the Town, to which Town Manager Stevens notified that the Town could not enforce it at this time since there was no code prohibiting or limiting those aspects. Vice Chair Carey stated that light nuisance does need to be explored because new technology was increasing the brightness of the outdoor lights. He stated that the Town could explore requiring homeowners to have shields around their lights and that the light needs to stay within the property. Chair Marsh asked Town Attorney Shutt for advice on code amendments in regards to light and flood nuisance, to which Town Attorney Shutt stated that the Town could require for foot-candle of construction sites to not extend beyond the property line and asked for clarification on whether the complaints were based on neighboring properties being impacted by the lights or whether the persons property was very lit up. Ms. de Haseth stated that complaints have come from both scenarios and that a possible solution is requiring a light sensor. Town Attorney Shutt stated that a solution for construction lights could be done by regulating construction, but that the issue becomes harder when regulating existing homes. Member Hennigan warned of the consequences of pursuing the light issues and he recommended to continue the discussion regarding light nuisance in a joint workshop with the Town Commission. Chair Marsh concurred and commented that the Town of Palm Beach had a criteria of only allowing up to 50 watts bulbs, but they did not enforce it. He also stated that discussion of noise nuisance will also be brought up by residents, to which Town Manager Stevens stated that the Town already has a noise ordinance that can be enforced to generators as well.

Member Hennigan stated that some categories could be combined because there were items that were interwoven such as blight and construction site management. He commented on the different kind of blight issues and voiced his interest in blight as it relates to construction sites, demolition and fences. He also commented that the discussion of blight would bring up the topic of code enforcement and penalties. He mentioned all the construction blight issues that were on Island Drive. He requested for demolition, fences, and construction blight to be all addressed together. Chair Marsh and Member Hutchins concurred.

PLANNING & ZONING COMMISSION MEETING HELD JUNE 15, 2020

Chair Marsh voiced his support for prioritizing zoning codes such as the Coastal Construction Control Line, and unity of title. There was a consensus to continue prioritizing item #1 Coastal Construction Control Line Setbacks & Regulations to include preservation, and item #2 Unity of Title for Dune Properties.

Chair Marsh pointed out the difficulty of item #8 Right of Way Encroachment because any decision would set precedent.

Member Hennigan advised that the Planning & Zoning Commission had a preliminary review on codes as it relates to sheds, signs and fences and he asked Town Manager Stevens when staff would be able to introduce a proposed ordinance for those items. Town Manager Stevens informed that staff would have a shed and coastal construction ordinance ready for July's meeting.

Member Kosinski asked about item #11 Scooters, to which Vice Chair Carey stated that he had placed the item on the list in 2019 due to issues other Towns were facing, but that item #11 could be removed from the list.

Member Kosinski asked about flood nuisance that had been occurring on A1A near 6000 N. Ocean Blvd and Town Manager Stevens responded that the Town Engineer was aware of the issue and was working with Florida Department of Transportation to rectify it.

Member Hennigan asked if some of the flooding was due to the lack of maintenance on the drain since the Public Works Department was understaffed. Town Manager Stevens explained that some issues were due to Public Works being understaffed and others were due to the pipes needing maintenance. She further advised that the Town Engineer had to make recommendations as to what the Town would need.

Member Hutchins informed that Harbour Drive North was having drainage issues since it was one of the lowest streets within the Town. He further informed that the private pipe he had installed on his property had helped with the flooding that was near him. He suggested that the Town Engineer view Harbour Drive North to explore the possibility of making a new drainage from the street into the waterway, to which Town Manager Stevens responded that she would have to review with the Town Engineer for any possible recommendation, but they were struggling with getting easements from homeowners to install proper drainage. Member Kosinski reminded of how the Town Engineer solved the water pooling on Thompson and Chair Marsh concurred and mentioned that flooding was also decreased on Hudson and Coconut.

Chair Marsh called for public comment, and there was none. He thanked everyone who attended.

Member Kosinski moved to adjourn the meeting; seconded by Member Hutchins. Motion carried 5-0.

ADJOURNMENT

Meeting adjourned at 8:42 a.m.

PLANNING & ZONING COMMISSION MEETING HELD JUNE 15, 2020

Minutes prepared by Town Clerk Armstrong, and adopted by the Planning & Zoning Commission on July 20, 2020.

Mark Marsh, Chair

Attest:

Karla Armstrong, Town Clerk

Agenda: July 20, 2020
Memo: Item # 2

Town of Ocean Ridge, Florida
Agenda Memorandum
Office of the Town Clerk

Subject: 15 Spanish River Drive

Chair and Planning and Zoning Commission Members:

The following plans have been reviewed for zoning, building, and drainage. At this time, staff has recommended for the application to be brought forth to the Planning and Zoning Commission for Development Plan Review. Zoning and Drainage approved the application with conditions, which you may see attached. The building permit application package shall meet all zoning, building, and engineering requirements upon the actual review of the building permit application package.

From: [Corey OGorman](#)
To: [Karla Armstrong](#)
Cc: [Lisa A. Burns](#); [Maria](#)
Subject: RE: Review
Date: Wednesday, June 17, 2020 7:38:48 AM
Attachments: [image001.png](#)
[15 Spanish River Dr - Plan Review Critique-REVISION JUNE 2020.pdf](#)

Good morning Karla,

Attached is the plan review critique for 15 Spanish River Drive. I am recommending approval based on the conditions below.

Please note that the applicant did not provide a written reply to comments nor did the revisions to the SP drawings include clouds to help identify the revisions, thus making it more difficult to review. In the future I will try to include a standard comment on all reviews that a written response to comments and clouded revisions are mandatory in order to assist with expediting review.

Conditions of approval are:

- Prior to issuance of a building permit SP-1, SP-2, and A-1 must be revised to correctly identify the spaces attributed to the 1st and 2nd floor FAR calculation
- Prior to issuance of a building permit the site data calculations for waterway setback must be corrected.
- Any future proposal for a generator must comply with buffer, setback and locational requirements in the code at the time of permitting.

