

**TOWN OF OCEAN RIDGE, FLORIDA  
PLANNING & ZONING COMMISSION MEETING AGENDA  
JANUARY 24, 2022  
8:00 A.M.  
TOWN HALL \* MEETING CHAMBERS**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT**

**APPROVAL OF MINUTES**

1. Approval of December 20, 2021 Meeting Minutes

**DISCUSSION / ACTION ITEMS**

2. Quasi-Judicial Hearing: Development Plan Review for 113 Island Drive
3. Retaining Walls
4. Architectural Criteria for “Front” Elevation and More

**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 TUESDAY, FEBRUARY 22, 2022 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**

## **Live Audio Feed Provided for the Planning and Zoning Meeting of January 2022**

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, January 24, 2022 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\(224\) 501- 3412](tel:+12245013412) and **Access Code:** 811-452-989

### **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 Monday, January 24, 2022 at 7 a.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.

**Agenda: January 24, 2022**  
**Memo: Item #0**

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

**Subject: Staff's review of the definition of Breezeway to see if 6107 N Ocean Blvd's "breezeway" is allowed under code.**

The Planning and Zoning Commission directed staff to review the Code to see if the applicant for 6107 N Ocean Blvd "breezeway"/"port" meets Town Code. Town Planner, Corey O'Gorman, reviewed the Code and the design to see if that was permitted under Code and below is his response. If the board would like to explore changing the Code, then approval from the Town Commission will be needed for the Planning and Zoning Commission to work on this item.

Town Planner, Corey O'Gorman, response:

Regarding breezeway and/or basement as it refers to 6107 N Ocean Blvd, I have review the ground floor level of the home and researched the Town Code as requested. Following is what I have found:

- The ground-floor space is described as "crawl space/breezeway" on the plans, sheet A-1 is the "Ground Floor Plan" and the design includes the following:
  - Poured concrete foundation
  - Overall interior height of 8' 6" and 8' 8" from finished floor to the ceiling
  - Two openings on both the north and south sides of the home at ground level each of which are approximately 10' wide by 8' high
  - The east side of the space is a retaining wall, and the west is the westerly façade of the building facing A1A
- Town Code Section 1-3 includes the following regarding "basement" and "breezeway":
  - "Basement" is defined as: "that portion of a building between the floor and ceiling which is below ground and is so located that the vertical distance from the floor to the ceiling shall not be exposed on the outside perimeter except for openings, the total exposed surface of which shall not exceed 25 percent of the total square footage of the vertical walls."
    - Based on the circumstances at 6107 although a portion of the ground floor level is "below ground" a majority is not. Consequently, this space would not be considered a basement under the code.

- "Breezeway" is not a defined term in the Town Code. However it is use in the following definition:
  - "Floor area, minimum". This definition states that "open breezeways" are excluded from the calculation of minimum floor area.
- In addition, other relevant definitions include the following:
  - "Floor" is defined as: "the top surface of an enclosed area in the building, including basement, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles."
    - Although the Code does not define "enclosed", it does define "completely enclosed" as follows: "a building separated on all sides from the adjacent open area, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows or entrance or exit doors normally provided for the accommodation of persons, goods or vehicles."
      - The design of the ground floor space includes openings that are not windows or doors and as such is not completely enclosed, and does not appear to meet the definition of a "floor".
  - "Floor area, total", as used for calculating floor area ratio is defined as: "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."
  - "Story (floor)" is defined as: "that part of a building between the surface of a floor and the ceiling immediately above. The part of a building below the ground floor shall not be considered a story (see *Basement*)."

The Town of Ocean Ridge code definitions appear to reflect an approach to construction where the "ground" floor is the first habitable story with a slab-on-grade, and does not envision the type of construction illustrated by the design of 6107 North Ocean where the "ground" floor is not habitable. Although the design of 6107 does not appear to be in conflict with the current code definitions, it may be prudent to consider amending the code to make provision for this type of construction particularly since the Town may be seeing more construction of this nature.

PLANNING & ZONING COMMISSION MEETING MINUTES  
DECEMBER 20, 2021

Meeting Minutes of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, December 20, 2021 in the Town Hall Meeting Chambers.

**CALL TO ORDER**

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

**ROLL CALL**

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

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

Member Hennigan, and Alternate Member Brinner were absent with notice.

Staff Present: Town Attorney Goddeau, Town Planner O’Gorman, Building Official Guy, Tara Bamber serving as Representative for Town Engineer, and Town Clerk Armstrong. Town Manager Stevens was absent with notice.

**PLEDGE OF ALLEGIANCE**

Chair Marsh led the Pledge of Allegiance.

**PUBLIC COMMENT**

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

**APPROVAL OF MINUTES**

**1. Approval of Minutes of the October 25, 2021 Meeting Minutes**

Member Hutchins noted a misspelling of his name on P.3. Vice Chair Carey asked for the word “they” to be deleted from the third paragraph on P.5.

**Alternate Member Flanagan moved to approve the minutes of October 25, 2021 as amended; seconded by Member Hutchins. Motion Carried 5-0.**

**DISCUSSION / ACTION ITEMS**

**2. Quasi-Judicial Hearing: Development Plan Review for 76 Beachway Drive**

Chair Marsh explained that this is a quasi-judicial hearing, and asked if any of the board members had any ex-parte communications with the applicant, owner or builder. All Planning & Zoning Commissioners informed that they had none. Those that wished to give testimony for 76 Beachway Drive were sworn in by the Town Clerk.

Town Planner O’Gorman introduced the project by noting that the project will be a new two-story single family home that will consist of 4 bedrooms, a library, a lounge, 4.5 bathrooms, 2 car garage, and a swimming pool. He noted that the project complies with zoning codes, and that the applicant will need to adhere to any staff comments.

