

**TOWN OF OCEAN RIDGE, FLORIDA
PLANNING & ZONING COMMISSION MEETING AGENDA**

REVISED

MARCH 21, 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 the Meeting Minutes of February 22, 2022

DISCUSSION / ACTION ITEMS

2. Quasi-Judicial Hearing: 6060 N. Ocean Blvd
3. Ordinance Review: Water Conservation/Landscape Irrigation
4. Ordinance Review: Letter of Credit for Demolition
5. Ordinance Review: Development Plan Review
6. Discussion Regarding Meeting Date for June Due to Holiday
7. Ordinance Review: Re-zoning Requirements

COMMISSIONER COMMENTS

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

ADJOURNMENT

**THE NEXT MEETING OF THE PLANNING & ZONING COMMISSION WILL BE
HELD ON MONDAY, APRIL 18, 2022 AT 8:00 AM AT TOWN HALL.**

THE TOWN OF OCEAN RIDGE IS HOLDING ALL MEETINGS IN-PERSON, WITH AN ADDITIONAL OPTION OF LISTENING TO THE AUDIO LIVE. ANY PERSON WISHING TO LISTEN TO THE AUDIO LIVE CAN ACCESS THE FEED ON THE DATE AND TIME OF THE MEETING BY DIALING +1 (571) 317-3122 AND USING 471-955-997 AS THE ACCESS CODE. PERSONS THAT ARE UNABLE TO ATTEND THE MEETING IN PERSON MAY SUBMIT PUBLIC COMMENTS TO BE READ INTO THE RECORD BY EMAILING THE TOWN CLERK A MINIMUM OF ONE BUSINESS DAY PRIOR TO THE MEETING AT KARMSTRONG@OCEANRIDGEFLORIDA.COM OR CALLING TOWN HALL DURING BUSINESS HOURS BEFORE THE MEETING DATE AND TIME AND PROVIDING YOUR COMMENT TO THE TOWN CLERK.

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

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

PLANNING & ZONING COMMISSION MEETING MINUTES
FEBRUARY 22, 2022

Meeting Minutes of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, February 22, 2022, in the Town Hall Meeting Chambers.

CALL TO ORDER

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

ROLL CALL

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

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

Staff Present: Town Attorney Goddeau, Town Manager Stevens, Zoning Official Palacios, Building Official Guy, Tara Bamber serving as Representative for the Town Engineer, and Town Clerk Armstrong.

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 January 24, 2022 Meeting Minutes

Vice Chair Carey moved to approve the minutes of January 24, 2022 as submitted; seconded by Member Hennigan. Motion Carried 5-0.

DISCUSSION / ACTION ITEMS

2. Quasi-Judicial Hearing: 113 Island Drive South Landscape Plan

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 113 Island Drive South were sworn in by Town Clerk Armstrong.

Town Clerk Armstrong introduced the item by summarizing the discussion regarding the Quasi-Judicial Hearing for 113 Island Drive South that was held on January 24, 2022. She introduced Zoning Official, Manuel Palacios, to all the board members. Town Clerk Armstrong commented that Tara Bamber, who reviewed the application, noted that there were a few trees on the southwest corner of the property that would need to be moved out of the drainage system.

Regina Subko, representative for the applicant, introduced herself and apologized that the Landscape Architect could not be present.

Member Hennigan moved to defer the application due to the absence of the Landscape Architect. Motion failed due to lack of a second.

Member Hennigan stated that the application should be deferred if the Landscape Architect is not present to provide details and answer questions, as was requested at the last meeting. Ms. Subko, the Contractor, commented that the process is important and that is why she was sent to serve as the representative. Member Hutchins stated that the application should be considered since it is before them. Chair Marsh stated that it is up to the board to decide whether they would like to allow the representative to present the project or defer it, but that the project could be reviewed and discussed before any determination is made on whether to defer or not.

Member Kosinski asked Ms. Subko for the reason why the Landscape Architect could not be present, to which Ms. Subko responded that the Landscape Architect is sick.

Chair Marsh suggested that the application be reviewed for completeness to see if there are any concerns.

Zoning Official Palacios noted that the proposed landscape plan meets the minimum landscape requirements in the current zoning code. He provided the board with his calculations as provided in the package.

Alternate Member Flanagan stated that removing the trees in the drainage system on the southwest side would go against the board's recommendation on landscaping. The rendering was shown that showed the trees in the drainage system.

Member Hennigan stated that he wanted to discuss why the previous foliage was not considered. Ms. Subko was unable to answer and commented that there was a town permit to allow them to clear the lot of all the trees. Member Hennigan understood and stated that the Landscape Architect could've considered keeping the existing trees and using them as a part of the landscape plan.

Member Hennigan asked town staff if the trees removed were considered damaged, to which Zoning Official Palacios commented that he is unaware of any documents showing any of the trees as damaged for that property. Member Hennigan stated that the old landscaping was not damaged because it was sold. He showed pictures of the old trees.

Member Hutchins asked if the code requires people to keep their existing trees for a new home. Chair Marsh stated that there is usually no requirement to keep them. Member Hennigan stated that it is not about requirements, but that they should aim to try to keep them. Member Hutchins stated that it would've been nice, but they should not be penalized for removing the trees. Chair Marsh asked for Town Attorney Goddeau to advise. Town Attorney Goddeau deferred to the Town Manager because there is nothing in the statute that would require an applicant to keep existing trees. She further noted that there are exemptions in the statute that allow for tree removal without the need for a town permit. Town Clerk Armstrong noted that there is no requirement to keep existing trees, but the town promotes it by offering permit fee reductions to the applicants that choose to keep trees. Chair Marsh stated that there is little legislation to protect existing trees.

PLANNING & ZONING COMMISSION MEETING HELD FEBRUARY 22, 2022

Town Manager Stevens concurred and stated that staff is working to strengthen the landscaping code.

Member Kosinski asked why the application for the demolition was approved if there is not an issued building permit according to code. Town Clerk Armstrong stated that the code requires that the applicant either have an approved building permit or adhere to all the regulations for a clear lot. If the applicant certifies that they will adhere to the requirements within Town Code for an empty lot, then the town does have to approve their demolition application.

Chair Marsh stated that the board is tasked with ensuring goals are being met and that the board can strongly suggest that existing trees are kept. Member Hennigan concurred and added that he would like to see more mitigation of existing trees. Chair Marsh stated that landscape architects should have that philosophy and the board can notify the landscape architect of their standard. Zoning Official Palacios reminded the board that setbacks also prevent the applicant from putting items in certain locations, therefore, requiring them to move landscaping to different locations when the lot is reconfigured. Chair Marsh concurred and noted that trees can be added in the setback.

Chair Marsh stated that it will be hard for the 48" triple palm cluster to survive. Member Hennigan concurred.

Alternate Member Brinner asked for clarification on the location of the trees in the drainage infrastructure. Chair Marsh noted that the trees in the drainage infrastructure are on the southwestern facade. Alternate Member Brinner asked if the trees could drape over the neighbors' hedge, and Chair Marsh stated that it is a common occurrence.

Member Hennigan stated that if the 48" triple palm cluster must be removed, then a shade tree be put in its place by moving the septic tank or changing the type of septic tank. The Town Clerk noted that the Health Department has a setback requirement from the drain field. Member Hennigan noted that there is enough space by moving the septic tank or changing the type of tank.

Chair Marsh stated that the palms in the drainage infrastructure will have to be moved. He also suggested that Travelers palm be added to break up the verticality of the home. Ms. Subko stated that the suggestion can be taken.

Member Hennigan asked Ms. Subko if she would be willing to soften the wall. Chair Marsh stated that the architecture was already approved. Town Attorney Goddeau stated that the design was already approved, and all the board was missing to approve was the landscape. She stated that the board could always ask, but they would not be able to enforce at this stage. Chair Marsh stated that he is willing to suggest.

The board discussed the rendering and the type of landscaping on the plans. Chair Marsh went over the suggestions, such as adding a shade tree if the palm cluster is removed and to add traveler's palms to the southwest building facade.

Member Hennigan moved to defer the application. Motion failed due to lack of a second.

Member Hutchins disagreed with deferring the project. He stated that the project should be voted on since it has been deferred already. Chair Marsh stated that he was against approving the design because the application was incomplete and did not show the full picture. He suggested that the board approve with conditions and for staff to implement.

Town Attorney Goddeau stated that the board can be specific in its request and provide it to staff so that they can accurately review the application. Member Kosinski stated that the items mentioned are not just requests but requirements. Town Attorney Goddeau stated that the landscape meets code so they would lack the authority to request additional landscape to be added. Member Kosinski asked if the board has the authority to ask for more landscape as a part of the approval. Town Attorney Goddeau stated that the board cannot require additional trees if the current trees requirement meet code, but the board can recommend. Chair Marsh stated that all requests have been agreed to by the applicant's representative, to which Ms. Subko confirmed that she will adhere to the requests.

Member Hennigan asked about the status of the gumbo limbo in the right-of-way, and Ms. Subko stated that it would remain since it is in the right-of-way. The board discussed the landscape rendering, and the gumbo limbo tree in the right-of-way. Member Hennigan asked if the trees in the right-of-way are the town's responsibility. Town Manager Stevens stated that it is in the town right-of-way, but it may have to be altered as a part of the building scope requirement. The board wanted the existing trees in the right of way to be preserved in the event that drainage improvements are needed in the right of way.

Building Official Guy discussed the trees that the town intended to protect and discussed the swale requirements. Chair Marsh stated that the gumbo limbo can be relocated onto the property if it needs to be removed from the right-of-way for drainage improvements.

Member Hutchins and Member Hennigan summarized the conditions, and the applicant's representative agreed to all.

Chair Marsh moved to approve the Landscape Plan of the Development Plan Review Application for 113 Island Drive South with the condition that the 4 Montgomery Palms adjacent to the southwest be moved out of the drainage area and closer to the primary structure; Add 6-8 Traveler's Palms to the Southwest building façade; If the existing 48" Triple Royal Palm Cluster has to be removed, then a mature shade tree that meets the minimum code requirement has to be used in its place; If the Gumbo Limbo has to be removed for drainage purposes, then it needs to be relocated within the property; seconded by Member Kosinski. Motion carried 5-0.

3. Proposed Flat Roof Ordinance

Town Attorney Goddeau introduced the proposed ordinance and went over the areas that need further discussion.