Please let me know if there are any questions. THANKS!

Thanks!

Corey W. O'Gorman AICP
PLACE Planning & Design
700 US Highway One, Suite C
North Palm Beach, FL 33408
561-863-2722 Phone
561-863-2733 fax
561-801-2461 cell

From: Karla Armstrong <karmstrong@oceanridgeflorida.com>
Sent: Monday, June 15, 2020 11:38 AM
To: Corey OGorman <corey@placepnd.com>
Cc: Lisa A. Burns <lburns@oceanridgeflorida.com>
Subject: Review

Hello Corey,

This is just a reminder that you have the following plans with you:
Development Plan Review for 28 Hudson Avenue

Development Plan Review for 15 Spanish River Drive

Thank you,

Sincerely,

Karla Armstrong

Town Clerk/ Deputy Treasurer

Karmstrong@oceanridgeflorida.com

Town of Ocean Ridge

6450 N. Ocean Blvd.

Ocean Ridge, FL 33435

561-732-2635 (Town Hall)

561-737-8359 (Fax)

561-738-ORFL (Citizen Information Line)

@OceanRidgeFL (Facebook & Twitter)



PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the Town of Ocean Ridge officials and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. The views expressed in this message may not necessarily reflect those of the Town of Ocean Ridge. If you have received this message in error, please notify us immediately by replying to this message, and please delete it from your computer. Thank you.

PLAN REVIEW CRITIQUE – 5/18/2020
15 SPANISH RIVER DRIVE
REVIEW OF REVISION

This Plan Review Critique is for architectural plans dated 3/30/20, septic and drainage plan dated 2/21/20, landscape plans dated 3/18/20; and survey dated 9/24/19, the scope of work includes demolition of existing home and construction of a new 2-story single-family home, pool, and related site improvements. The existing dock is to remain.

PCN: 46-43-45-22-11-000-0142
FLU: Single-Family
Zoning: RSF

The following critique is based on review of the requirements of the Town of Ocean Ridge RSF Zoning District in Chapter 64, Article I, Section 64-1 and related sections of Article III Supplemental Regulations of the Code of Ordinances in relationship to the subject plans:

Section 64-1(g) Figure 64-6 shows a maximum overall height of 36' to the top of the roof, and 24' to the second-floor tie beam measured from maximum finish floor. Sheets A-3.0 and A-4.0 shows the top of beam for the 2nd floor at 23' however do not indicate overall building height.

~~Please revise Sheets A-3.0 and A-4.0 to confirm overall building height is at or below 36'. COMMENT ADDRESSED~~

Section 64-1(i)/(j)(6) Town Code Section 1.3 defines Floor Area Ratio (FAR) as the “the ratio of the total floor area of all structures on a lot to the usable land area”, and for purposes of calculating FAR states that total floor area is “the gross horizontal areas of all floors of all buildings on a lot, measured from the exterior face of exterior walls or other type of enclosure, or from the centerline of a wall separating two buildings, including garages, carports, and porte cocheres, but not including: basements, attics (unless used as living space), unenclosed decks or patios, covered porches, balconies (covered or uncovered), or crawl spaces.

Town Code Section 64-1(i) requires the following calculation for 1st and 2nd floors for FAR:

1. When calculating total floor area, the first floor area under ceilings which are 16 feet or higher shall count as double. The first 300 square feet thereof, however, shall be counted as one floor to allow for limited vaulted spaces. The second floor area shall not exceed 75 percent of the first floor.

2. For purposes of calculating the 75 percent requirement of this section, the first floor area will include those portions of a structure

utilized in establishing the maximum finished floor elevation described in section 67-32(a)(3) including roofed porches, but excluding bay windows, and which share at least one wall with the remainder of the habitable structure.

3. For purposes of calculating the second floor for the 75 percent requirement of this section, the second floor area will include all enclosed areas of the second floor and roofed porches and balconies, but will exclude bay windows whose sills are no lower than 12 inches from the floor, and provided the bay windows comprise 20 percent or less of any one facade and do not extend out beyond the overhang.

~~Please revise the survey to confirm the total lot area in square feet as a basis for calculating FAR and lot coverage.~~ COMMENT ADDRESSED

~~Please revise sheets SP-1 and SP-2 to provide the FAR calculation consistent with the Town Code definition above.~~ COMMENT ADDRESSED

For calculation of ratio of 1st floor area to 2nd floor area, please identify the specific spaces used in each calculation to ensure compliance with Section 64-1(i)(2) and (3). NO CALCULATION OF 1ST FLOOR TO 2ND FLOOR FAR CAN BE FOUND ON THE REVISIONS. FOLLOWING CALCULATION WAS PERFORMED BASED ON SQUARE FOOTAGES ON SHEETS A.1, A.1, AND A.3:

FIRST FLOOR:

1ST FL AC SPACE = 2500
COVERED PATIO = 256
COVERED ENTRY = 57

TOTAL = 2813

SECOND FLOOR:

2ND FL AC SPACE = 1049
COVERED BALCONY = 165 (PARTIAL)

TOTAL = 1214, OR 43% OF 1ST FLOOR

BASED ON THE ABOVE, THE RATIO BETWEEN THE 1ST AND 2ND FLOORS APPEAR TO BE CONSISTENT WITH TOWN CODE. PRIOR TO ISSUANCE OF A BUILDING PERMIT SP.1, SP.2 AND A-1 MUST BE REVISED TO CORRECTLY IDENTIFY THE SPACES ATTRIBUTED TO THE 1ST AND 2ND FLOORS FOR THIS CALCULATION.

Section 64-1(j)

Town Code defines lot coverage as a percentage of the lot occupied by all buildings or structures which are roofed or otherwise covered and that extend more than three feet above the ground surface, and limits to a maximum of 35% of a lot. The proposed lot coverage square footage of 3,287 in the Site Date Calculations on SP-1 and SP-2 differ from the flat

roof calculations on A-3 (with total roof area of 3134 sloped to 58 flat, and total of 3,192).