## PLANNING & ZONING COMMISSION MEETING HELD DECEMBER 20, 2021

James Robson, Architect and Representative of Patrick and Chantale Goyette, described the site plan, rendering, and elevation. He explained the architectural features of the house and how the home fits into the neighborhood.

(Town Clerk's Note: Tara Bamber serving as Representative for Town Engineer arrived at this time. She was sworn in by the Town Clerk.)

Tara Bamber, Representative for Town Engineer, stated that she had no additional comments than what was written in her report in the package.

Member Kosinski noted the Town Planner's comments about how easy it could be to enclose certain rooms within the house. She asked staff how the Commission can guarantee that they do not enclose it. Chair Marsh stated that the board has to go by the application presented and that it will need to be addressed if it ever took place. Town Attorney Goddeau stated that the Town will have to monitor and if they make a change that is not authorized, then they will have to be code enforced. Vice Chair Carey stated that the design does not show an intent of the applicant to use the library as a bedroom. He also added that the concern of the Town is to ensure adequate parking and not the amount of bedrooms.

Member Kosinski stated that the home features a lounge upstairs as well, and asked how a bedroom is defined. Chair Marsh stated that the design clearly defines those spaces as common area. Town Planner O'Gorman and Building Official Guy clarified that the Town's code defines a bedroom as any room that can have privacy for sleeping so the applicant had to remove a door to comply with the Town's definition. Chair Marsh and Building Official Guy discussed the State's definition of a bedroom versus the Town's.

Member Hutchins stated that the double driveway will allow them to comply with the parking requirement.

Chair Marsh voiced his concern over the verticality over the gable end. He showed the difference in scale in comparison to the other homes through the elevation sheet. He asked if the gable end can come down. Mr. Robson stated that the house is raised to meet the new regulations, and stated that the gable end is the preference of the owner. Chair Marsh stated that it is only a recommendation based on the observation.

Chair Marsh commented on the landscape plan, and voiced his concern that the trees are not shade trees. Mr. Robson explained the tree type used. Chair Marsh stated that the code requires more foliage than proposed. Member Kosinski asked about the shade tree and the trees proposed, to which Mr. Robson stated that he was unsure since his landscape architect is not present. Mr. Robson stated that there may be a Magnolia tree that may not be seen in the rendering that will be on the property. Alternate Member Flanagan concurred that the lot needs native trees and noted that the near lot has trees with lots of foliage that may interfere with certain trees.

Vice Chair Carey stated that the Landscape Architect should be present. He added that the proposed landscaping should have more foliage and the verticality be de-emphasized. He stated that there should be a shade tree in the front.

(Town Clerk's Notes: Randall Stofft, senior architect and supervisor for Mr. Robson, arrived at this time. He was sworn in by the Town Clerk.)

Chair Marsh brought Mr. Stofft up to speed on the board's discussion with Mr. Robson. He discussed that the only concern is that the lot needs additional trees mostly on the north east corner.

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

**Vice Chair Carey moved to approve the Development Plan Review Application for 76 Beachway Drive with the conditions listed in the staff report, and that the applicant add more mature and substantially bigger trees to the lot that meet Town Code; seconded by Member Hutchins. Motion carried 5-0.**

### **3. Quasi-Judicial Hearing: Development Plan Review for 6107 N Ocean Blvd**

Chair Marsh explained that this is a quasi-judicial hearing, and asked if any of the board members had any ex-parte communications with the applicant, owner or builder. All Planning & Zoning Commissioners informed that they had none. Those that wished to give testimony for 6107 N Ocean Blvd were sworn in by the Town Clerk.

Town Planner O'Gorman introduced the project by noting that the project will be a new two-story single family home that will consist of 6 bedrooms, 6 bathrooms, and a 3 car garage with swimming pool and spa. He noted that the project complies with zoning codes, and should be subject to any staff comments and recommendations. Building Official Guy noted that his comments were addressed and the project now meets the Florida Building Code. Tara Bamber, Representative for Town Engineer, noted that the remaining drainage concerns can be addressed at the building permit stage.

(Town Clerk's Note: The home has 5 bedrooms.)

Gregory Jones, Architect and Representative of resident Albert Naar, described the site plan, rendering, and elevation. He discussed the challenges the lot faces and how the elevation was established. He further described the home as a coastal transition home and further explained the design. Stephanie Portus, Landscape Architect, described the existing and proposed landscape as outlined in the L-1 and L-2 plans.

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

Member Kosinski complimented the home, and asked for clarification on how an individual would be able to go from the garage to the house. Mr. Jones explained the entry methods into the home, and showed the two garages on the site plan. He explained the breezeway as well as the elevator that will take you to the living floors. Mr. Jones asked the board to allow them to use Old Ocean Blvd to measure their elevation and to increase slightly. He added that the project is proposed lower than the neighborhood.

Member Kosinski asked about the space underneath the first living floor, and Mr. Jones stated that it is an open area and is considered a breezeway.

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Vice Chair Carey asked for clarification on the amount of bedrooms and parking, and Mr. Jones responded that the home was revised from 6 bedrooms to 5 bedrooms while still keeping parking space for 6.

Member Hutchins complimented the home, and Mr. Jones thanked Member Hutchins on his compliment.

Chair Marsh asked if the home will have an owner, to which Mr. Jones noted that it will be a spec home by Bella Homes.