Member Hennigan stated that the board should only focus on Residential Single Family (RSF) or Residential Single Estates (RSE) because Residential Multi Families (RMM) and Residential High

Density (RHM) would need additional review and discussions. **There was consensus to only focus on flat roofs for RSF and RSE zoned districts at this time.**

Town Clerk Armstrong noted that many residents in the RMM district may choose to build single family homes. Member Hennigan stated that they would then follow the code section regarding RSF.

Town Attorney Goddeau showed the discrepancies that she encountered while updating the town's code.

Alternate Member Brinner asked if solar panels would require screening. Town Attorney Goddeau stated that solar panels are discussed later in the ordinance.

Chair Marsh asked if there will be regulations on manufactured homes. Member Hutchins asked if we had any throughout the town. Building Official Guy stated that there are currently no manufactured homes throughout the town, but he does not have the means to stop them from being implemented under the Florida Building Code. He discussed the permitting process for a manufactured home, and noted that no inspections are required for the interior of the manufactured home.

Alternate Member Flanagan asked if the town has the ability to limit antennas even though they are allowed under the FCC. Town Attorney Goddeau stated that they cannot be banned in the town, but that the town can have additional requirements like screening.

Alternate Member Brinner recalled that one of his family members was required to screen their solar panels in Gulfstream. Chair Marsh concurred.

Alternate Member Flanagan stated that her association recently changed their by-laws to only allow solar panels on one side of the home so it would be away from view. She asked the board if they would like to entertain the idea of where they want the solar panels to be placed. Chair Marsh concurred that the board can add additional requirements.

Vice Chair Carey noted the inconsistency on the parapet height in the proposed ordinance. Chair Marsh concurred and said that the parapet height should be 32" across the board. Vice Chair Carey stated that a pitched roof should not need a parapet. Chair Marsh concurred that parapets should only be used only on flat roof homes. **There was consensus to remove the parapet requirement or ability from pitched roofs.**

Member Hennigan asked for the difference between the elevator bulkhead and housing, and if either are required. Chair Marsh stated that residential elevators do not need an overbite and they can accommodate with the additional space from the tie beam to the roof.

Rene Alonso, Alonso and Associates, asked for the intent of requiring a 32" parapet for flat roofs. Chair Marsh clarified that it was up to 32" and that they can have a lesser height parapet. Mr. Alonso thanked the board for the clarification. Mr. Alonso discussed his issue that he would like to do a flat roof, but the ordinance is taking too long and the house is almost built. He asked for

the board's blessing to apply for a variance. Member Kosinski asked if the proposed flat roof meets all the current requirements in the proposed ordinance, to which Mr. Alonso stated that it does. Chair Marsh stated that he understands the issue, and staff will be present to notify the Board of Adjustment member of the proposed flat roof ordinance.

Town Attorney Goddeau asked for input on Sec. 67-37 for the housing and elevator bulkhead. Chair Marsh stated that it could be removed to discourage additional vertical projection. Member Hennigan asked that Town Planner O'Gorman be made aware of the elevator bulkhead discussion.

The board deliberated whether they would like to review the ordinance one more time before it goes to the Town Commission, and there was consensus to review the final draft before it goes to the Town Commission.

Building Official Guy asked the board if they would like to define a flat roof. Chair Marsh stated that the definition of the flat roof will be based on the Florida Building Code. Vice Chair Carey asked if they would like to add that definition. Building Official Guy noted that there is a slight pitch in the flat roof for safety and the code should define that. Chair Marsh dissented and stated that the definition should fall back on the Florida's Building Code definition.

There was consensus to have Town Attorney Goddeau update the ordinance with the suggestions discussed.

4. Administrative Variance

Town Clerk Armstrong introduced the item by noting that the current ordinance allows a person to apply for an administrative variance to encroach on any setback regardless of where the existing encroachment is. She noted that Commissioner Wiescholek at the previous Town Commission meeting discussed that the administrative variance process should only allow an applicant to construct on the existing encroachment.

Member Kosinski agreed that any proposed addition should only be added to the same setback as the existing encroachment. **There was consensus to change the ordinance to only allow the administrative variance for proposed additions to be on the same yard as the existing encroachment. There was also consensus to update the picture with the code and to clear up some of the language in regards to the calculations.**

Vice Chair Carey asked for the intent of the ordinance, and Town Manager Stevens stated that it is to give a simpler process for smaller additions.

Town Attorney Goddeau asked the board if they would like to reduce the calculation requirement to only be for the encroachment setback side, not the setback area for all sides. Zoning Official Palacios asked for clarification, and Town Attorney Goddeau further clarified. Zoning Palacios explained how he calculates and stated that he does not see a reason to change it.

Vice Chair Carey stated that he wants to eliminate any potential impacts to neighbors as a result of the administrative variance process. Town Manager Stevens notified the board that there is still a notification requirement.

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Zoning Official Palacios stated that in most cases people do want to apply to add to the existing encroachment.

Member Kosinski stated that maybe the calculation should be changed to only one side. Member Hennigan stated that if the calculation is changed to only the setback of one side, then the allowable square footage will be too low to build an actual addition. Building Official Guy stated that the calculation should not be changed because any proposed addition will be small since they would not be allowed to encroach into any other setback than where the existing encroachment is.

Member Kosinski asked whether the calculation should be changed to only one side and lower the calculation amount. Vice Chair Carey was in favor of limiting it to one side. Member Hennigan described the issue that smaller lots will face if the calculation is limited to one side. Member Hutchins stated that the item was brought up because it will be impacting people of the south end of town.

Chair Marsh called for public comment.

Martin Wiescholek, Town Commissioner, stated that the only issue he was having is with allowing an addition to go into another setback than the existing encroachment. He is against lowering the calculation to only one size because the number will be so low that people won't be able to build an addition. He stated that the ordinance gives the administrative staff the ability to move the application to the board if there are any questions or concerns.

Zoning Official Palacios stated that the minimum use is monitored as well. Town Attorney Goddeau stated that she would make the changes to the ordinance as directed.

COMMISSIONER COMMENTS

Vice Chair Carey stated that the Landscape code needs to be revised and strengthened. Town Manager Stevens notified that the Landscape code is already being reviewed by staff and changes will be forthcoming that would strengthen the code.

Member Hutchins stated that many contractors or companies throughout Town are not taking responsibility for damaging Town and residents' property. He showed pictures of damaged lawns and broken sidewalks. He asked Town Manager Stevens for advice on this matter. Town Manager Stevens stated that there is now a dedicated Code Enforcement Officer assigned and that residents should call when they see an issue occurring so the Officer can respond while it is occurring, or contact staff if the resident has proof of who did the damage. If the company is caught in the act or there is proof that they have done it, then there will be the ability to penalize them.

Chair Marsh asked Building Official Guy about the substantial improvement calculation. Building Official Guy stated that it is calculated at 50% of the improvement value (structure only) and not the land value. Town Manager Stevens commented that it is very important that residents take responsibility for obtaining the proper permits for substantial improvements and gave the example that if there are five houses on a street and four have been re-built or substantially improved and brought up to code, and the one house left on the street did interior improvements without the proper permits and avoided bringing the property up to code with the proper elevations, then the Town will not be able to raise that road because it will adversely impact the property that did not come into compliance due to lower elevations. This could have

PLANNING & ZONING COMMISSION MEETING HELD FEBRUARY 22, 2022

an adverse impact on the rest of the neighborhood for a long period of time as sea levels continue to rise and we continually see nuisance flooding in the roadways.

ADJOURNMENT

Meeting adjourned at 9:57 a.m.

Minutes prepared by Town Clerk Armstrong, and adopted by the Planning & Zoning Commission on March 21, 2022.

Mark Marsh, Chair

Attest:

Karla Armstrong, Town Clerk

Agenda: March 21, 2022
Memo: Item #2

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

Subject: Development Plan Review for 6060 N. Ocean Blvd

6060 N. Ocean Blvd. has been reviewed by staff and is ready for board approval. The following are considerations that staff would like the board to condition the applicant on if the board decides to approve the application:

- 1) As Engenuity memo points out, there is some landscaping proposed in the drainage infrastructure that will have to be moved. There are 4 CM's, 1 PR, and 1 GS that conflict with the yard drain and pipes at the Southeast corner.

CM= Thatch Palm Hybyrd

PR = Bay Rum Tree

GS = Lignum Vitae

According to the applicant, the Landscape Architect will be present for the board to direct where they would like those trees moved.

- 2) The Town Manager and Town Engineer are working to widen Corrine Street for life safety purposes, such as the ability for fire trucks to safely enter. For us to do so, staff is asking that the applicant remove all the seagrape and any other landscaping in the Town's right-of-way on the northern side of the property that abuts Corrine Street. Staff does not have an issue if they want to keep the seagrape on the eastern side along A1A; however, we may request for the applicant to trim the seagrape on the eastern side in order for FPL to move a street light so we can widen the road. We would like the ability to continue to work with the applicant regarding the trees in the right-of-way after the meeting.

Please contact Town Hall at 561-732-2635 to obtain copy of the plans for the subject Development Plan Review. The Plans are too big to post online.

PLAN REVIEW REPORT – 02/05/2022
6060 N Ocean

This Plan Review Report is for architectural plans dated 02/21/22 by Randall Stofft Architects, landscape plans by Coastal Operations Landscape Architecture dated 2/18/22; civil plans by Caulfield and Wheeler dated 1/12/22, and survey by Caulfield and Wheeler dated 11/14/21. The scope of work includes the construction of a new 2-story single-family home with five (5) bedrooms, a gym and office that could be considered bedrooms (for parking purposes) and five (5) full bathrooms and two (2) half bathrooms, and a swimming pool and spa.

PCN: 46-43-45-27-08-000-0382
FLU: Single-Family
Zoning: RSF

The following review is based on the requirements of the Town of Ocean Ridge RSF Zoning District in Chapter 64, Article I, Section 64-1, related sections of Article III Supplemental Regulations of the Code of Ordinances, and the Land Development Action Application checklist in relationship to the subject plans. This review recommends approval subject to compliance with the following conditions prior to issuance of a building permit:

- Please update survey to be abstracted to title to identify any easement, restriction, reservation, covenants, etc. which could impact construction.