~~Please clarify total roofed area for calculating lot coverage and for the flat roof calculation.~~ **COMMENT ADDRESSED**

Section 64-1(j) Town Code requires a maximum waterway setback of 25', although the Site Data Calculations say the setback is 26' 6", that does not appear consistent with the site plan.

Please confirm waterway setback. **SHEET SP-1 IS REVISED TO SHOW THE DIMENSION BETWEEN THE BUILDING AND WATERWAY AS 39' 10", HOWEVER THE SITE DATA CALCULATIONS STILL SHOW PROPOSED WATERWAY SETBACK OF 26' 6". PRIOR TO ISSUANCE OF A BUILDING PERMIT THE SITE DATA CALCULATIONS FOR WATERWAY SETBACK MUST BE CORRECTED.**

Section 64-44 Section 64-44(c) limits fences and walls to 6' in height.

~~Please provide a detail for the fences/walls/gates shown in the side yards consistent with Town Code requirements for height, etc.~~

SP-1, SP-2 AND IR-1 ARE REVISED TO INCLUDE A NOTE LIMITING THE FENCING TO 4' HIGH. COMMENT ADDRESSED.

Section 64-46 Section 64-46 requires 1 parking space per bedroom, a fully-enclosed garage to accommodate two full-sized vehicles, and parking spaces dimensioned at 10 x 20 for garage spaces and 9 x 18 for exterior spaces.

~~Please dimension all parking spaces in the garage and on the driveway to demonstrate compliance with the Town Code.~~ **COMMENT ADDRESSED**

Section 64-50 Section 64-50(c) requires permanent generators to meet or exceed the setbacks for accessory structures, and Section 64-41(b)(1) states that all accessory structures shall not be within any required yard setback unless otherwise specified in the code.

Please be advised if a permanent generator is proposed in the future it must meet or exceed all required setbacks.

NO GENERATOR SHOWN, ANY FUTURE PROPOSAL FOR A GENERATOR MUST COMPLY WITH BUFFER, SETBACK AND LOCATIONAL REQUIREMENTS IN THE CODE AT THE TIME OF PERMITTING.

June 16, 2020

To: Lisa Burns, Building Clerk

From: Tara Bamber, PE 

**Re: 15 Spanish River Dr
Development Plan Review – SFR
Engenuity Group Project No. 00020.10**

We reviewed the following which were received on 6-11-20:

1. Civil Site Improvements & Septic to Sewer Plan, 4 sheets (1-6) dated 6-5-20, by EnviroDesign Associates, Inc.
3. Site Plan, 2 sheets (SP-1, SP-2), revised 6-3-20, by Majestic Views.
4. Landscape Plan, 2 sheets (LP-1, LP-2), revised 6-3-20, by Majestic Views.
5. Irrigation Plan, 1 sheet (IR-1), revised 6-3-20, by Majestic Views.
6. Architectural Plans, 3 sheets (A1.0, A3.0, A4.0), revised 5-29-20, by Precision Drafting and Design, Inc.
7. Site Plan Survey, 1 sheet, revised 5-26-20, by Bob Buggee, Inc.
8. Building Departments Memo, 1 sheet, dated 6-10-20, by TOR.

We approved the Development Plan Review with the following conditions for permit approval:

1. The following comments to the Civil Site Improvements Plans will be required at time of building permitting:
 - a. Proposed grades shall match existing at property lines of Lots 14 and 16 to prevent stormwater impacts to adjacent properties.
 - b. Verify the fences will not impede the flow of runoff to the catch basins and will not damage the exfiltration trench.
 - c. Update cross sections on Sheet 3 and add references on Sheet 1.
 - d. Update the sheet number of the Septic System Plan.
 - e. Follow Town Code Sections 67-33 and 67-156.
2. Drainage calculations will be required at the time of building permit including geotechnical report indicating the site specific "k" value.

3. Follow Ordinance No. 2019-12 for proposed artificial turf including adding the area to the Drainage Calculations.
4. Landscape shall not conflict with drainage and utility infrastructure, including the swale at the northwest property in the back yard.
5. Approval from Palm Beach County Health Department will be required at time of building permit.
6. FEMA and Palm Beach County have been working on revising the current FEMA Flood Insurance Rate Maps (FIRM). The preliminary FIRM Base Flood Elevation in Zone AE, which includes 15 Spanish River Dr., increases from 6.0-ft to 9.0-ft NAVD. This could potentially raise the minimum finish floor elevation for areas in Zone AE to elevation 10.0-ft NAVD. As of now, there is no set date when these revisions will be implemented.
7. Additional comments may be asked at time of building permit.

If you should have any questions, please do not hesitate to give me a call.

Cc: Lisa Tropepe, P.E.



TOWN OF OCEAN RIDGE

6450 North Ocean Boulevard, Ocean Ridge, Florida 33435
(561) 732-2635 Main ♦ (561) 737-8359 Fax
oceanridgeflorida.com ♦ permit@oceanridgeflorida.com

Land Development Action Application

All information must be printed legibly or typed. Please contact the Building Clerk and/or Town Clerk at 561-732-2635 or via email LBurns@oceanridgeflorida.com and/or KArmstrong@oceanridgeflorida.com to schedule a meeting to submit the application packages.

Check Applicable Approval Being Requested

- Annexation
- Comprehensive Plan Amendment
- Construction East of the CCCL
- Development Plan Review
- Planned Residential Development (PRD)
- PRD Amendment
- Plat or Re-Plat
- Re-Zoning
- Site Plan Review
- Special Exception

This application is being submitted for the property located at:

Property Owner(s)	Applicant (if different than Owner)
Name(s): <i>15 Spanish River Drive LLC F. Stephen Varga</i>	Name:
Address: <i>31 Spanish River Drive Ocean Ridge FL 33435</i>	Address:
Phone: <i>561-704-0073</i>	Phone:
Email: <i>FSvarga@hotmail.com</i>	Email:

The applicant(s) or authorized agent must be present for the public hearing in order for the Commission/Board to act upon their request. The applicant is encourage to invite to the meeting those associated in this proposed development.