Chair Marsh commented that the tower in the homes makes the home appear taller, to which Mr. Jones stated that the tower is preferred to help the home with light circulation. Chair Marsh voiced his concern with the tower. He also asked that the size of the driveway be reduced from 18 ft. to 16 ft. because it was an oversized entry. Chair Marsh voiced his opposition to removing the Ficus tree. Mr. Jones asked the Town to reconsider the height because it would help them be able to keep the Ficus Tree. Chair Marsh commented that the Ficus tree can be kept under the current proposed site plan. Member Hutchins stated that the Ficus tree is beautiful, but has become a nuisance whenever there is a hurricane.

Chair Marsh asked about the foliage size of the tree, and Ms. Portus described.

Chair Marsh noted that the “breezeway” might be a basement area because it is under the living floor, which is not allowed under Code. Building Official Guy stated that he will look into it.

Member Hutchins stated that he is in favor of the home and not delaying any construction.

**Member Kosinski moved to approve the Development Plan Review Application for 6107 N Ocean Blvd with the conditions listed in the staff report, and for staff to review the Code to see if their design fits the definition of “breezeway” as well as recommended to the applicant to reduce the size of the driveway from 18ft to 16ft; seconded by Vice Chair Carey. Motion carried 5-0.**

Mr. Jones explained the purpose of the breezeway.

**4. Ordinance Review: Administrative Variance Procedure for Grandfathered Structures**  
Town Attorney Goddeau introduced the item by noting that the proposed ordinance is a clean-up to Sec. 63-117 in the Town Code. She noted that the biggest change is to allow administrative staff to make a decision without the need for a public hearing. This item came at the direction of the Town Commission.

Vice Chair Carey asked if a project that applies for administrative variance will have to comply with other sections of the Code, to which Town Planner O’Gorman stated that it would have to comply with all zoning codes.

Member Hutchins asked if the ordinance would give the authority to the Building Official to approve a substantial improvement development without the need for the board to review if they



## PLANNING & ZONING COMMISSION MEETING HELD DECEMBER 20, 2021

approve the administrative variance. Town Attorney Goddeau stated that the Building Official can approve an administrative variance if designated and can determine which homes are substantial improvement, but the applicant will need to apply for development plan review and go in front of the board.

**Member Kosinski moved to recommend that the ordinance as submitted move to the Town Commission for approval; seconded by Vice Chair Carey. Motion carried 5-0.**

### 5. Discussion Regarding Meeting Dates for January & February Due to Holidays

The Commission discussed their personal schedule and when they will be able to meet. There was consensus from the Commission to host their Planning & Zoning Commission meetings on January 24, 2022 and February 22, 2022.

### **ADJOURNMENT**

Meeting adjourned at 9:18 a.m.

Minutes prepared by Town Clerk Armstrong, and adopted by the Planning & Zoning Commission on January 24, 2022.

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Mark Marsh, Chair

Attest:

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Karla Armstrong, Town Clerk

**PLAN REVIEW REPORT  
113 Island Drive South  
Corey O’Gorman, Town Planner  
April 2, 2021/~~September 9, 2021~~/January 13,2022**

This Plan Review Report is for **REVISIONS RECEIVED 9/2/2021, 12/07/2021 and 1/13/2022 to address comments received from the Planning & Zoning Board on the 10/25/21 hearing**, architectural plans dated 02/18/21 prepared by BE Design Associates, site civil plans dated 03/21 by HSQ Group, landscape plans dated 02/10/2021 by Kimberly Moyer; and survey by Landtec Surveying dated 01/25/2021. The scope of work includes construction of a new 2-story single-family home with five (5) bedrooms and five and one-half (5 1/2) bathrooms, and a swimming pool and spa.

PCN: 46-43-45-22-10-000-1130  
FLU: Single-Family  
Zoning: RSF

The following review 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. Following are comments on the subject plans.

**COMMENTS ADDRESSED ARE STRUCK-THROUGH AND THIS REPORT RECOMMENDS APPROVAL WITH THE FOLLOWING CONDITIONS:**

~~Section 64-41(b) — This section requires that all accessory structures comply with the setbacks for the principal building except swimming pools, mechanical equipment etc., addressed in 64-50. It appears that the fire pit encroaches into the side yard setback, please revise to comply with setback requirements.~~ **COMMENT ADDRESSED**

Section 64-44 — This section regulates fencing, and the proposed plan indicates the use of some fencing but no details are provided to confirm compliance. Also there is no fencing shown around the swimming pool and spa area. Please show any proposed and required fencing in conformance with the Town Code. **COMMENT ADDRESSED, ALL FENCING SHALL COMPLY WITH THE PROVISIONS OF SECTION 64-44.**

~~Section 64-46 — Section 64-46 requires 1 parking space per bedroom and there are a total of five (5) bedrooms requiring a total of five (5) spaces, with a minimum of two (2) spaces provided in the garage. All interior spaces must be dimensioned at 10 x 20 and exterior spaces dimensioned at 9 x 18. Please fully dimension each interior and exterior parking space to ensure compliance with the dimensional requirements. It appears that one of~~

~~the spaces in the two-car garage may not meet the dimensional requirements, please confirm compliance.~~ **COMMENT ADDRESSED**

~~Section 64-50(a) — This section requires all mechanical equipment, pool equipment etc., to be setback a minimum of 10' from the property lines. All related equipment appears to comply with the setback requirement although dimensions are not provided~~ **COMMENT ADDRESSED**

~~Section 64-50(c) — This section prohibits permanent generators from being located in the front, side or rear yard setback. It appears that a corner of the generator encroaches into the setback. Please revise the generator location to be entirely out of the side setback area.~~ **COMMENT ADDRESSED**