Section 64-1(e) Figures 64-1 and 2 provide for minimum window and door coverage requirements and front wall elevation articulation. The plans identify SR A1A as the front for purposes of review under the zoning code requirements, however the front façade of the building faces Corrine Street not SR A1A. Although the calculations on Sheet A301a comply with the minimum technical requirements, the façade facing SR A1A includes what appears to be a tankless water heater mounted on the wall, air conditioning units (which screened by landscaping so that they are not visible as required in Section 64-50), and several large wall areas that have no articulation although they appear to comply with the minimum technical requirements. Recommend that the east façade of the building be enhanced to more closely resemble the building front.

Section 64-1(i) For calculating Floor Area Ratio (FAR), this section defines “Floor area” 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.

The Data Calculations sheet and the Zoning Land Development Regulations tables show the maximum of 6720 SF allowable by code but the Data Calculations sheet does not provide a proposed FAR, the Zoning Land Development Regulations table shows 11,234 SF or 54% proposed, and the Maximum Floor Area table shows 5,173 square feet, none of which appear to be correct. Based on the definition of floor area noted above and the relevant square footages on sheets A101 and A201, the total FAR should be approximately 6,176 square feet (the total air-conditioned space plus the garage). Please clarify the correct FAR and provide consistent calculations in each table.

Section 64-1(j)

Section 64-1(j)(5) establishes a maximum lot coverage of 35% which are defined as the portion of the area of a lot, expressed as a percentage, occupied by all buildings or structures which are roofed or otherwise covered and that extend more than three feet above the ground surface. The Data Calculations sheet and the Zoning Land Development Regulations tables show the maximum of 7350 SF allowable by code but the Data Calculations sheet does not provide a proposed lot coverage, the Zoning Land Development Regulations table shows 5048 SF or 24% proposed, the Maximum Lot Coverage table shows 4666 square feet, and Sheet A204 shows total pitch roof area of 7224. Please clarify the correct lot coverage as defined by code and provide consistent calculations in each table.

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

APPLICANT FILL OUT: PROPERTY ADDRESS: 6060 NORTH OCEAN DRIVE		ZONING DISTRICT: <u>RSF</u>	
*TOTAL SITE AREA	APPLICANT USE 20,999 Sq. Ft.		ZONING OFFICIAL USE ONLY 20,999 Sq. Ft.
BASE FLOOD ELEVATION (NAVD) (SOURCE THE FLOOD INSURANCE STUDY)	FLOOD ZONE (X)		
FINISHED FLOOR ELEVATION (NAVD)	14.67' (NAVD)		14.67 NAVD
ZONING OFFICIAL USE ONLY	APPLICANT USE		ZONING REVIEW
	PROPOSED		PROPOSED
	Sq. Ft.	%	Sq. Ft. %
FLOOR AREA RATIO (MAXIMUM <u>32</u> %)	= 6,720 S.F. ✓	32%	4,917 23.4
LOT COVERAGE (MAXIMUM <u>35</u> %)	= 7,350 S.F. ✓	35%	7,224 34.4
ZONING OFFICIAL USE ONLY	APPLICANT USE		ZONING REVIEW
*PERCENTAGE FROM TOTAL SITE AREA	Sq. Ft.	%	Sq. Ft. %
FIRST FLOOR UNDER A/C ()	✓ 3,408 S.F.	16%	2441 11.6
SECOND FLOOR UNDER A/C ()	✓ 1,765 S.F.	08%	1434 6.8
TOTAL UNDER A/C ()	✓ 5,173 S.F.	25%	3875 18.5
TOTAL FLOOR AREA ()	2,051 S.F.	10%	4,917 23.4
TOTAL UNDER ROOF ()	6,939 S.F.	33%	5,551 26.4
FLAT ROOF ()	285 S.F.	4.1%	285 1.4
TOTAL ROOF ()	7,224 S.F.	34%	7224 34.4
GARAGE ()	1,003 S.F.	05%	1042 05.0
COVERED PATIO ()	0,662 S.F.	03%	429 03.0
COVERED ENTRY ()	0,032 S.F.	001%	33 0.2
COVERED BALCONY (REAR) ()	N/A S.F.	0%	— —
COVERED BALCONY (FRONT) ()	N/A S.F.	0%	— —
OPEN BALCONY ()	0,422 S.F.	01%	422 2.0
BUILDING FOOTPRINT ()	5,157 S.F.	25%	4,919 23.4
SEPTIC TANK & DRAINFIELD ()	1,210 S.F.	6%	1,210 5.8
PAVED AREA ()	1,209 S.F.	06%	1,209 5.8
SYNTHETIC TURF ()	N/A S.F.	0%	— —
TOTAL IMPERVIOUS () (INCLUDES SYNTHETIC TURF)	9715 S.F.	47%	9715 46.3
TOTAL PERVIOUS ()	11,284 S.F.	53%	11,284 53.7
ZONING OFFICIAL USE ONLY	APPLICANT USE		ZONING REVIEW
	FEET		FEET
BUILDING HEIGHT (<u>36' MAX</u>)	36'-0"		33' 5"
BUILDING SETBACKS:			
FRONT (<u>25' MIN</u>)	25'-0"		25' 9"
REAR (<u>15' MIN</u>)	15'-0"		16'
SIDE INTERIOR (<u>15' MIN</u>)	15'-0"		23' 4"
SIDE CORNER (<u>20' MIN</u>)	20'-0"		20' 11"
WATERWAY (<u>25' MIN</u>)	N/A		—
DRIVEWAY (<u>10' MIN</u>)	N/A		—

Prepared By: Earl Wills

Date: 1/12/2022

MANNY - ZONING 2/2/22

*75% 2ND FL of 1ST FL
41.2% = 1434 / 3483*

TOWN OF OCEAN RIDGE

6450 NORTH OCEAN BOULEVARD
OCEAN RIDGE, FLORIDA 33435

www.oceanridgeflorida.com

(561) 732-2635 ♦ FAX (561) 737-8359

TRACEY L. STEVENS
TOWN MANAGER &
FINANCE DIRECTOR

KARLA M. ARMSTRONG
TOWN CLERK



MAYOR
KRISTINE DE HASETH

VICE MAYOR
SUSAN HURLBURT

COMMISSIONERS
STEVE COZ
GEOFF PUGH
MARTIN WIESCHOLEK

March 14, 2022

RE: Building Official Review
Property: **6060 N Ocean Blvd. Ocean Ridge Fl.**
Application: Development Plan Review

STATUS: **NO EXCEPTION.**

Good day,
The Building Official takes no exception with the development application referenced above.

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

Thank You,

Durrani Guy C.B.O., C.F.M.
Building Official.

March 8, 2022

To: Karla Armstrong, Town Clerk

From: Tara Bamber, PE



Status: DPR Comments

**Re: 6060 N. Ocean Blvd
Development Plan Review
Engenuity Group Project No. 00020.10**

We reviewed the following which were received through OneDrive on 3-7-22:

1. Civil Plan, 4 sheets, revised 3-3-22, by Caulfield 7 Wheeler, Inc.
2. Landscape Plan, 10 sheets, revised 3-1-22, by Coastal Operations Landscape Architecture, LLC.
3. Architectural Plan, 13 sheets, revised 2-21-22, by Randall Stofft Architects.
4. Response to Comments Letter, 2 sheets, dated 3-4-22, by Coastal Operations Landscape Architecture, LLC.

The following comments will need to be addressed prior to Development Plan Review approval:

1. Landscape shall not conflict with drainage infrastructure. Please resolve the conflicts at the yard drain and pipes at the southeast corner of the site including 4 CM's, 1 PR, and 1 GS.

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

1. Pre-Construction approval shall be provided from the City of Boynton Beach for the existing/proposed water service.
2. Approval from Palm Beach County Health Department will be required at time of building permit. Per our updated requirement, "All drainage features must be shown on the septic site plan and must have an approval stamp by the PBC Health Department."
3. Additional comments shall be asked at time of building permit.

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

cc: Lisa Tropepe, PE

**TORCIVIA, DONLON,
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*FLORIDA BAR BOARD CERTIFIED
CITY COUNTY AND LOCAL GOVERNMENT ATTORNEY

February 15, 2022

Members of the Planning and Zoning Commission
Town of Ocean Ridge
6450 N. Ocean Blvd.
Ocean Ridge, FL 33435

RE: Water Conservation Ordinance

Dear Members of the Planning and Zoning Commission:

Please find attached the proposed Water Conservation Ordinance which has been recommended by the South Florida Water Management District (the "District"). This Ordinance is in accordance with the District's existing Rule 40E-24, F.A.C. As you are aware, the District is responsible for the enforcement of water shortage restrictions and irrigation restrictions (also known as water conservation) and has the authority to enforce these rules anywhere within their 16 county jurisdiction including within the Town. However, with such a large population and area, it is the District's policy to seek the cooperation of municipalities (and counties) to adopt ordinances that provide for local enforcement of the District's rules and regulations. The adoption of these ordinances is not mandatory; however, it indicates a local government's commitment to water conservation and protecting resources and allows for the consistent enforcement of the District's rules. Overall, the District is seeking to educate residents and encourage water conservation so that Palm Beach County and other areas in South Florida can ensure the long-term sustainability of the this region's water resources, increase water use efficiency and prevent and curtail wasteful water use practices.

The proposed Water Conservation Ordinance allows watering on three days per week (even-numbered addresses, Sunday, Tuesday, and/or Thursday; odd-numbered addresses, Saturday, Monday and/or Wednesday) between 4:01p.m. – 9:59 a.m. and includes exceptions for things such as new plants, watering in fertilizers, irrigation repairs/testing, etc. A local ordinance may be more

stringent than the District's rules, but not more lenient. The ordinance includes enforcement and penalty provisions and provides the individuals enforcing the ordinance the discretion to issue one or more warnings as part of the education of the public regarding the new irrigation schedules. The proposed fines may be adjusted by the Town at its discretion. Please let us know if you have any questions.