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General Data

Project Name: 15 Spanish River Drive
Project Location Address: 15 Spanish River Drive
Exact Legal Description of Property: Inlet Cay triangular shape Parcel NE Corner¹⁴ Lot 15
Property Control No: 46-43-45-22-11-000-0142
Existing Zoning: RSF
Proposed Zoning (if applicable to application): RSF
Existing Land Use: Residential

Proposed Land Use: Residential

First Floor Living Elevation (For CCCL Application): 7.0' NAVD

Total Site Area: 1 Sq. Ft.: 11,177 Acres: _____

Flood Zone Category: A2-6' NAVP

Existing Comprehensive Plan Designation (if applicable to application): _____

Proposed Comprehensive Plan Designation (if applicable to application): _____

Is the site currently served by public water? Yes No

Is the site currently served by public sewer? Yes No

Existing Bedrooms: 3 Proposed Bedrooms: 4

Existing Bathrooms: 2 Proposed Bathrooms: 4 full 2 half

Residential: Total Number of Dwelling Units: 1 Density (Units per acre): _____

Commercial: Total Square Footage: _____ Number of Buildings: _____

Property Detail

Location Address 15 SPANISH RIVER DR
Municipality OCEAN RIDGE
Parcel Control Number 46-43-45-22-11-000-0142
Subdivision INLET CAY IN
Official Records Book 31052 Page 1304
Sale Date NOV-2019
Legal Description INLET CAY TRGLR SHAPE PARCEL IN NE COR OF LT 14 BEING NWLY
14.14 FT OF E 10 FT & LOT 15

Owner Information

Owners	Mailing address
15 SPANISH RIVER DRIVE LLC	8637 DOVERBROOK DR PALM BEACH GARDENS FL 33410 6374

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
NOV-2019	\$825,000	31052 / 01304	WARRANTY DEED	15 SPANISH RIVER DRIVE LLC
MAR-2015	\$10	27455 / 01165	QUIT CLAIM	BILL JACOBA F
MAR-2015	\$0	27537 / 00294	QUIT CLAIM	BILL JACOBA F
DEC-1997	\$260,000	10168 / 00566	WARRANTY DEED	BILL JACOBA F
MAR-1991	\$250,000	06766 / 00628	WARRANTY DEED	
JAN-1979	\$141,000	03044 / 01946		

Exemption Information

No Exemption information available

Property Information

Number of Units 1
*Total Square Feet 3274
Acres 0.2566
Use Code 0100 - SINGLE FAMILY
Zoning RSF - Single Family Residential (46-OCEAN RIDGE)

Appraisals

Tax Year	2019	2018	2017
Improvement Value	\$180,589	\$127,973	\$130,381
Land Value	\$498,000	\$570,357	\$543,197
Total Market Value	\$678,589	\$698,330	\$673,578

All values are as of January 1st each year

Assessed and Taxable Values

Tax Year	2019	2018	2017
Assessed Value	\$376,241	\$369,226	\$361,632
Exemption Amount	\$50,500	\$50,500	\$50,500
Taxable Value	\$325,741	\$318,726	\$311,132

Taxes

Tax Year	2019	2018	2017
Ad Valorem	\$6,579	\$6,253	\$6,172
Non Ad Valorem	\$175	\$175	\$172

PLAN REVIEW CRITIQUE – 6/19/2020
28 HUDSON AVENUE
REVIEW OF REVISION – ARCHITECT LETTER DATED 6/22

Please see below. The revisions have addressed the comments and this review recommends approval

Section 64-1(i) Town Code Section 64-1(i) requires the following calculation for 1st and 2nd floors for FAR:

1. The second floor area shall not exceed 75 percent of the first floor.
2. For purposes of calculating the 75 percent requirement of this section, the first floor area will include those portions of a structure utilized in establishing the maximum finished floor elevation described in section 67-32(a)(3) including roofed porches, but excluding bay windows, and which share at least one wall with the remainder of the habitable structure.
3. For purposes of calculating the second floor for the 75 percent requirement of this section, the second floor area will include all enclosed areas of the second floor and roofed porches and balconies, but will exclude bay windows whose sills are no lower than 12 inches from the floor, and provided the bay windows comprise 20 percent or less of any one facade and do not extend out beyond the overhang.

~~Please revise the Area Calculations on Sheet A.02 to provide calculation of ratio of 1st floor area to 2nd floor area, including identification of the specific spaces used in each calculation to ensure compliance with Section 64-1(i)(2) and (3).~~

Architect reply: Please see added chart and FAR adjusted calculation. See Sheet A02 & A02.2.

Comment addressed.

Section 64-1(j) ~~Town Code requires a minimum lot area of 10,000 square feet, and while the plans state that the total lot area is 20,398, the plans and survey also identify a right-of-way easement for the Intracoastal Waterway. Please provide information regarding this right-of-way easement to ensure that it can be calculated in the total lot area, and utilized as a basis for lot area, FAR, lot coverage, etc. Also the project design includes use of this area for stormwater retention and a portion of the 2nd floor balcony~~

~~overhangs this area. Please provide information affirming the ability to utilize the right-of-way easement in this manner.~~

Architect reply: Total lot area has been already approved from the previous design. No changes were done to the plans that affects the right-of-way easement for the intracoastal waterway. Per the Property Appraiser this area is included in the property lot owned by Dr. Klapper.

Comment addressed.

~~Section 64-46 — Section 64-46 requires 1 parking space per bedroom, a fully enclosed garage to accommodate two full-sized vehicles, and parking spaces dimensioned at 10 x 20 for garage spaces and 9 x 18 for exterior spaces. With 4 bedrooms, the code requires a total of 4 parking spaces to be identified.~~

~~Although Sheet A.04 provides some dimensions for the garage space, please dimension all parking spaces in the garage and on the driveway to show that the minimum parking space dimensions are provided for garage and exterior spaces per the Town Code.~~

Comment addressed.