~~It appears that the finish floor elevation does not comply with current minimum base flood elevations. In addition, the subject home may be required to comply with a code amendment which reduces overall building height when floor elevations must be raised to meet the minimum flood elevations.~~ **COMMENT ADDRESSED. However, Sheets A-201.0 and A-202.0 show 13'3" to the "Second Floor" but it is not clear if that is to the tie beam or to the floor of the second floor. It also indicates 23'6" to the "roof" but it is not clear if that is to the tie beam. Approval is conditioned on compliance with 12' to the tie beam of the first floor and 24' to the top of the tie beam of the second floor.**

~~Also note that the Data Calculations sheet shown on sheet SP-101 and provided in the application package, and the Land Development Action Application all state that the Total Floor Area is 8,885.68 square feet. The Town Code defines "Floor Area" as the gross horizontal areas of all floors of all buildings on a lot, measured from the exterior face of the exterior walls or other type of enclosure ... including garages, carports, and Porte cocheres, but not including basements, attics (unless used as living space), unenclosed decks or patios, covered porches, balconies, or crawl spaces." It appears that this calculation includes all building spaces as well as exterior impervious area and is not correct. Please revise sheet SP-1, the Data Calculations sheet and the Land Development Action Application to correct the Total Floor Area square footage.~~ **COMMENT ADDRESSED**

**DATA CALCULATIONS FOR NEW STRUCTURES**  
(NEW SINGLE FAMILY, MULTI-FAMILY HOMES, ETC.)

*REVISED CALC'S*

APPLICANT FILL OUT: PROPERTY ADDRESS: <u>113 ISLAND DR.S.</u>			ZONING DISTRICT: <u>RSF</u>	
	APPLICANT USE		ZONING OFFICIAL USE ONLY	
*TOTAL SITE AREA	Sq. Ft.		Sq. Ft.	
			<u>13,289</u>	
BASE FLOOD ELEVATION (NAVD) (SOURCE THE FLOOD INSURANCE STUDY)			<u>6' NAVD</u>	
FINISHED FLOOR ELEVATION (NAVD)			<u>10.13 NAVD</u>	
ZONING OFFICIAL USE ONLY	APPLICANT USE		ZONING REVIEW	
	PROPOSED		PROPOSED	
	Sq. Ft.	%	Sq. Ft.	%
FLOOR AREA RATIO (MAXIMUM ____%)			<u>4,648</u>	<u>35.0</u>
LOT COVERAGE (MAXIMUM ____%)			<u>3,593</u>	<u>27.0</u>
ZONING OFFICIAL USE ONLY	APPLICANT USE		ZONING REVIEW	
*PERCENTAGE FROM TOTAL SITE AREA	Sq. Ft.	%	Sq. Ft.	%
FIRST FLOOR UNDER A/C (____)			<u>2,236</u>	<u>16.8</u>
SECOND FLOOR UNDER A/C (____)			<u>1,677</u>	<u>12.6</u>
TOTAL UNDER A/C (____)			<u>3,913</u>	<u>29.5</u>
TOTAL FLOOR AREA (____)			<u>4,648</u>	<u>35.0</u>
TOTAL UNDER ROOF (____)			<u>5,010</u>	<u>37.7</u>
FLAT ROOF (____)			<u>402</u>	<u>11.9</u>
TOTAL ROOF (____)			<u>3,378</u>	<u>25.4</u>
GARAGE (____)			<u>735</u>	<u>5.5</u>
COVERED PATIO (____)			<u>188</u>	<u>1.4</u>
COVERED ENTRY (____)			<u>101</u>	<u>0.8</u>
COVERED BALCONY (REAR) (____)			<u>188</u>	<u>1.4</u>
COVERED BALCONY (FRONT) (____)			<u>—</u>	<u>—</u>
OPEN BALCONY (____)			<u>86</u>	<u>0.7</u>
BUILDING FOOTPRINT (____)			<u>3,593</u>	<u>27.0</u>
SEPTIC TANK & DRAINFIELD ( <u>L-1</u> )			<u>645</u>	<u>4.9</u>
PAVED AREA (____)			<u>1,580</u>	<u>11.9</u>
SYNTHETIC TURF (____)			<u>—</u>	<u>—</u>
TOTAL IMPERVIOUS (____) (INCLUDES SYNTHETIC TURF)			<u>5,854</u>	<u>44.1</u>
TOTAL PVIOUS (____)			<u>7,433</u>	<u>55.9</u>
ZONING OFFICIAL USE ONLY	APPLICANT USE		ZONING REVIEW	
	FEET		FEET	
BUILDING HEIGHT (____)			<u>32.88</u>	
BUILDING SETBACKS:			<u>—</u>	
FRONT (____)			<u>25.33</u>	
REAR (____)			<u>28.87</u>	
SIDE INTERIOR (____)			<u>16.08</u>	
SIDE CORNER (____)			<u>—</u>	
WATERWAY (____)			<u>28.9</u>	
DRIVEWAY (____)			<u>75' 25'</u>	

Prepared By: *MANN*

Date: 1.7.22

# TOWN OF OCEAN RIDGE

6450 NORTH OCEAN BOULEVARD

OCEAN RIDGE, FLORIDA 33435

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TRACEY L. STEVENS  
TOWN MANAGER &  
FINANCE DIRECTOR

KARLA M. ARMSTRONG  
TOWN CLERK



MAYOR  
KRISTINE DE HASETH

COMMISSIONERS  
PHIL BESLER  
STEVE COZ  
SUSAN HURLBURT  
MARTIN WIESCHOLEK

September 10, 2021

RE: Building Official Review

**113 Island Dr. S Ocean Ridge Fl.**

Development Plan Review

STATUS: **No exception taken**

Good day,

The Building Official takes no exception with the development application for the referenced application.