Kind regards,

*Jennifer H.R. Hunecke **

Jennifer H.R. Hunecke, Esq.
Office of the Town Attorney

cc: Tracey L. Stevens, MMC, Town Manager
Mayor and Town Commissioners

*signed electronically to expedite service.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING CHAPTER 66 ENVIRONMENTAL REGULATIONS, ARTICLE IV LANDSCAPING, DIVISION 2 WATER EFFICIENT LANDSCAPE, PROVIDING FOR LOCAL IMPLEMENTATION OF THE MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES RULE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (40E-24, F.A.C.); PROVIDING FOR INTENT, PURPOSE, APPLICABILITY AND DEFINITIONS; PROVIDING FOR YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES, EXCEPTIONS TO THE SCHEDULE; PROVIDING FOR ADDITIONAL REQUIREMENTS AND VARIANCES; PROVIDING FOR WATER SHORTAGES; PROVIDING FOR ENFORCEMENT AND PENALTIES AND FOR OTHER PURPOSES; AND PROVIDING FOR CODIFICATION, THE REPEAL OF ALL 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 South Florida Water Management District (“District”) has the responsibility and exclusive authority under Chapter 373, Florida Statutes, for regulating the consumptive use of water; and

WHEREAS, the District has promulgated Chapter 40E-2, Florida Administrative Code (F.A.C), for the consumptive use of water which includes Rule 40E-2.061, F.A.C., General Consumptive Use Permits by Rule, regulating landscape irrigation at a single family dwelling or duplex, and Rule 40E-2.071, F.A.C., Noticed General and Individual Permits, regulating larger landscape irrigation users; and

WHEREAS, the District promulgated and amended Chapter 40E-24, F.A.C., requiring year-round irrigation conservation measures; and

WHEREAS, Chapter 40E-24, F.A.C., applies to all users as defined in subsection 40E-24.101(14), F.A.C., including permitted and exempt users under Chapter 40E-2, F.A.C.; and

WHEREAS, Chapter 40E-24, F.A.C., calls for year-round and permanent landscape irrigation restrictions, separate and independent from water shortage declarations, in accordance with Chapter 40E-21, F.A.C.; and

WHEREAS, Chapter 40E-24, F.A.C., applies to all landscape irrigation regardless of whether the water comes from ground or surface water, from a private well or pump, or from a public or private utility; and

WHEREAS, Rule 40E-24.301, F.A.C., provides that local governments may adopt a landscape irrigation ordinance that achieves water conservation consistent with Rule 40E-24.201, F.A.C., including variance and enforcement procedures; and

WHEREAS, to address utility operational, health, safety and landscape concerns, the Town, which lies within Palm Beach County, a designated county under the Rule, wishes to allow landscape irrigation three days per week; and

WHEREAS, the Town Commission desires to adopt the encouraged ordinance, including variance and enforcement procedures; and

WHEREAS, the Town Commission finds and declares that the adoption of this ordinance is appropriate, and in the best interest of the Town and its communities.

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

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

SECTION 2 –Amendment: Chapter 66 Environmental Regulations, Article IV Landscaping, Division 3 Water Efficient Landscape, is hereby amended to read as follows:

* * *

Sec. 66-146. – Additional water conservation and irrigation requirements.

(a) Title; intent and purpose; applicability.

(1) Title. Sections 66-146 through 66-149 shall be known as the “Water Conservation Ordinance.”

(2) Intent and purpose. It is the intent and purpose of the Water Conservation Ordinance to implement procedures that promote water conservation through the efficient use of landscape irrigation.

(3) Applicability. The provisions of the Water Conservation Ordinance shall apply to each user providing landscape irrigation from all water resources within the boundaries of the town with the following exceptions:

- a. The use of reclaimed water, which may or may not be supplemented from another source;
- b. Irrigation at agricultural and nursery operations; and
- c. Irrigation of athletic play areas.

(b) Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings listed below except where the context clearly indicates a different meaning.

Address means the “house number” (a numeric or alphanumeric designation) that, together with the street name, describes the physical location of a specific property. This includes “rural route” numbers, but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property’s address. If a lot number in a mobile home park or similar residential community is not used by the U.S. Postal Service (e.g., the park manager sorts incoming mail delivered to the community’s address), then the community’s main address shall be the property’s address. If a property has no address, it shall be considered “even-numbered.”

Athletic play area means all golf course fairways, tees, roughs, greens, and other athletic play surfaces; including, football, baseball, soccer, polo, tennis, and lawn bowling fields, and rodeo, equestrian, and livestock arenas.

Consumptive Use Permit (CUP) means a permit issued pursuant to Chapter 40E-2, F.A.C., authorizing the consumptive use of water.

District means the South Florida Water Management District, a government entity created under Chapter 373, Florida Statutes.

Even numbered address means an address ending in the numbers 0, 2, 4, 6, 8, or rights-of-

way or other locations with no address, or the letters A-M.

Existing landscaping means any landscaping which has been planted and in the ground for more than ninety (90) days.

Landscaping means shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale, which are situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way, except athletic play areas.

Landscape irrigation means the outside watering of shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale, which are planted and situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way, except athletic play areas.

Law enforcement officials mean any law enforcement officer employed by a law enforcement agency charged with the enforcement of laws of the town and of the state.

Low volume hand watering means the watering of landscape by one (1) person, with one (1) hose, fitted with a self-canceling or automatic shutoff nozzle.

Low volume irrigation means the use of equipment and devices specifically designed to allow the volume of water delivered to be limited to a level consistent with the water requirement of the plant being irrigated, and to allow that water to be placed with a high degree of efficiency in the root zone of the plant. The term also includes water used in mist houses and similar establishments for plant propagation. Overhead irrigation and flood irrigation are not included.

Micro-irrigation means the application of small quantities of water on or below the soil surface as drops or tiny streams of spray through emitter or applicators placed along a water

delivery line. Micro-irrigation includes a number of methods or concepts, such as bubbler, drip, trickle, mist or microspray, and subsurface irrigation.

New landscaping means any landscaping which has been planted in the ground for ninety (90) days or less.

Odd numbered address means an address ending in the numbers 1, 3, 5, 7, 9, or the letters N-Z.

Reclaimed water means wastewater that has received at least secondary treatment and basic disinfection, and is reused after flowing out of a wastewater treatment facility as defined by Rule 62-40.210, F.A.C.

User means any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee, or other legal entity whether natural or artificial, which directly or indirectly takes water from the water resource, including uses from private or public utility systems, uses under water use permits issued pursuant to Chapter 40E-2, F.A.C., or uses from individual wells or pumps.

Wasteful and unnecessary means allowing water to be dispersed without any practical purpose to the water use; for example, excessive landscape irrigation, leaving an unattended hose on a driveway with water flowing, allowing water to be dispersed in a grossly inefficient manner regardless of the type of water use; for example, allowing landscape irrigation water to unnecessarily fall onto pavement, sidewalks, and other impervious surfaces; or allowing water flow through a broken or malfunctioning water delivery or landscape irrigation system.

Water Resource means any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

Water shortage means when the District determines there is the possibility that insufficient water will be available to meet the present and anticipated needs of the users, or when conditions are such as to require a temporary reduction in total use within a particular area to protect water resources from serious harm. A water shortage usually occurs due to drought.

Water shortage emergency means when the District determines the provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable-beneficial uses.

(c) Year-round irrigation conservation measures. The town hereby adopts the rules of the District, listed in subsection 40E-24.201 (1)-(5) and (7), F.A.C., including subsequent additions or corrections, which are set out as follows:

(1) The year-round landscape irrigation conservation measures contained in this section are applicable to all users including permitted and exempt users under Chapter 40E-2, F.A.C., unless otherwise indicated. These conservation measures apply to all water resources, unless otherwise indicated. In addition to the requirements of this section, all permitted users under Chapter 40E-2, F.A.C., are required to maintain compliance with all CUP conditions and terms, including requirements to implement water conservation practices.

(2) It shall be the duty of each user to keep informed as to the landscape irrigation conservation measures within this section which affect each particular water use.

(3) In addition to the specific conservation measures, all wasteful and

unnecessary water use is prohibited.

(4) The following requirements shall apply to all users, unless specified in subsection 66-146(a)(3) (applicability) or subsection 66-146(d) (exceptions).

a. Landscape irrigation shall be prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided.

b. Irrigation of existing landscaping shall comply with the following provisions:

i. Even addresses, installations with irrigation systems that irrigate both even and odd addresses within the same zones, such as multi-family units and homeowners' associations, and rights-of-way or other locations with no address shall have the opportunity to accomplish necessary landscape irrigation three (3) days a week, only on Sunday, Tuesday and/or Thursday.

ii. Odd addresses shall have the opportunity to accomplish necessary landscape irrigation three (3) days a week, only on Saturday, Monday and/or Wednesday.

c. Irrigation of new landscaping shall comply with the following provisions:

i. New landscaping may be irrigated once on the day it is installed without regard to the listed watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is allowed without regard to the normal watering days and times.

ii. A ninety (90) day establishment period begins on the day the new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice.

iii. Irrigation of new landscaping which has been in place for thirty (30) days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and/or Sunday.

iv. Irrigation of new landscaping which has been in place for thirty-one (31) to ninety (90) days may be accomplished on Monday, Wednesday, Thursday, and/or Saturday.

v. Irrigation of new landscaping is limited to areas only containing the new landscaping. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this subsection if the zone contains at least 50% new landscaping. If a zone contains less than 50% new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation. Targeted watering may be accomplished by low volume hand watering or any appropriate method which isolates and waters only the new landscaping.

(5) Any water shortage restrictions or other measures declared pursuant to Chapter 40E-21, F.A.C., or related District governing board or executive director orders which are more restrictive than a measure contained within this section, shall supersede this section for the duration of the applicable

water shortage declaration.

(d) Exceptions. Landscape irrigation scheduling shall be subject to the following exceptions:

(1) Landscape irrigation systems may be operated during restricted days and/or times for cleaning, maintenance, and repair purposes with an attendant on site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one (1) test should not exceed ten (10) minutes per zone.

(2) Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides and herbicides, where such watering-in is recommended by the manufacturer, or by federal, state or local law, or best management practices, shall be allowed under the following conditions:

a. Such watering-in shall be limited to one (1) application, unless the need for more than one (1) application is stated in the directions for application specified by the manufacturer; and

b. Such watering-in shall be accomplished during normally allowable watering days and times set forth in subsection 66-146(c)(4) unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.

(3) Any plant material may be watered using low volume irrigation, micro-irrigation, low volume hand watering method, rain barrels, cisterns, or other similar rain-harvesting devices without regard to the watering days or times allowed pursuant to this section.

(e) Additional requirements. Any user who purchases and installs an automatic landscape irrigation system shall properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture in accordance with section 373.62, Florida Statutes.