~~Section 64-50 — Section 64-50(c) requires permanent generators to meet or exceed the setbacks for accessory structures, and Section 64-41(b)(1) states that all accessory structures shall not be within any required yard setback unless otherwise specified in the code, and as such the generator must meet the minimum side setback of 15'.~~

~~Please revise the plans so that the generator meets or exceeds all yard setbacks.~~

Comment addressed.

June 10, 2020

To: Lisa Burns, Building Clerk

From: Tara Bamber, PE 

**Re: 28 Hudson Ave
Development Plan Review
Engenuity Group Project No. 00020.10**

We reviewed the following which was received on 6-3-20:

1. Drainage & Grading Plan, 1 sheet (CE1), signed & sealed 5-21-20, by SDA Shad Drotos & Associates.
2. Site Plan & Architectural Plans, 15 sheets (A01- A15), signed & sealed 5-28-20, by Ames International Architecture.
3. Landscape & Tree Disposition Plan, 4 sheets (LP1- LP3, TD.1), signed & sealed 5-26-20, by JBD Design, Inc.
4. Performance Based Septic System Plan, 2 sheets (SS-1, SS-2), revised 5-28-20, by Gruber Consulting Engineers, Inc.
5. Boundary Survey, 2 sheets (1-2), revised 5-26-20, by Caulfield & Wheeler, Inc.
6. Land Development Action Application, 7 sheets, dated 5-28-20, by TOR.
7. Building Department Memo, 1 sheet, dated 6-3-20, by TOR.

The following comments need to be addressed prior to permit approval:

1. It appears the driveway is being counted as pervious. Please provide specification of proposed material.
2. Please remove the retention area out of the Intracoastal Right-of-Way.
3. The building corner separation from the retaining wall at the northeast property area is shown as 2-ft on Sheet A01 and 5-ft on Sheets CE1 and LP-1. Please coordinate the plans and use the 5-ft separation distance.
4. The following comments to the Drainage & Grading Plan will be required at time of building permitting:
 - a. Per Town Code Sec. 67-33, a trench drain is required at the right-of-way to collect the runoff from the property, which shall be connected to an existing or new drainage system.
 - b. Proposed grades shall match existing at property lines to prevent stormwater impacts to adjacent properties.

- c. Work in the right-of-way shall follow the Town's Typical Swale and Street Cross Section and Residential Driveway Turnout details. The details shall be within the plans.
 - d. The survey points on the plan shall match the provided survey.
 - e. Follow Town Code Sections 67-33 and 67-156.
5. Landscape shall not conflict with drainage and utility infrastructure, including drainage swales. All drainage, water and sanitary piping shall be shown on the Planting Plan at time of permitting.
 6. Approval from Palm Beach County Health Department will be required at time of building permit.
 7. FEMA and Palm Beach County have been working on revising the current FEMA Flood Insurance Rate Maps (FIRM). The preliminary FIRM Base Flood Elevation in Zone AE, which includes 28 Hudson Avenue, increases from 6.0-ft to 9.0-ft NAVD. This could potentially raise the minimum finish floor elevation for areas in Zone AE to elevation 10.0-ft NAVD. As of now, there is no set date when these revisions will be implemented.
 8. Additional comments may be asked at time of building permit.

If you should have any questions, please do not hesitate to contact me.

Cc: Lisa Tropepe



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Land Development Action Application

All information must be printed legibly or typed. Please contact the Building Clerk and/or Town Clerk at 561-732-2635 or via email LBurns@oceanridgeflorida.com and/or KArmstrong@oceanridgeflorida.com to schedule a meeting to submit the application packages.

Check Applicable Approval Being Requested

- | | |
|--|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> PRD Amendment |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Plat or Re-Plat |
| <input type="checkbox"/> Construction East of the CCCL | <input type="checkbox"/> Re-Zoning |
| <input checked="" type="checkbox"/> Development Plan Review | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Planned Residential Development (PRD) | <input type="checkbox"/> Special Exception |

This application is being submitted for the property located at:

Property Owner(s)	Applicant (if different than Owner)
Name(s): Andrew Klapper	Name:
Address: 8560 Judson Cir Boynton Beach FL, 33472	Address:
Phone: 212-203-9912	Phone:
Email: Klappermd@gmail.com	Email:

The applicant(s) or authorized agent must be present for the public hearing in order for the Commission/Board to act upon their request. The applicant is encourage to invite to the meeting those associated in this proposed development.



TOWN OF OCEAN RIDGE

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General Data

Project Name: Klapper's Residence

Project Location Address: 28 Hudson Ave, Ocean Ridge, FL 33435

Exact Legal Description of Property: Ocean Ridge Beach Parcel 2 Plat Book 112, Pages 122 & 123

Property Control No: 46-43-45-27-66-002-0000

Existing Zoning: RSF- Single Family Residential

Proposed Zoning (if applicable to application): _____

Existing Land Use: Vacant

Proposed Land Use: 2 Story Residence

First Floor Living Elevation (For CCCL Application): F.F.E. 7.5'

Total Site Area: _____ Sq. Ft.: 20398 Acres: 0.47

Flood Zone Category: AE (EL 6)

Existing Comprehensive Plan Designation (if applicable to application): _____

Proposed Comprehensive Plan Designation (if applicable to application): _____

Is the site currently served by public water? Yes No

Is the site currently served by public sewer? Yes No

Existing Bedrooms: N/A Proposed Bedrooms: 4

Existing Bathrooms: N/A Proposed Bathrooms: 4.5

Residential: Total Number of Dwelling Units: 1 Density (Units per acre): 0.45

Commercial: Total Square Footage: _____ Number of Buildings: _____



Location Address 28 HUDSON AVE

Municipality OCEAN RIDGE

Parcel Control Number 46-43-45-27-66-002-0000

Subdivision LOTS 14, 15 & 16, BLK 5 BOYNTON BEACH PARK REPL

Official Records Book 29770 **Page** 858

Sale Date APR-2018

Legal Description LOTS 14, 15 & 16, BLK 5 BOYNTON BEACH PARK REPL
PAR 2

Owners

KLAPPER ANDREW

Mailing address

8560 JUDSON CIR
BOYNTON BEACH FL 33472 5001

Sales Date	Price	OR Book/Page	Sale Type	Owner
APR-2018	\$860,000	29770 / 00858	WARRANTY DEED	KLAPPER ANDREW
AUG-2011	\$10	24695 / 01678	WARRANTY DEED	FERNANDES ALBANY M &

No Exemption Information Available.