Once documents are submitted for a building permit a further detailed review will be conducted, for consistency with the Florida Building Codes 2020- 7<sup>th</sup> edition.

Thank You,

Durrani Guy CBO  
Building Official.

**January 13, 2022**

**To: Karla Armstrong, Town Clerk**

**Status: DPR Approval with Comments**

**From: Tara Bamber, PE** 

**Re: 113 Island Drive South  
Development Plan Review  
Engenuity Group Project No. 00020.10**

We reviewed the following which were received on 1-13-22:

1. Site Plan, 1 sheets (SP-101), print date 1-12-22, by Be Design Associates, Inc.
2. Civil Plans, 6 sheets (CS-1, PD-1, PD-2, SWPP-1 to SWPP-3), signed and sealed 12-17-21, by HSQ Group, Inc.
3. Data Calculations, 1 sheet, dated 1-7-22, by Be Design Associates, Inc.
4. Response to Comments, 1 sheet, dated 12-22-21, by by HSQ Group, Inc.
5. Outline of Changes, 1 sheet, dated 12-10-21, by Be Design Associates, Inc.

The following comments will need to be addressed during Building Permit phase:

1. Provide method of preventing flow from impacting adjacent properties and holding first inch or runoff, including the landscape area between the driveway and the ROW and between the pool/spa and waterway.
2. Provide revised drainage calculations per the revised Site Plan "Data Calculation" areas. The drainage calculations shall be divided proportionally by the basin areas.
3. Pre-Construction approval shall be provided from the City of Boynton Beach for the existing/proposed water service.
4. Approval from Palm Beach County Health Department will be required at time of building permit. Provide stamped plan from the Health Dept. with both the septic system and the drainage system.
5. Additional comments shall 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, PE  
Lisa Burns**

Alternate Member Brinner asked if the balconies can be built as proposed without any zoning conflict, to which Town Planner O’Gorman confirmed that they can.

Member Hennigan complimented the home and noted that it complements the community.

**Member Hennigan moved to approve the Development Plan Review Application for the Eastern Portion of 54 Ocean Avenue with the condition that the porch remain open and unenclosed; seconded by Alternate Member Brinner. Motion carried 4-0.**

### **5. Quasi-Judicial Hearing: Development Plan Review for 113 Island Drive**

Vice Chair Carey explained that this is a quasi-judicial hearing, and asked if any of the board members had any ex-parte communications with the applicant, owner or builder. All Planning & Zoning Commissioners informed that they had none, but all visited the site except Alternate Member Brinner. Member Hennigan noted that the subject project is in his community and knows the site, but does not have a conflict of interest. Those that wished to give testimony for 113 Island Drive were sworn in by the Town Clerk.

Town Planner O’Gorman introduced the project by noting that the project will be a new two-story single family home that will consist of 5 bedrooms, 6 bathrooms, 3 car garage, swimming pool and spa. He noted that the project complies with zoning codes. Building Official Guy noted that his comments were addressed and the project now meets the Florida Building Code. He noted that the project underwent many changes due to the elevation requirement by FEMA. Tara Bamber, Representative for Town Engineer, noted that the applicant had many revisions, but it does meet the standard.

Member Hennigan asked for information regarding the drainage components, and Mrs. Bamber explained the drainage components shown on the plans. Member Hennigan on the voiced his concern that an adequate drainage component does not exist to retain or drain the water. He noted the discrepancies for drainage in the plans. He outlined the current issues the lot faces in regards to the rainwater runoff. Mrs. Bamber understood his concern, and noted that the lot is difficult in nature.

Alternate Member Brinner asked if the applicant can make the driveway pervious, to which Mrs. Bamber responded that “pervious” driveway will not count towards pervious because over time it loses the ability to retain water.

Member Hennigan stated that there needs to be a drainage component near the drain field. He recommended for the applicant to consider a system that can take the water under the driveway to carry out. He stated that there are other lots with similar configuration and issues that were able to accommodate drainage.

Alternate Member Brinner asked if the garage is allowed to be below flood level, to which Building Official Guy stated that it is allowed as long as there are vents. Alternate Member Brinner asked if the applicant added vents, and Building Official Guy stated that they did.



## PLANNING & ZONING COMMISSION MEETING HELD OCTOBER 25, 2021

Stephen Petrucci, 2831 W Cypress Creek Rd. Ste. 500 in Fort Lauderdale, explained the style of the home.

Member Hutchins asked if the garage meets the required minimum, and staff clarified that it does. He further asked for clarification on the square shown in the garage, to which Mr. Petrucci stated that it is an attic. Member Hutchins noted that the window in the laundry room is inconsistent with the rest of the home, but did not want to impose that as a condition. Mr. Petrucci stated that the window only serves to provide light into the room.

Member Hennigan asked for Mr. Petrucci to provide the information regarding the perimeter wall on the property, to which Mr. Petrucci explained the heights of the walls throughout the property. Member Hennigan stated that the plans do not show any fence. Vice Chair Carey asked for the applicant to provide the elevation difference, to which the applicant stated that he could not provide since he is not the Engineer.

Member Hennigan showed an image and described the current circumstances on the backyard of the property. He asked about the wall height, and Mrs. Bamber explained that there is retaining wall that is 9ft. on the other side will be 6ft. Mrs. Bamber explained that it will not be that high, but it just shows at elevation. Member Hennigan voiced his concern about the height of the wall and the impact the walls will have on the back of the property. He stated that the drainage design should be compatible with the neighborhood so that it doesn't impact the neighbors dramatically. Mrs. Bamber stated that the applicant could look into tapering the wall as well as provide a new survey.