Sec. 66-147. – Variances

- (a) A variance from the specific day or days identified in subsection 66-146(c)(4)b. may be granted by the town if strict application of the restrictions would lead to an unreasonable or unfair result; provided the applicant demonstrates with particularity that compliance with the schedule will result in substantial economic, health, or other hardship on the applicant or those served by the applicant. If granted, the applicant shall be required to post a notice at each parcel to which the variance pertains. Relief may be granted only upon a demonstration that such hardship exists, is peculiar to the person or the affected property, is not self-imposed, and further demonstrates that granting the variance would be consistent with the general intent and purpose of the Water Conservation Ordinance.
- (b) The town recognizes all irrigation variances or waivers issued by the District under Rule 40E-24.501, F.A.C.

Sec. 66-148. – Declaration of Water Shortage or Water Shortage Emergency.

Declaration of a water shortage condition and/or water shortage emergency within all or parts of the town by the District's governing board or executive director shall supersede the Water Conservation Ordinance for the duration of the applicable water shortage declaration in accordance with the town's Water Shortage Emergencies ordinance set forth in Chapter 58, Article III.

Sec. 66-149. –Enforcement; penalties.

(a) Enforcement.

(1) In the absence of a declaration of water shortage or water shortage emergency within all or any part of the town by the District’s governing board or executive director, the listed landscape irrigation restrictions shall be subject to enforcement action.

(2) The town authorizes law enforcement officials to enforce the provisions of the Water Conservation Ordinance. In addition, the town manager may delegate this enforcement responsibility to departments within the town government.

(b) Penalties.

(1) Violation of any provision of the Water Conservation Ordinance shall be subject to the following penalties:

- a. First violations, a warning.
- b. Second violations, a \$50.00 fine.
- c. Third violations, a \$250.00 fine.
- d. Fourth and subsequent violations, a \$500.00 fine.

(c) Each day a violation of the Water Conservation Ordinance occurs shall be a separate offense. Law enforcement officials, and others as delegated, may provide violators with more than one (1) written warning. In addition to civil penalties, the town may take any other appropriate legal action, including but not limited to, injunctive action to enforce the provisions of this ordinance.

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

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

SECTION 5 - Severability: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

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

FIRST READING this ____ day of _____, 2022.

SECOND AND FINAL READING this ____ day of _____, 2022.

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

KRISTINE DE HASETH, Mayor _____

SUSAN HURLBURT, Vice Mayor _____

STEVE COZ, Commissioner _____

GEOFF PUGH, Commissioner _____

MARTIN WIESCHOLEK, Commissioner _____

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this ____ day of _____, 2022.

TOWN OF OCEAN RIDGE, FLORIDA

BY: _____
KRISTINE DE HASETH, MAYOR

ATTEST: _____
KARLA ARMSTRONG, TOWN CLERK

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; REPEALING CHAPTER 27, ARTICLE VI, SECTIONS 27-111 THROUGH 27-117 OF THE PALM BEACH COUNTY CODE (ORDINANCE NO. 93-3) IN ITS ENTIRETY AND REPLACING IT WITH THE PALM BEACH COUNTY MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES ORDINANCE; PROVIDING FOR A TITLE; PROVIDING FOR APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES; PROVIDING FOR EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES; PROVIDING FOR VARIANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; PROVIDING FOR SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

1 **WHEREAS**, the South Florida Water Management District (District) has the
2 responsibility and exclusive authority under Chapter 373, Florida Statutes (F.S.), for
3 regulating the consumptive use of water; and

4 **WHEREAS**, the District has promulgated Chapter 40E-2, Florida Administrative
5 Code (F.A.C.), for the consumptive use of water which includes Rule 40E-2.061, F.A.C.,
6 General Permits by Rule, regulating landscape irrigation at a single family dwelling or
7 duplex, and Rule 40E-2.071, F.A.C., Noticed General and Individual Permits, regulating
8 larger landscape irrigation users; and

9 **WHEREAS**, the District promulgated and amended Chapter 40E-24, F.A.C.,
10 requiring year-round landscape irrigation conservation measures within the boundaries of
11 the District; and

12 **WHEREAS**, Chapter 40E-24, F.A.C., applies to all users as defined in Rule 40E-
13 24.101(14), F.A.C., including permitted and exempt users under Chapter 40E-2, F.A.C.,
14 unless indicated otherwise therein; and

15 **WHEREAS**, Rule 40E-24.501, F.A.C., provides that local governments that have
16 adopted an ordinance incorporating the provisions set forth in Rule 40E-24.201, F.A.C.,
17 may grant variances from the specific day or days for landscape irrigation identified in the
18 ordinance provided that the applicant demonstrates with particularity that compliance with

1 the schedule of days for landscape irrigation in the ordinance will result in a substantial
2 hardship on the applicant requesting the variance or those served by the applicant; and

3 **WHEREAS**, Rule 40E-24.401, F.A.C. strongly encourages local governments to
4 enforce mandatory year-round landscape irrigation conservation measures within their
5 jurisdictions through adoption of an ordinance that incorporates the provisions set forth in
6 Rule 40E-24.201, F.A.C.; and

7 **WHEREAS**, Chapter 125, F.S. authorizes the Board of County Commissioners of
8 Palm Beach County (County) to adopt ordinances as necessary for the health, safety and
9 welfare of the residents of Palm Beach County; and

10 **WHEREAS**, it is the intent and policy of the Board of County Commissioners to
11 conserve and protect its valuable and critical water resources and ensure the continued
12 health, safety, welfare, and quality of life for existing and future residents of and visitors
13 to Palm Beach County by assisting in the conservation of its water resources; and

14 **WHEREAS**, on January 19, 1993, the Board of County Commissioners adopted
15 Ordinance No. 93-3 (which repealed and replaced Ordinance No. 91-52), a countywide
16 ordinance imposing permanent restrictions on landscape irrigation and establishing a
17 regulatory framework and guidance document which intended to help ensure that water
18 and landscape irrigation conservation was consistent throughout Palm Beach County; and

19 **WHEREAS**, the Board of County Commissioners finds that the adoption of this
20 Ordinance is appropriate, in the public interest and necessary for the public health, safety,
21 and welfare of the residents of Palm Beach County by promoting water conservation
22 through the efficient use of landscape irrigation; and

23 **WHEREAS**, the Board of County Commissioners has conducted a duly noticed
24 public hearing to consider this Ordinance in accordance with Section 125.66, F.S.; and

25 **WHEREAS**, the Board of County Commissioners, pursuant to its authority under
26 the Florida Constitution, Article VIII, Chapter 125, F.S., and the Palm Beach County
27 Charter, hereby adopts the Palm Beach County Mandatory Year-Round Landscape
28 Irrigation Conservation Measures Ordinance.

29 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
30 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that:

1 Chapter 27, Article VI of the Palm Beach County Code (Ordinance No. 93-3) is hereby
2 repealed and replaced with the following:

3

4 **SECTION 1. TITLE**

5 This Ordinance shall be titled the “Palm Beach County Mandatory Year-Round Landscape
6 Irrigation Conservation Measures Ordinance.”

7

8 **SECTION 2. APPLICABILITY**

9 The provisions of this Ordinance shall apply to all Users providing Landscape Irrigation
10 from all Water Resources within the boundaries of unincorporated Palm Beach County
11 with the following exceptions:

- 12 (a) The use of Reclaimed Water, which may or may not be supplemented from
13 another source; and
14 (b) Irrigation for Agriculture; and
15 (c) Irrigation at Athletic Play Areas.

16 Unless otherwise provided, nothing in this Ordinance shall be construed to relieve any
17 person from compliance with any applicable County or municipal regulations.

18

19 **SECTION 3. DEFINITIONS**

20 For the purpose of this Ordinance, the following terms, phrases, words and their derivatives
21 shall have the meanings ascribed to them unless the text requires or specifies a different
22 meaning:

- 23 i. **Address** means the “house number” (a numeric or alphanumeric designation)
24 that, together with the street name, describes the physical location of a specific
25 property. This includes “rural route” numbers, but excludes post office box
26 numbers. If a lot number in a mobile home park or similar community is used
27 by the U.S. Postal Service to determine a delivery location, the lot number shall
28 be the property’s Address. If a lot number in a mobile home park or similar
29 residential community is not used by the U.S. Postal Service (e.g., the park
30 manager sorts incoming mail delivered to the community’s Address), then the
31 community’s main Address shall be the property’s Address. If a property has no
32 Address, it shall be considered an “Even Numbered Address.”

33

- 1 ii. ***Agriculture*** means the growing of farm products including, but not limited to,
2 sugar cane, vegetables, citrus and other fruits, pasture land, sod or nursery stock
3 including, but not limited to, ornamental foliage and greenhouse plants.
4
- 5 iii. ***Athletic Play Area*** means all golf course fairways, tees, roughs, greens, and
6 other athletic play surfaces; including, football, baseball, soccer, polo, tennis,
7 and lawn bowling fields, and rodeo, equestrian, and livestock arenas.
8
- 9 iv. ***Code Enforcement Officer*** means any authorized agent or employee of the
10 County whose duty is to ensure compliance with the provisions of this
11 Ordinance, including, but not limited to, law enforcement officers, code
12 inspectors and designated employees of the County.
13
- 14 v. ***Consumptive Use Permit*** means a permit issued pursuant to Chapter 40E-2,
15 F.A.C., authorizing the consumptive use of water.
16
- 17 vi. ***District*** means the South Florida Water Management District, a government
18 entity created under Chapter 373, F.S.
19
- 20 vii. ***Even Numbered Address*** means an Address ending in the numbers 0, 2, 4, 6, 8,
21 the letters A-M, or rights-of-way or other locations with no Address.
22
- 23 viii. ***Existing Landscaping*** means any Landscaping which has been planted and in
24 the ground for more than ninety (90) days.
25
- 26 ix. ***Irreparable or Irreversible*** means a violation of this Ordinance that is not able
27 to be undone. For example, the unauthorized use of irrigation in excess of the
28 days permitted by this Ordinance, during hours prohibited by this Ordinance, or
29 on a day not allowed under this Ordinance is irreparable or irreversible in nature.
30
- 31 x. ***Landscaping*** means shrubbery, trees, lawns, sod, grass, ground covers, plants,
32 vines, ornamental gardens, and such other flora not intended for resale, which
33 are situated in such diverse locations as residential landscapes, recreation areas,
34 cemeteries, public, commercial, and industrial establishments, public medians,
35 and rights-of-way, except Athletic Play Areas.
36
- 37 xi. ***Landscape Irrigation*** means the outside watering of shrubbery, trees, lawns,
38 sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora
39 not intended for resale, which are planted and situated in such diverse locations
40 as residential landscapes, recreation areas, cemeteries, public, commercial, and
41 industrial establishments, public medians, and rights-of-way, except Athletic
42 Play Areas.
43
- 44 xii. ***Low Volume Hand Watering*** means the watering of landscape by one (1)
45 person, with one (1) hose, fitted with a self-cancelling or automatic shutoff
46 nozzle.