Number of Units 0 ***Total Square Feet** 0 **Acres** 0.4647
Use Code 0000 - VACANT **Zoning** -

Tax Year	2017	2016	2015
Improvement Value	\$4,113	\$3,754	\$3,930
Land Value	\$781,011	\$710,010	\$676,200
Total Market Value	\$785,124	\$713,764	\$680,130

All values are as of January 1st each year

Tax Year	2017	2016	2015
Assessed Value	\$785,124	\$713,764	\$651,318
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$785,124	\$713,764	\$651,318

Tax Year	2017	2016	2015
Ad Valorem	\$15,147	\$14,184	\$13,559
Non Ad Valorem	\$0	\$0	\$0
Total tax	\$15,147	\$14,184	\$13,559

KLAPPER RESIDENCE

28 HUDSON AVENUE
OCEANRIDGE, FL 33435

EXTERIOR FINISHES

1. EXTERIOR BODY PAINT COLOR – SHERWIN WILLIAMS SW-7005 – PURE WHITE
2. EXTERIOR HOUSE TRIM & FACIA, COLOR - SHERWIN WILLIAMS SW-6090 - JAVA
3. EXTERIOR PLANTER & FAÇADE – SCORED STUCCO TO SIMULATE WOOD -
COLOR - SHERWIN WILLIAMS SW-6090 - JAVA
4. EXTERIOR CLADDING – SIMULATED KEYSTONE – COLOR - WHITE
5. GARAGE DOOR - COLOR - SHERWIN WILLIAMS SW-6090 - JAVA
6. ROOF TILE – BORAL PLANTATION SMOOTH - COLOR - ESPRESSO BLEND
7. DRIVEWAY PAVERS – TREMRON STONEHURST – COLOR - SIERRA
8. POOL DECK AND REAR PATIO PAVERS – TREMRON STONEHURST – COLOR -
SIERRA

MEMORANDUM

TO: PLANNING AND ZONING COMMISSION MEMBERS
FROM: R. BRIAN SHUTT, TOWN ATTORNEY
RE: PROPOSED ORDINANCE REGARDING CONSTRUCTION EAST OF THE COASTAL CONSTRUCTION CONTROL LINE
DATE: JULY 6, 2020

Staff was directed to make changes to the Town's regulations regarding construction east of the coastal construction control line. The current adopted Coastal Construction Control Line was adopted in 1997. The old Coastal Construction Control Line, which is further east, was adopted in 1979. The references in the proposed ordinance regarding limiting construction east of the Coastal Construction Control Line is in reference to the 1979 line.

The proposed ordinance provides that any construction or excavation that will 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 is an existing structure east of the 1979 line and the construction contemplated does not involve any extension beyond the footprint of the existing structure then a variance would not be required. The current ordinance allows construction to occur in this area if there is adequate engineering data provided to the town that shows there is no adverse effect upon beach erosion, hurricane protection, coastal flood control and shoreline rehabilitation.

We have also clarified what is considered "usable land space", for those lots bordering on the ocean, in terms of determining lot size from a definition that is not applicable to provide that the lot area included in lot size determinations will not extend east of the 1979 coastal construction control line. The current reference to "usable land space" provides that the public health unit of the state will determine the usable land space, which is incorrect.

If you have any questions please feel free to call me prior to the meeting.

DRAFT ORDINANCE CCCL REGULATIONS

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 64 “ZONING”, ARTICLE I “DISTRICT REGULATIONS”, SECTION 64-1 “RSF AND RSE SINGLE-FAMILY RESIDENTIAL DISTRICTS”; AMENDING CHAPTER 66 “ENVIRONMENTAL REGULATIONS”, ARTICLE II “FLOOD DAMAGE PREVENTION”, DIVISION 3 “FLOOD RESISTANT DEVELOPMENT”, SECTION 66-26 “BUILDINGS AND STRUCTURES”; AMENDING CHAPTER 67 “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE II “COASTAL CONSTRUCTION”, SECTION 67-17 “COASTAL CONSTRUCTION AND EXCAVATION SETBACK LINE” AND CREATING SECTION 67-18 “COASTAL CONSTRUCTION SETBACK LINE” TO PROVIDE FURTHER REGULATIONS FOR STRUCTURES CONSTRUCTED EAST OF THE COASTAL CONSTRUCTION CONTROL LINE; 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 further regulations for structures and work performed or constructed east of the coastal construction control line; 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 as follows:

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

.....

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

.....

(6) *Maximum floor area.* The maximum floor area of all finished floors under roof shall be 36 percent of the total lot area. For any RSF lot existing or created after the date of adoption of this ordinance in excess of 20,000 square feet, the maximum floor area of all finished floors under roof shall be 32 percent of the total lot area. ~~For the purposes of this subsection, only "usable land space," as defined by the public health unit of the state department of health and rehabilitative services shall be included in the calculation of the total lot area.~~ For purposes of this subsection, if a lot is separated by a street or right-of-way from that portion of the lot containing the principal structure or use, the calculation of the "total lot area" shall include the first 1,000 square feet of the separated portion of the lot, provided that the maximum floor area does not exceed 36 percent of the total lot area. Prior to allowing the use of the separated portion square footage, a unity of title, approved by the Town, must be executed by the property owner. The floor area occupied by bay windows, chimneys, or other nonhabitable architectural features shall be included and shall be subject to this provision. The floor area occupied by roofed porches and balconies shall be exempt from this provision.

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

.....