Member Hennigan stated that the current drainage design was done to work with the neighborhood and that the proposed does not work with the neighborhood. He stated that the proposed will impact the neighbors. He stated that the professional designers should be present. Mr. Petrucci stated that the drainage design is allowed per the code. Member Hennigan stated that they will have to taper the wall or look for alternate methods to accommodate. He understood the challenge of the lot. Alternate Member Brinner concurred with Member Hennigan concerns. He also asked questions about the hardscape, and Mr. Petrucci explained the hardscape in the back of the home. Member Hennigan reiterated the inconsistencies of the plans.

Member Hennigan stated that he would like to see all the walls in all the plans with the height and all the civil engineering.

Building Official Guy stated that the Town is recommending that the fence be set back and not on top of the wall. Alternate Member Brinner asked how far a fence will be set back, to which Building Official Guy stated that it is one foot. Vice Chair Carey asked if the subject property will be deferred for staff to oversee the conditions or for it to come back to the board. Member Hennigan stated that the board should see it again.

Vice Chair Carey called for public comment.

Martin Wiescholak, 5 Engle Drive and Town Commissioner, asked if the town calculates runoff, to which Mrs. Bamber stated that the applicant provides the calculation. Mrs. Bamber further stated



that the Town asks for the applicant to provide the calculation for the entire property and not just the driveway. Mr. Wiescholak stated that the Town should ask for the driveway runoff calculation. He agreed with Member Hennigan's concerns. He asked if the property meets the 35% pervious, to which Mrs. Bamber stated that she will have to see. Mr. Wiescholak stated that the Town should look into the possibility of increasing the pervious and he does not see how the property properly meets the requirement.

William Hebding, 114 Marlin Drive, asked for the seawall information, to which Mrs. Bamber provided. Mr. Hebding stated that he would not want the seawall raised too high. He also noted that the height of the swimming pool is drastic and the abrupt changes in latitude. He asked that the abrupt changes be sloped and gradual.

Betty Bingham, 1 Ocean Avenue, stated that the impact to neighbors and the neighborhood should be considered when building.

Vice Chair Carey asked the applicant if he is willing to defer, and Mr. Petrucci stated that he would like the board to vote. Alternate Member Brinner agreed that there are discrepancies.

Member Hennigan stated that the project does not meet the criteria of Sec. 63-56 (1) (b) (1) and (4).

**Member Hennigan moved to defer the project to the next meeting based on the Engineer discrepancies, wall heights, positions, and civil plans; seconded by Alternate Member Brinner. Motion passed 4-0.**

Member Hennigan asked for the applicant to provide civil engineer drawings and an accurate rendering that will properly show the walls. He also asked for any other calculations.

#### **COMMISSIONER COMMENTS**

Member Hutchins stated that the meetings are too long and requires a lot of commitment from the board that is composed of volunteers. He asked that meetings be reduced and for ideas to make the process to become less onerous. He stated that the Development Plan Review criteria should be reviewed and that personal taste should not be passed onto applicants. Vice Chair Carey concurred.

Alternate Member Brinner apologize for the questions he asked as he is new. Vice Chair Carey complimented Alternate Member Brinner on being there and his questions.

Member Hennigan stated that he does not mind giving his time and that the Development Plan Review criteria is an item to be reviewed at the next Joint Workshop meeting on November 18, 2021.

Vice Chair Carey stated that the code requires that any room that can be used as a bedroom is counted as a bedroom. Building Official Guy stated that the Town codes are more stringent than Florida Building Code and that Vice Chair Carey is correct. He thanked the Planning and Zoning Commission for their review and voiced the importance of their review.

# MEMO

## RE: Update of ordinance regarding retaining walls

**From:** Durrani Guy CBO, CFM – Building Official, Town of Ocean Ridge Florida.

**To:** Planning and Zoning Commission.

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As a consequence of enhanced FEMA flood elevation requirements through-out the Town it has become increasingly important for us to review and address areas in the code to deal with new and evolving issues that currently arise.

### RETAINING WALLS

1. There currently is no definition of a Retaining wall structure within our codes. Whereas the towns' topography is generally flat there has not been a historic purpose for us to address this. However, new construction has created elevated lots as a response to FEMA rules. Neighboring lots are dwarfed in some cases and the need for a "sharp" retaining wall is required. Sec. 64-44- Fence, Walls & hedges, limits the height of a wall the 4' in the front and 6' in the sides and rear. By definition, if the retaining wall is 6' tall then an impasse is created since the building code requires a minimum of a 36" Fence as fall protection on top of the retaining wall. In this scenario the overall wall height will be a 9' wall- a violation of our current code.
2. A retaining wall on the public side of the lot is also subject to a standoff with our code. Sec. 64-44 *"Not more than 50 percent of any wall, fence, or hedge (measured linearly) shall be within 18 inches from the public right-of-way...."*. In many instances the drain fields are required to be elevated, or for the contouring that is required for site water retention. The need for a retaining structure up to 30" is needed to create the elevation and grades necessary to achieve the proper heights at the edge of the property. If the retaining wall is considered to be a "wall" according to our definition, then the code renders the first 18" of a property unusable by the property owner. With some lots being compacted, this is becoming a burden to Residents.

**Recommendation-Allow retaining walls up to 30" to be exempt from the setback requirements of walls per Sec. 64-44**

*Seawall: A seawall is a structure made of concrete, masonry or sheet piles, built parallel to the shore at the transition between the beach and the mainland or dune, to protect the inland area against wave action and prevent coastal erosion. Seawalls are usually massive structures designed to resist storm surges.*

## SPECIAL TOWN COMMISSION MEETING MINUTES NOVEMBER 18, 2021

appealed to the Town Commission, but she was okay if Commissioners attend. Vice Mayor Hurlburt stated that she was advised by all previous attorney that she could attend, but advised not to speak. Commissioner Wiescholek stated that he was neutral in the project, but voicing a way to help the applicant.