- 1 xiii. **Low Volume Irrigation** means the use of equipment and devices specifically
2 designed to allow the volume of water delivered to be limited to a level
3 consistent with the water requirement of the plant being irrigated and to allow
4 that water to be placed with a high degree of efficiency in the root zone of the
5 plant. The term also includes water used in mist houses and similar
6 establishments for plant propagation. Overhead irrigation and flood irrigation
7 are not included.
8
- 9 xiv. **Micro-irrigation** means the application of small quantities of water on or below
10 the soil surface as drops or tiny streams of spray through emitter or applicators
11 placed along a water delivery line. Micro-irrigation includes a number of
12 methods or concepts such as bubbler, drip, trickle, mist or microspray, and
13 subsurface irrigation.
14
- 15 xv. **New Landscaping** means any Landscaping which has been planted and in the
16 ground for ninety (90) days or less.
17
- 18 xvi. **Odd Numbered Address** means an Address ending in the numbers 1, 3, 5, 7, 9
19 or the letters N-Z.
20
- 21 xvii. **Reclaimed Water** means wastewater that has received at least secondary
22 treatment and basic disinfection and is reused after flowing out of a wastewater
23 treatment facility as defined by Rule 62-40.210, F.A.C.
24
- 25 xviii. **User** means any person, individual, firm, association, organization, partnership,
26 business trust, corporation, company, agent, employee, or other legal entity
27 whether natural or artificial, the United States of America, and the State and all
28 political subdivisions, regions, districts, municipalities, and public agencies
29 thereof, which directly or indirectly takes water from the Water Resource,
30 including uses from private or public utility systems, uses under water use
31 permits issued pursuant to Chapter 40E-2, F.A.C., or uses from individual wells
32 or pumps.
33
- 34 xix. **Wasteful and Unnecessary** means allowing water to be dispersed without any
35 practical purpose to the water use; for example, excessive Landscape Irrigation,
36 leaving an unattended hose on a driveway with water flowing, allowing water to
37 be dispersed in a grossly inefficient manner regardless of the type of water use;
38 for example, allowing Landscape Irrigation water to unnecessarily fall onto
39 pavement, sidewalks, and other impervious surfaces; or allowing water flow
40 through a broken or malfunctioning water delivery or Landscape Irrigation
41 system.
42
- 43 xx. **Water Resource** means any and all water on or beneath the surface of the ground,
44 including natural or artificial water courses, lakes, ponds, or diffused surface
45 water and water percolating, standing, or flowing beneath the surface of the
46 ground.

1 xxi. **Water Shortage** means that situation within all or part of the District when
2 insufficient water is available to meet the present and anticipated needs of the
3 Users, or when conditions are such as to require temporary reduction in total use
4 within a particular area to protect Water Resources from serious harm. A Water
5 Shortage usually occurs due to drought.

6
7 xxii. **Water Shortage Emergency** means that situation when the powers which can be
8 exercised under Chapter 40E-21, part II, F.A.C., are not sufficient to protect the
9 public health, safety, or welfare, or the health of animals, fish, or aquatic life, or
10 a public water supply, or commercial, industrial, agricultural, recreational, or
11 other reasonable uses.

12
13 **SECTION 4. YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION**
14 **MEASURES**

15 (a) Palm Beach County adopts the rules of the District, listed in Rule 40E-
16 24.201(1)-(5) and (7), F.A.C., which are set out as follows:

17 (1) The year-round Landscape Irrigation conservation measures
18 contained in this Ordinance are applicable to all Users including
19 permitted and exempt Users under Chapter 40E-2, F.A.C., unless
20 otherwise indicated. These conservation measures apply to all water
21 sources, unless otherwise indicated. In addition to the requirements of
22 this Section, all permitted Users under Chapter 40E-2, F.A.C., are
23 required to maintain compliance with all Consumptive Use Permit
24 conditions and terms, including those designed to require the
25 implementation of water conservation practices.

26 (2) It shall be the duty of each User to keep informed as to the Landscape
27 Irrigation conservation measures within this Ordinance, which affect
28 each particular water use.

29 (3) In addition to the specific conservation measures enumerated below,
30 all Wasteful and Unnecessary water use is prohibited.

31 (4) The following requirements shall apply to all Users, unless otherwise
32 specified herein.

33 i. Landscape Irrigation shall be prohibited between the hours of
34 10:00 a.m. and 4:00 p.m., except as otherwise provided herein.

- 1 ii. Irrigation of Existing Landscaping shall comply with the
2 following provisions:
- 3 a. Even Numbered Addresses, installations with irrigation
4 systems that irrigate both Even Numbered and Odd
5 Numbered Addresses within the same zones, such as multi-
6 family units and homeowners' associations, and rights-of-
7 way or other locations with no Address shall have the
8 opportunity to accomplish necessary Landscape Irrigation
9 three (3) days a week, only on Tuesday, Thursday and
10 Sunday.
- 11 b. Odd Numbered Addresses shall have the opportunity to
12 accomplish necessary Landscape Irrigation three (3) days a
13 week, only on Monday, Wednesday, and Saturday.
- 14 iii. Irrigation of New Landscaping shall comply with the following
15 provisions:
- 16 a. New Landscaping may be irrigated once on the day it is
17 installed without regard to the normally allowable watering
18 days and times. Irrigation of the soil immediately prior to the
19 installation of the New Landscaping is also allowed without
20 regard to the normally allowable watering days and times.
- 21 b. A ninety (90) day establishment period begins on the day the
22 New Landscaping is installed. The New Landscaping shall
23 be installed within a reasonable time from the date of
24 purchase, which may be demonstrated with a dated receipt
25 or invoice.
- 26 c. Irrigation of New Landscaping which has been in place for
27 thirty (30) days or less may be accomplished on Monday,
28 Tuesday, Wednesday, Thursday, Saturday, and Sunday.
- 29 d. Irrigation of New Landscaping which has been in place for
30 thirty-one (31) to ninety (90) days may be accomplished on
31 Monday, Wednesday, Thursday, and Saturday.

- 1 e. Irrigation of New Landscaping is limited to areas containing
2 the New Landscaping only. An entire zone of an irrigation
3 system shall only be utilized for Landscape Irrigation under
4 this Subsection if the zone in question is for an area than
5 contains at least 50% New Landscaping. If a zone contains
6 less than 50% New Landscaping, or if the New Landscaping
7 is in an area that will not typically be irrigated by an
8 irrigation system, only the individual new plantings are
9 eligible for additional irrigation under this Subsection.
10 Targeted watering may be accomplished by Low Volume
11 Hand Watering or any appropriate method which isolates
12 and waters only the New Landscaping.
- 13 (b) Any User who purchases and installs an automatic Landscape Irrigation
14 system must properly install, maintain, and operate technology that inhibits
15 or interrupts operation of the system during periods of sufficient moisture
16 in accordance with Section 373.62, F.S.

17

18 **SECTION 5. EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES**

19 Landscape Irrigation scheduling shall be subject to the following exceptions in accordance
20 with Rule 40E-24.201, F.A.C.:

- 21 (a) Landscape Irrigation systems may be operated during restricted days and/or
22 times for cleaning, maintenance, and repair purposes with an attendant on
23 site in the area being tested. Landscape Irrigation systems may routinely be
24 operated for such purposes no more than once per week, and the run time
25 for any one (1) test should not exceed ten (10) minutes per zone.
- 26 (b) Landscape Irrigation for the purpose of watering-in fertilizers, insecticides,
27 pesticides, fungicides and herbicides, where such watering-in is
28 recommended by the manufacturer, or by federal, state or local law, or best
29 management practices, shall be allowed under the following conditions:

- 1 (1) Such watering-in shall be limited to one (1) application unless the
2 need for more than one (1) application is stated in the directions for
3 application specified by the manufacturer; and
- 4 (2) Such watering-in shall be accomplished during normally allowable
5 watering days and times set forth in Subsection 4(a)(4)i. and ii. unless
6 a professional licensed applicator has posted a temporary sign
7 containing the date of application and the date(s) of needed watering-
8 in activity.
- 9 (c) Any plant material may be watered using Low Volume Irrigation, Micro-
10 irrigation, Low Volume Hand Watering, rain barrels, cisterns, or other
11 similar rain-harvesting devices without regard to the watering days or times
12 allowed pursuant to this Ordinance.

13

14 **SECTION 6. VARIANCES**

- 15 (a) Any User may request relief from the provisions of Subsection 4(a)(4)ii. for
16 Landscape Irrigation within unincorporated areas of Palm Beach County by
17 filing a petition for variance with the Director of the Palm Beach County
18 Water Utilities Department.
- 19 (b) Petitions may request a variance from the specific day or days for
20 Landscape Irrigation identified in Subsection 4(a)(4)ii. and must
21 demonstrate with particularity that compliance with the schedule of days for
22 Landscape Irrigation will result in a substantial hardship on the petitioner
23 requesting the variance or those served by the petitioner. The following are
24 examples of circumstances that may be candidates for the issuance of a
25 variance:
- 26 (1) Two or more properties which share a common source of water; or
27 (2) A public or private water system experiencing, or anticipating
28 distribution problems that cannot otherwise be addressed; or
29 (3) User maintains an irrigation system that uses soil moisture sensors
30 with remote monitoring and adjustment capabilities that satisfies the
31 requirements set forth in Section 373.62(7), F.S.