(6) *Maximum floor area.* The maximum floor area of all finished floors under roof shall be 36 percent of the total lot area. ~~For the purposes of this subsection, only "usable land space," as defined by the public health unit of the state department of health and rehabilitative services shall be included in the calculation of the total lot area.~~ For purposes of this subsection, if a lot is separated by a street or right-of-way from that portion of the lot containing the principal structure or use, the calculation of the "total lot area" shall include the first 1,000 square feet of the separated portion of the lot provided that the maximum floor area does not exceed 36 percent of the total lot area. Prior to allowing the use of the separated portion square footage, a unity of title, approved by the Town, must be executed by the property owner The floor area occupied by bay windows, chimneys, or other nonhabitable architectural features shall be included and shall be subject to this provision. The floor area occupied by roofed porches and balconies shall be exempt from this provision.

.....

SECTION 3 – Amendment: Chapter 66 “Environmental Regulations”, Article II “Flood Damage Prevention”, Division 3 “Flood Resistant Development”, Section 66-26 “Buildings and structures” is hereby amended as follows:

Sec. 66-26. - Buildings and structures.

(a) Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to section 66-19(b)(1) of this article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction

requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 66-31 of this article.

- (b) Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:
 - (1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
 - (2) Minor structures and non-habitable major structures as defined in F.S. 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this article and ASCE 24.
 - (3) Shall be subject to the requirements provided in Article II of Chapter 67.

.....

SECTION 4 – Amendment: Chapter 67 “Buildings and Building Regulations”, Article II “Coastal Construction”, Section 67-17 “Coastal construction and excavation setback line” is hereby amended as follows:

ARTICLE II. - COASTAL CONSTRUCTION

.....

Sec. 67-17. - Coastal construction and ~~excavation setback line.~~

- (a) ~~Setback line established.~~ The town commission hereby adopts the 1997 coastal construction control line as adopted by the state, from time to time, as the town's coastal construction control line. No person shall construct any structure whatsoever, seaward of the state coastal construction control line as established by the state; or make any excavation, remove any beach material or otherwise alter existing ground elevations without first having obtained a permit therefore from the state department of environmental protection and the Town of Ocean Ridge. Whenever a permit is required by the state pursuant to F.S. §§ 161.052 or 161.053, the same shall be submitted to the town prior to the approval of a development permit. No development permit shall be issued by the town without the issuance of a state permit whenever the same shall be required.
- (b) Zoning confirmation approval, as requested by the State, may be issued by the ~~town building official~~/town manager or designee if the documents submitted are in accordance with the requirements of the Town and the development is in accordance with Town Codes as determined by the building official/town manager, or designee.
- (c) ~~Conditions for granting major and minor permits.~~ ~~Conditions under which a permit may be granted are as follows:~~
 - (1) ~~The town may authorize the excavation or erection of a structure at any riparian location where through the presentation of adequate engineering data it can be demonstrated that such excavation or erection would have no adverse effect upon the control of beach~~

~~erosion, hurricane protection, coastal flood control and shoreline and offshore rehabilitation.~~

- (2) ~~If in the immediate contiguous or adjacent area a number of existing structures have established a reasonably continuous and uniform construction line closer to the line of mean high water than the designated setback line, and if the placement of the existing structures has not contributed to beach erosion, interfered with hurricane protection, obstructed coastal flood control or impaired shoreline and offshore rehabilitation, then the town may grant a variance.~~
- (~~d~~c) *Permits prohibited.* No permit shall be issued where it appears that the proposed excavation, filling or removal, or the covering or destruction of natural vegetation, shall result in the probable erosion or inundation of surrounding beaches or the banks, dunes and lands adjacent thereto, or endanger the public safety.
- (~~e~~d) *Bond.* Prior to the issuance of a ~~major~~ permit under this section, the town may require the applicant to obtain and deposit with the town a good and sufficient performance bond in an amount sufficient to ensure completion of necessary protective work and in a form to be approved by the town attorney, such bond to be conditioned upon the applicant faithfully completing all work which may be required for the protection of the ocean dunes, banks and beaches against inundation and erosion.
- (~~f~~e) *Grading and leveling of site after removal of sand.* Any person granted a permit for removing or excavating sand for any reason from the ocean beach or the banks and dunes adjacent thereto shall place such sand on the Atlantic Ocean beach in the area in front of which the sand is being removed, and shall grade and level such sand in such a manner so as to be harmonious with the surrounding beach area.
- (~~g~~f) *Structures in violation deemed public nuisances.* Any coastal structure erected or excavated in violation of the provisions of this article is hereby declared to be a public nuisance, and such structure shall be forthwith removed or such excavation shall be forthwith refilled after written notice from the town manager, or designee, directing such removal or filling. If the structure is not removed within a reasonable time as directed, the town may remove such structure or fill such excavation at its own expense, and the costs thereof shall become a lien upon the property of the upland owner upon which such unauthorized structure or excavation is located.
- (~~g~~) *Area taken into consideration for determining lot size and usable land area.* For those properties bordering on the ocean, there shall be excluded from the calculation of lot size and usable land area that area lying between the 1979 Coastal Construction line and the mean high water line. This restriction shall not exclude the 1000 square foot credit that is allowed under Sections 64-1(j)(6) and 64-1(k)(6).
- (~~h~~) ~~*Existing structures.* The provisions of this article shall apply prospectively to all new structures, and to structures existing or under construction prior to adoption of this ordinance. For purposes of this section, the term "materially altered" shall mean any construction, excavation or building which has an adverse effect upon the control of beach erosion, hurricane protection, coastal flood control and shoreline and offshore rehabilitation.~~

SECTION 5 – Amendment: Chapter 67 “Buildings and Building Regulations”, Article II “Coastal Construction”, Section 67-18 “Coastal construction and excavation setback line” is hereby created as follows:

ARTICLE II. - COASTAL CONSTRUCTION

....

Sec. 67-18. - Coastal construction setback line.