Mayor de Haseth suggested for all Commissioners not to speak at advisory board meetings if the decision can be appealed to the Town Commission. She asked that staff review what can be done to enforce that.

Commissioner Pugh voiced that he is against any Commissioner attending any advisory board meeting about any item that can go before the Commission because it will make the Commissioner reach a decision before the item is brought forward. Vice Mayor Hurlburt disagreed, and stated that it is a way for the Commissioners to gather more information. Commissioner Wiescholek disagreed as well and gave a personal recollection about how he heard of how the Planning and Zoning Commission reached a decision and he still disagreed with their decision.

The Commissions discussed the difference between the words “shall” and “should”. Alternate Member Brinner read a legal study that he found regarding the wording difference.

Mayor de Haseth asked why is mailing notices timeframe 20 days prior when all other notices are 15 days prior. Town Clerk Armstrong responded that she was not a part of the discussions when drafted, but it may be to account for mailing time.

**The Commission directed staff to either draft a Resolution or see another way to enforce that Commissioners do not speak at advisory board committees if the decision will be appealed to the town Commission, and to add the word “defer” to the Code to Sec 63-56(3) of the Town Code of Ordinances.**

### **2. Architectural Criteria for “Front” Elevation and More**

Planning and Zoning Commission Member Hennigan introduced the item by stating that lots with two public rights-of-way such as corner lots should have more requirements on the side elevation facing the public right-of-way. He asked that the window and door coverage be expanded to those cases as well as the definition of breezeway. Commissioner Wiescholek provided an example of the importance to ensure that all sides seen from the public right-of-way have more details. **There was consensus to have the Planning and Zoning Commission review this item.**

Commissioner Wiescholek stated that more decorative elements should be added to the side of a home even if not seen from the public right-of-way.

### **3. Pool Location and Retaining Wall Heights**

Town Clerk Armstrong noted that the item was added to the agenda based on consensus from the Town Commission at their November Meeting. Mayor de Haseth added that she brought up the item at the November meeting because of her concern when seeing the Development Plan Review plans for 113 Island Drive. She opened the discussion to discuss the pool setbacks and retaining wall heights as it pertains to the new elevation requirements set forth by FEMA.

Commissioner Pugh stated that the setback for pool is crucial and provided the reasons. He stated that the pool is not the issue and that the applicant could have chosen to address it a different way. He further proposed changing the code for the height of the seawall in relation to the height of the deck. Building Official Guy provided some background of the property and their requirements from FEMA. He also discussed the issues within the Code that it does not treat seawalls separately than common walls. Planning

## SPECIAL TOWN COMMISSION MEETING MINUTES NOVEMBER 18, 2021

and Zoning Commissioner Hennigan and Commissioner Pugh discussed what the applicant can do with the projects.

Commissioner Coz asked staff to look into other methods besides retaining walls so the Town doesn't become full of retaining walls due to FEMA elevations. Commissioner Wiescholak concurred and voiced how the pool setback allowed him to be able to have a pool. He discussed how the retaining walls will be impacted by the new elevation requirements and he discussed how tapering the walls may be the way to go. Commissioner Pugh stated that all the properties will eventually build up and it will be to similar height. He asked that when reviewing the code to ensure that the retaining walls are either stucco or concrete and not vinyl. Building Official Guy concurred and voiced his issues with some codes in regards to retaining walls.

The Commission agreed that there is an issue that will take time and asked that the Planning and Zoning Commission start working on the height of the retaining wall. They discussed the project at 113 Island Drive.

**The Commission agreed for the Planning and Zoning Commission to look at the height of retaining walls only and not the pool location.**

### ADJOURNMENT

Meeting Adjourned at 5:42 p.m.

Minutes prepared by Town Clerk Armstrong and adopted by the Town Commission on January 3, 2021.

  
\_\_\_\_\_  
Kristine de Haseth, Mayor

ATTEST:

  
\_\_\_\_\_  
Karla M. Armstrong, Town Clerk



**Agenda: January 24, 2022**  
**Memo: Item #4**

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

**Subject: Architectural Criteria for "Front" Elevation and More**

At the Joint Workshop, there was consensus for the Planning and Zoning Commission to review this item. The discussion was brought up by Member Hennigan. His memo and the Code Section in reference is attached. The item is presented for you all to discuss and provide staff direction on how to proceed with the item.

Excerpt from the Minutes of the Joint Workshop Meeting of November 18, 2021:

**2. Architectural Criteria for "Front" Elevation and More**

Planning and Zoning Commission Member Hennigan introduced the item by stating that lots with two public rights-of-way such as corner lots should have more requirements on the side elevation facing the public right-of-way. He asked that the window and door coverage be expanded to those cases as well as the definition of breezeway. Commissioner Wiescholek provided an example of the importance to ensure that all sides seen from the public right-of-way have more details. **There was consensus to have the Planning and Zoning Commission review this item.**

Commissioner Wiescholek stated that more decorative elements should be added to the side of a home even if not seen from the public right-of-way.

**Town of Ocean Ridge, Florida**  
**Town Commission Agenda Memorandum**

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**Meeting Date:**     **October 12, 2021**  
**Subject:**           **Architectural Criteria for "Front" Elevation and  
More**

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Mayor & Commissioners:

Discuss SECTION 64-1 (e).