- 1 (c) Each variance granted shall include a requirement for the petitioner to post
2 a notice at each parcel to which the variance pertains providing that the
3 parcel is subject to a variance for Landscape Irrigation issued pursuant to
4 this Ordinance and the days on which irrigation of the parcel is authorized
5 by the variance.
- 6 (d) A variance under this Section is invalid if it has expired or if its terms are
7 violated by the User or any officer or agent of the User.
- 8 (e) A petition must contain the following information and shall be submitted
9 on a form provided by the Palm Beach County Water Utilities Department:
- 10 (1) A caption including “Petition for Variance from Chapter 27, Article
11 VI of the Palm Beach County Code (Landscape Irrigation
12 Conservation Measures)”;
- 13 (2) The name, address, telephone number, electronic mail address and any
14 facsimile number of the petitioner and any attorney or qualified
15 representative of the petitioner; and
- 16 (3) The specific day or days for Landscape Irrigation that pose a
17 substantial hardship to comply with, and the alternative day or days
18 during which the petitioner can comply without such hardship; and
- 19 (4) The specific facts that demonstrate with particularity that compliance
20 with the schedule of days for Landscape Irrigation will result in a
21 substantial hardship on the petitioner or those served by the petitioner;
22 and
- 23 (5) The reason why the variance requested would be consistent with the
24 general intent and purpose of this Ordinance; and
- 25 (6) A statement of whether the variance requested is permanent or
26 temporary. If the variance is temporary, the petition shall include the
27 dates during which the petitioner requests the variance to be in effect;
28 and
- 29 (7) The address, parcel control number, and a map or survey of each
30 parcel affected by the requested variance.

- 1 (f) The decision of the Director of the Palm Beach County Water Utilities
2 Department to approve or deny a variance shall be final.
- 3 (g) Palm Beach County recognizes all irrigation variances or waivers issued by
4 the District under Rule 40E-24.501, F.A.C.
- 5

6 **SECTION 7. ENFORCEMENT**

- 7 (a) Any restrictions or other measures declared pursuant to Chapter 40E-21,
8 F.A.C., or related District Governing Board or Executive Director orders,
9 such as a Water Shortage or Water Shortage Emergency, issued for all or
10 parts of unincorporated Palm Beach County, which are more restrictive than
11 a measure contained within Chapter 40E-24, F.A.C., or within this
12 Ordinance, shall supersede this Ordinance in the affected areas for the
13 duration of the applicable restriction, declaration, or order.
- 14 (b) Code Enforcement Officers and any other enforcement personnel as
15 authorized by the County Administrator are authorized to enforce the
16 provisions of this Ordinance.
- 17 (c) Code Enforcement Officers and other authorized enforcement personnel do
18 not have to provide a reasonable time period to correct the violation prior to
19 issuing a citation or notice of violation and may immediately issue a citation
20 or notice of violation if a repeat violation is found or if the code enforcement
21 officer has reason to believe that the violation presents a serious threat to
22 the public health, safety, or welfare, or if the violation is irreparable or
23 irreversible.
- 24 (d) The violation of any provision of this Ordinance may be enforced pursuant
25 to terms and procedures in Chapter 162, F.S., Local Government Code
26 Enforcement Boards Act, and Article 10 of the Palm Beach County Unified
27 Land Development Code, all as may be amended or recodified from time to
28 time. Pursuant to Section 162.09(2)(d), F.S., the Palm Beach County
29 Special Master may impose fines that shall not exceed one thousand dollars
30 (\$1,000.00) per day per violation for a first violation, five thousand dollars
31 (\$5,000.00) per day per violation for a repeat violation, and up to fifteen

1 thousand dollars (\$15,000.00) per violation if the Palm Beach County
2 Special Master finds the violation to be irreparable or irreversible in nature.
3 In determining the amount of the fine, the Palm Beach County Special
4 Master shall consider:

- 5 (1) The gravity of the violation; and
- 6 (2) Any actions taken by the violator to correct the violation; and
- 7 (3) Any previous violations committed by the violator.

8 (e) The violation of any provision of this Ordinance may also be enforced
9 pursuant to the procedures and penalties of Chapter 162, F.S., Supplemental
10 County or Municipal Code or Ordinance Enforcement Procedures as may
11 be amended or recodified from time to time, as follows:

- 12 (1) The County court shall have jurisdiction over all civil citations
13 issued pursuant to this Ordinance.
- 14 (2) The County shall maintain a system by which violators are given
15 written notice of all violations.
- 16 (3) Code Enforcement Officers and other authorized enforcement
17 personnel who have reasonable cause to believe that a person has
18 committed an act in violation of this Ordinance, shall issue civil
19 citations in the amount of one hundred dollars (\$100.00) for the first
20 violation, two hundred and fifty dollars (\$250.00) for a second
21 violation, and five hundred dollars (\$500.00) for each additional
22 violation. If the person who has committed the violation does not
23 contest the citation, the fines shall not exceed fifty dollars (\$50.00)
24 for the first violation, one hundred and twenty-five dollars for a
25 second violation (\$125.00), and two hundred fifty dollars (\$250.00)
26 for each additional violation.
- 27 (4) Payment shall be made, either by mail or in person, to the location
28 and within the time specified upon the citation. If such person
29 follows this procedure, the person shall be deemed to have admitted
30 to the infraction and to have waived the right to a hearing on the
31 issue of the commission of the infraction.

- 1 (5) Funds generated by penalties imposed under Subsection 4(a) shall
2 be paid into the Palm Beach County Pollution Trust Fund or such
3 other place as may be designated by Resolution of the Board of
4 County Commissioners. Funds generated by penalties imposed under
5 Subsection 4(b) shall be used by the County for the administration and
6 enforcement of this Ordinance and to further water conservation
7 activities.
- 8 (6) Any person who fails to make payment within the time period
9 specified on the citation shall be deemed to have waived the right to
10 pay the civil penalty as set forth in the citation and shall appear
11 before the County court.
- 12 (7) Any person who elects to appear before the court to contest the
13 citation shall be deemed to waive the right to pay the civil penalty.
14 The court, after a hearing, shall make a finding as to whether a
15 violation has occurred and may impose a civil penalty not to exceed
16 five hundred dollars (\$500.00) plus court costs.
- 17 (8) If a person fails to pay the civil penalty or fails to appear in court to
18 contest the citation, he shall be deemed to have waived his right to
19 contest the citation and, in such case, a default judgment shall be
20 entered and the judge may impose a penalty up to the maximum civil
21 penalty of five hundred dollars (\$500.00) plus court costs.
- 22 (9) Any person who refuses to sign and accept a citation issued pursuant
23 to this Section shall be guilty of a misdemeanor of the second degree,
24 punishable as provided by Sections 775.082 or 775.083, F.S.
- 25 (f) The violation of any provision of this Ordinance may be enforced pursuant
26 to Section 125.69, F.S., as may be amended or recodified from time to time,
27 and upon conviction shall be punished by a fine not to exceed five hundred
28 dollars (\$500.00) or by imprisonment in the County jail not to exceed sixty
29 (60) days or by both such fine and imprisonment. If the County is the
30 prevailing party, the County may recover the court fees and costs paid by it

1 and the fees and expenses paid to court-appointed counsel as part of its
2 judgment.

3 (g) In addition to the sanctions contained herein, the County may take any other
4 appropriate legal action to enforce the provisions of this Ordinance,
5 including, but not limited to, cease and desist orders, instituting civil action,
6 and requesting temporary and permanent injunctions.

7 (h) It is the purpose of this Ordinance to provide additional cumulative
8 remedies.

9 (i) Each day in violation of the provisions of this Ordinance shall constitute a
10 separate violation or offense and be punishable as such.

11

12 **SECTION 8. REPEAL OF LAWS IN CONFLICT**

13 All local laws and ordinances in conflict with any provision of this Ordinance are hereby
14 repealed to the extent of such conflict.

15

16 **SECTION 9. SEVERABILITY**

17 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
18 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or
19 void, such holding shall not affect the remainder of this Ordinance.

20

21 **SECTION 10. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

22 The provisions of this Ordinance shall become and be made a part of the Palm Beach
23 County Code. The sections of this Ordinance may be renumbered or relettered to
24 accomplish such, and the word Ordinance may be changed to section, article, or other
25 appropriate word.

26

27 **SECTION 11. CAPTIONS**

28 The captions, section headings, and section designations used in this Ordinance are for
29 convenience only and shall have no effect on the interpretation of the provisions of this
30 Ordinance.

1 **SECTION 12. SAVINGS CLAUSE**

2 Notwithstanding anything to the contrary, all provisions of Palm Beach County Ordinance
3 No. 93-3, which were previously codified in Chapter 27, Article VI of the Palm Beach
4 County Code, are specifically preserved and remain in full force and effect for the limited
5 purpose of enforcing any alleged violations of said Code which occurred prior to its repeal
6 or amendment.

7

8 **SECTION 13. EFFECTIVE DATE**

9 This Ordinance shall become effective upon filing with the Secretary of State.

10

11 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm
12 Beach County, Florida, on this the ____ day of _____, 2022.

13

14 **JOSEPH ABRUZZO, CLERK OF**
15 **THE CIRCUIT COURT AND**
16 **COMPTROLLER**

PALM BEACH COUNTY, FLORIDA,
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

17

18

19 By: _____
20 **Deputy Clerk**

By: _____
 Robert S. Weinroth, Mayor

21

22

23

24 **APPROVED AS TO FORM AND**
25 **LEGAL SUFFICIENCY**

26

27

28 By:  _____
29 **County Attorney**

30

31 **EFFECTIVE DATE: Filed with the Department of State on the ____ day of**
32 _____, 2022.