(a) The established 1979 coastal construction control line shall be the setback line for those properties abutting the Atlantic Ocean. Seaward of the 1979 coastal construction control line no person shall:

1. Construct any structure whatsoever;
2. Make any excavation;
3. Remove any beach materials or otherwise alter existing ground elevations;
4. Drive any motor vehicle on or over or cross any sand dune;
5. Damage or cause to be damaged such sand dune or the vegetation growing thereon.

Where a dune extends landward from the aforesaid setback line, appropriate measures shall be taken to restabilize the dune system pursuant to specifications approved by the town manager, or designee, in order to protect the integrity of the dune. Nothing herein shall prevent official motor vehicles of any government agency from traversing any sand dune in the performance of official governmental duties.

Modifications to the native dune ecosystem including but not limited to: vegetation removal, revegetation, maintenance or pruning shall require approval of a dune vegetation management plan by the town building department in accordance with Section 66-161 of the Town code.

(b) The criteria and standards set forth in section 63-73(3) shall govern the granting of any variance under this section.

(c) This section shall not apply to projects which have been determined by the town manager, or designee, to be desirable for the stability of the beach or dune, or necessary in cases of emergency to protect existing structures or to stabilize eroded bluff lines, or necessary for the protection of the health and safety of persons using the beach.

(d) (1) The provisions of this section shall not apply to existing structures, provided, any such existing structures shall not be materially altered (expanding beyond the existing building/structure footprint) by any construction, excavation or building which has an adverse effect upon the control of beach erosion, hurricane protection, coastal flood control, and coastal preservation and restoration.

(2) For those existing structures where a building permit is required due to repair or replacement, as allowed by this Code, where a public right-of-way bisects the property and a dune crossover is on the dune side of the division of the property, the property owner shall be

required to execute a unity of title, if one does not currently exist, prior to receiving a permit for the work requested.

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 _____, 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: JULY 6, 2020

The proposed ordinance modifies the Town's regulations regarding sheds and other accessory structures, such as, dune crossovers. Currently the regulation of sheds are treated as accessory buildings, where they are not allowed in any setback areas. There is also no definition for dune crossovers. The proposed ordinance also provides that only one shed may be allowed on a property.

The proposed ordinance has specific regulations for sheds, a new subsection was added. If a shed is a prefabricated shed, no plumbing, no electric, does not exceed 100 sq. ft or 7 ft in height shall not be allowed in the front yard, 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, 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 is also a proposed definition of a private dune crossover that references what is allowed by DEP.

Please call if you have any questions on this item.



700 US Highway One, Suite C
North Palm Beach, FL 33408
561-863-2722

MEMORANDUM

To: Tracey L. Stevens, Manager
Town of Ocean Ridge

From: Corey W. O’Gorman, AICP

Re: Accessory Structures/Dune Crossovers

Date: January 15, 2020

In follow-up from our email correspondence and meeting with Brian Shutt and Wayne Cameron on Thursday, January 9, 2020, this memorandum is provided to summarize work regarding dune crossovers as accessory structures to residential uses. Because of several issues related to dune crossovers Town Staff began reviewing the code and considering amendments to code language that would clarify the requirements for design and construction of crossovers. Issues discussed included the following:

- The Code currently does not define dune crossovers or make provision for them except that Section 64-41 addresses accessory structures in general;
- Many dune crossovers are constructed on portions of lots separated by a street from where the home or main structure is located;
- There are several circumstances where dune crossovers are not located directly across the street from the home or main structure to which they are accessory, which has raised questions such as the allowance for crossover parking;
- For lots that are separated by a street, the zoning regulations allow calculation of Floor Area Ratio (FAR) to include 1,000 square feet of that portion of the lot separated from portion on which the home or main structure is located.

As noted above, staff has met to review the code language as well as to consider existing circumstances and conditions where dune crossovers exist including where they are located on portions of lots separated by a roadway. Draft ordinance

language was prepared by staff and forwarded to the Planning and Zoning Commission for their consideration and input. That draft ordinance language included the following provisions:

- Amendment to Section 1-3 Definitions, to include “dune crossover (private)” which specified its use, allowed for a deck area (which is consistent with some existing conditions), and specifies that the structure shall not be leased or used by anyone other than the person(s) occupying the primary dwelling;
- Amendment to Section 64-41 Accessory uses, to include a provision requiring a unity of title when an accessory structure is permitted on a lot separated by a street to ensure that the parcels remain together for compliance with both FAR and accessory structure requirements; and,
- Amendment to Section 64-41, Accessory uses, to provide for specific dune crossover code requirements such as:
 - That it is permitted for the primary residential dwelling only;
 - Makes provision for crossovers on multifamily complexes located in the Town of Ocean Ridge greater than 4 units that are not directly across the street from the primary use;
 - Allows that other dwelling units in the Town may be allowed to use the crossover if an existing agreement exists at the time the proposed amendments are adopted.

The Planning and Zoning Commission considered the proposed dune crossover amendments at their January 13, 2020 meeting provided input to staff on several provisions including the proposed size of the deck area, as well as impacts on the dune for construction of crossovers and industry standards for construction of crossovers. Staff will review the current draft, make proposed revisions to address input from the Planning and Zoning Commission and bring a revised draft back to them for consideration at their next meeting.

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. 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.

(2) A permit shall be required for a utility shed/storage building unless the shed meets the requirements set forth in paragraphs (2) or (3) 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.

(3) 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. A prefabricated shed that is less than 25 sq. feet shall not count toward the one shed maximum allowance, however, only one of these sheds shall be allowed.

(4) 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) Private dune crossovers are only allowed for the specific use of the primary residential dwelling unit, unless as otherwise set forth in this paragraph.

(2) 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) 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.

(5) 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 FENCES
DATE: JULY 6, 2020

The proposed ordinance modifies the Town's regulations regarding fences. 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. This proposed change would allow fences, greater than 4 feet high to be constructed in rear yards that abut waterways but fencing greater than 4 feet would not be allowed along the rear property line that actually abuts the waterway. The proposed ordinance also adds the phrase "similar structures or appurtenances" to all references regarding walls and fences.

Please call if you have any questions on this item.

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) 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 from the lowest 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 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.

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