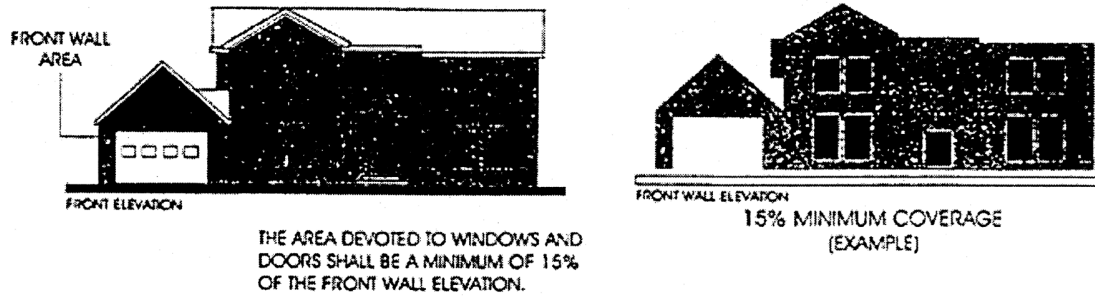
Develop objective guidance/criteria to ensure that more than just the "front" elevation is included. Expand the applicability of Max/Minimum window and door coverage and the scope of articulation/architectural elements. Elaborate/express the undesirability of excessive blank walls or facades.

These considerations become more relevant with the development of corner lots (more than one significant side to consider), town boundary lots (impact of first impression on entering OR), and large lots (where court yards or entry structures, which may be occupied, present a secondary "front" facade).

Respectfully,  
Neil Hennigan  
Planning and Zoning Commissioner

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

- (a) *Purpose and intent.* It is the intent of the town commission to introduce and maintain certain elements of "human scale" to the proportion of single-family residential dwellings within the town. As used in this land development code, human scale refers to architectural elements of construction, such as windows, doors, entryways, ceiling heights, roofs, building envelope and overall height, and the keeping of such elements in an approximate 1:1 relationship with the scale of the human body. This is being done in the best interest of the health, safety and welfare of the community, and to provide adequate light, air, and separation between buildings. In addition, the town commission is seeking to harmonize the building character within the community by restricting the use of large and overstated, or overbearing building elements.
- (b) *Permitted uses.* Permitted uses in the single-family residential districts are as follows:
  - (1) Single-family dwelling and its customary private accessory uses, including garage, swimming pool and tennis court.
  - (2) Community residential home.
- (c) *Prohibited uses.* The following uses are specifically prohibited in the single-family residential districts:
  - (1) Commercial uses.
  - (2) Transient housing units.
  - (3) Vacation rentals or units.
  - (4) Any other use not specifically provided for in this Code.
- (d) *Special exceptions subject to town commission approval.* Special exceptions permitted subject to town commission approval are as follows:
  - (1) Public and private utility uses.
  - (2) Reserved.
  - (3) Private recreation facilities and clubs.
  - (4) Houses of worship, and accessory buildings (see also section 64-53)
  - (5) Planned residential development.
- (e) *Land development criteria, and designation of building "front."* The following land development criteria, as shown in figures 64-1 through 64-7 shall apply only to the front, street elevations of all single-family dwelling units and accessory buildings in the town. For the purposes of this section, except setbacks (which are treated elsewhere), "front" shall mean only one side of a dwelling or building, and shall be the one facing the street or right-of-way, whether public or private, or for double street frontages or corner lots, the one designated by the owner.



### WINDOW AND DOOR COVERAGE

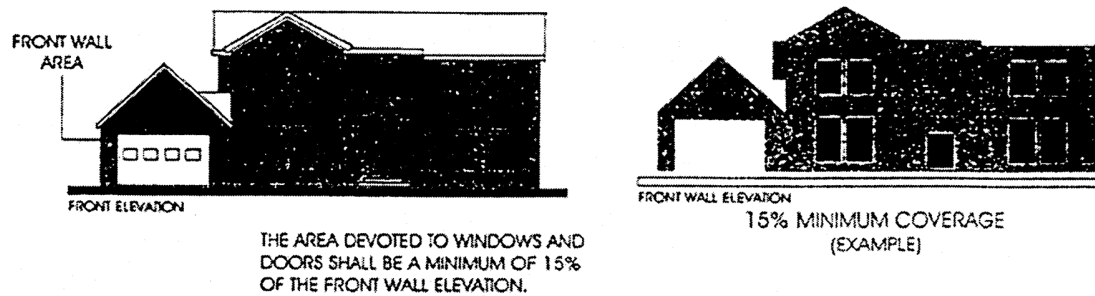


Figure 64-1

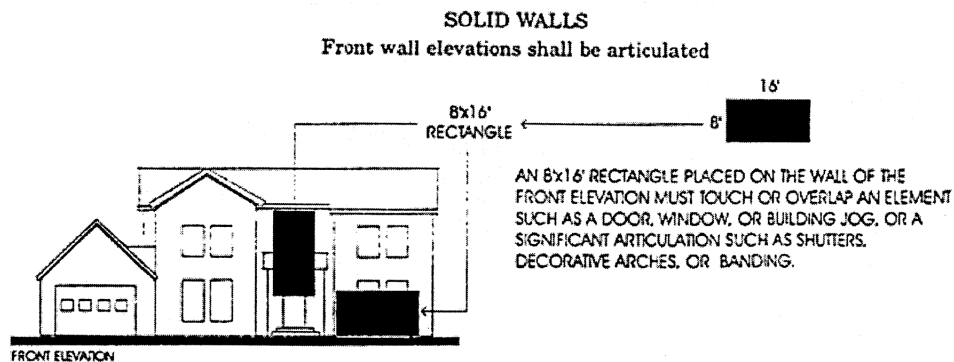


Figure 64-2

Figure 64-2

- (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