Agenda: March 21, 2022

Memo: Item #4

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

Subject: Ordinance Review – Letter of Credit for Demolition

This item was assigned to staff at the Joint Workshop between the Town Commission and the Planning and Zoning Commission on November 18, 2021. It was directed that staff work on the letter of credit requirement for demolition. The attached ordinance is a result of that including input from the Building Official.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES AT CHAPTER 67, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE III, ENTITLED "TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS," BY AMENDING SECTION 67-51, ENTITLED "PERMIT REQUIRED GENERALLY; DEMOLITION PERMITS," TO AUTHORIZE THE WAIVER OF THE LETTER OF CREDIT REQUIREMENT BY THE BUILDING OFFICIAL FOR A DEMOLITION PERMIT ISSUED PURSUANT TO SUBSECTION (b)(1) OR ANY OTHER DEMOLITION PERMIT FOR THE INTERIOR OF A STRUCTURE; PROVIDING FOR 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 recognizes that the demolition of residential or commercial structures requires the issuance of a demolition permit, and that such a demolition must be accomplished timely in order to ensure the proper removal of structures and backfilling of existing foundations, abandonment of well and septic systems, assure that all public utilities have been correctly disconnected for a property, and to promptly remove the unappealing conditions from the neighborhood; and

WHEREAS, the Town has sought to require that these demolition projects are accomplished expeditiously and swiftly by the property owner, developer or contractor, and therefore; the Town Commission mandated that an unconditional and irrevocable letter of credit must be submitted with each demolition permit to require the timely demolition of the structure and to properly remediate the visual blight from such demolition activity; and

WHEREAS, the Town Commission has determined that the ordinance should be further amended to permit the Town's Building Official to waive the letter of credit requirement for certain partial and/or interior demolition permits, based upon these demolition permits having minimal impacts upon the surrounding neighborhood, are exclusively for the demolition of the interior or partial interior structure located upon a property, and to streamline the approval process for such smaller and less intrusive demolition projects in the Town; and

WHEREAS, the Town Commission held an extensive discussion on October 12, 2021 during their Special Town Commission Meeting, and the existing requirements and implications surrounding the letter of credit obligation as presently set forth within Section 67-51 for every

demolition permit was onerous to the citizens and residents of the Town, and acknowledges that the existing requirement for the letter of credit for partial demolition and interior demolition permits was excessively burdensome and should be more accommodating regarding the application of the letter of credit requirement; and

WHEREAS, the Town Commission has determined that the enactment of this ordinance amendment is for a proper municipal purpose, that it is in the best interests of the residents of the Town, and will serve to further authorize the Building Official to issue certain demolition permits without the need of submitting a letter of credit for work that does not adversely impact the surrounding neighboring properties.

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

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

SECTION 2 – Amendment: Chapter 67 “Buildings and Building Regulations,” Article III “Technical Codes and Other Construction Standards,” Section 67-51 “Permit Required Generally; Demolition Permits,” is hereby amended to read as follows (underline denotes additions; ~~stricken through~~ denotes deletions):

Article III. – TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS.

Sec. 67-51. – Permit Required Generally; Demolition Permits.

- (a) *Permits generally.* No construction, alteration, remodeling or demolition of any improvement on any lot may be commenced without a permit by the town building official.
- (b) *Demolition permits.*
 - (1) *Partial demolition.* Applications for permits for a partial demolition of any improvement must be accompanied by one of the following:
 - a. An approved building permit for any reconstruction, alteration or remodeling which is the purpose for which the partial demolition permit is being sought, including a time certain within which new construction will commence and be completed; or
 - b. Plans prepared by a registered architect or engineer demonstrating that once the partial demolition has been completed, the property and improvements

remaining will consist of a complete, finished structure(s) in compliance with all other applicable provisions of the town's zoning and building requirements.

(2) *Complete demolition.* Applications for permits for complete demolition shall include a plan to meet the applicable clearing, groundcover and other requirements of sections 67-136, 67-137, 67-153 and all other applicable provisions of town's Code of Ordinances, or be accompanied by an approved building permit for any reconstruction, alteration or remodeling which is the purpose for which the complete demolition permit is being sought, including a time certain within which new construction will commence and be completed.

(3) *Timeframes.* For purposes of this section, and notwithstanding any code section to the contrary, once demolition or partial demolition begins, a contractor has 60 days to complete the demolition. In addition, the requirements under sections 67-136, 67-137, 67-153 and all other applicable requirements of town's Code of Ordinances must be completed no later than 120 days of the issuance of the demolition permit. These requirements do not extend the timeframes for construction as set forth in section 67-52.

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

(5) *Letter of credit.* To ensure that a demolition occurs within the timeframes set forth herein, the town requires that the property owner, developer or contractor, as appropriate, file with the town documents guaranteeing that the demolition will occur as set forth herein. Such guarantee shall be a personal bond secured by an unconditional and irrevocable letter of credit in an amount equal to 110 percent of the total cost of the demolition project which shall include grading and other requirements of sections 67-136, 67-137, 67-153, and all other applicable requirements of the town's Code of Ordinance. The expiration date of the letter of credit shall be at least three months after the expiration date of the anticipated demolition project date. The letter of credit shall be issued to the town by a state or United States banking institution. The town, after 30 days' written notice to the property owner, developer, or contractor, as appropriate, shall have the right to use any funds resulting from drafts on the letter of credit to secure satisfactory completion of the demolition project in the event the property owner, developer, or contractor, as appropriate, fails to complete the demolition project within the timeframe prescribed.

a. Notwithstanding those requirements set forth herein, the Town Building Official may waive the guarantee requirement of providing an unconditional and irrevocable letter of credit, provided that the property owner, developer or contractor has complied with subsection (b)(1), and the Building Official has determined that the demolition will have limited adverse impacts, and that the

timeframe(s) for the partial demolition or interior demolition does not require clearing, groundcover and other requirements of sections 67-136, 67-137, 67-153, and all other applicable provisions of the Town's Code of Ordinances.

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

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

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

SECTION 5 - Severability: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

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

FIRST READING this ____ day of _____, 2022.

SECOND AND FINAL READING this ____ day of _____, 2022.

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:

	AYE	NAY
KRISTINE DE HASETH, Mayor	_____	_____
SUSAN HURLBURT, Vice Mayor	_____	_____
STEVE COZ, Commissioner	_____	_____
GEOFF PUGH, Commissioner	_____	_____
MARTIN WIESCHOLEK, Commissioner	_____	_____

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this ____ day of _____, 2022.

TOWN OF OCEAN RIDGE, FLORIDA

BY: _____
Kristine de Haseth, Mayor

ATTEST: _____
Karla Armstrong, Town Clerk

Agenda: March 21, 2022

Memo: Item #5

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

Subject: Ordinance Review – Development Plan Review

This item was assigned to staff at the Joint Workshop between the Town Commission and the Planning and Zoning Commission on November 18, 2021. It was directed that staff work on adding the word “defer” to the code. Attached you will find the ordinance that is a result of that direction.

Since there is a proposed change to the Development Plan Review process, staff is proposing an additional change to the ordinance at this time. As mentioned by the Town Attorney at the last meeting, the Development Plan Review code as it stands does not give the board the ability to give conditions for landscape plans above the minimum requirement within landscaping code. Staff is proposing that we change this ordinance and add a subsection under (1)(b) that would read:

“5. The Landscaping should enhance and be compatible with the surrounding neighborhood while providing harmony to the architectural style.”

If the board approves, then we will add the above sentence to the ordinance when it is presented to the Town Commission for first reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES AT CHAPTER 63, “GENERAL AND ADMINISTRATIVE PROVISIONS,” ARTICLE IV, ENTITLED “SITE PLAN REVIEW PROCEDURES,” BY AMENDING SECTION 63-56, ENTITLED “DEVELOPMENT PLAN REVIEW,” BY MODIFYING THE AUTHORITY OF THE PLANNING AND ZONING COMMISSION TO PERMIT THE DEFERRAL OF A DEVELOPMENT PLAN REVIEW APPLICATION; PROVIDING FOR 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’s Land Development Code currently does not authorize the Planning and Zoning Commission to “defer” its determination regarding a Development Plan Review Application; and

WHEREAS, the Town Commission wishes to amend the development plan review process before the Planning and Zoning Commission to permit the Planning and Zoning Commission to defer issuing its decision on a Development Plan Review Application; and

WHEREAS, the deferral of a Development Plan Review Application (the “Application”) will enable the developer or applicant to address those questions, concerns or comments of the Planning and Zoning Commission surrounding the specific development; and

WHEREAS, the deferral of the Application will allow the developer or applicant to have a sufficient opportunity to submit those documents or materials to the Planning and Zoning Commission in order to ensure that the proposal is compliant with the criteria set forth within Article IV; and

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

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

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

SECTION 2 – Amendment: Chapter 63 “General and Administrative Provisions,” Article IV “Site Plan Review Procedures,” Section 63-56 “Development Plan Review,” is hereby amended to read as follows (underline denotes additions; ~~stricken through~~ denotes deletions):

Article III. – SITE PLAN REVIEW PROCEDURES.

Sec. 63-56. – Development plan review.

All development related to a single or two-family structure that is for new development or construction that increases the size of the current structure by more than 50 percent or where such renovation construction, as classified as substantial improvements per the Florida Building Code, costs more than 50 percent of the existing structure (value of existing structure may be as determined by the Palm Beach County Property Appraiser or as determined by an appraisal submitted by the property owner from a licensed/certified property appraiser) shall be required to submit the development/construction/site plans to the planning and zoning commission for review and approval. Development review applications which do not meet the above 50 percent threshold may be brought before the planning and zoning commission by the building official if the building official determines that one of the following criteria (as set forth in subsection (1) below) has not been sufficiently addressed. A developer/applicant shall be required to submit all documents/plans, as set forth in the development action form, prior to being heard by the planning and zoning commission.

(1) *The planning and zoning commission shall use the review criteria as set forth herein when reviewing site plans.*

a. Relationship of building to site:

1. The site should be planned to accomplish a desirable transition with the streetscape. The overall balance and proportion of the proposed building will be considered.
2. The height and scale of each building should be compatible with its site and other buildings onsite.

b. Relationship of building and site to adjoining area(s):

1. Buildings should be designed to enhance the surrounding neighborhood.
2. Harmony in architectural style, form, texture, mass and lines, as well as materials, colors, and use of architectural elements should be provided in the design of all buildings.
3. Buildings should be consistent with the established neighborhood character or within acknowledged architectural styles.
4. The height and scale of the proposed structure(s) should be compatible with the surrounding neighborhood.

c. Building design:

1. Evaluation of a project should be based on quality of its design and relationship to surroundings.
2. Components such as roofs, windows, doors, eaves, and parapets should have balanced proportions in relationship to one another.
3. Colors should be harmonious and representative of the architectural style of the building and generally within the character of the neighborhood.
4. Design attention should be given to mechanical equipment or other utility hardware on roofs, buildings and at grade so as to screen them from off-site view.
5. Buildings should be of a size as to be in harmony with permanent neighboring development or within acknowledged architectural styles.
6. Use of any and/or all of the above preferred design elements in conjunction with the renovation or addition to existing homes is encouraged, along with the removal of any existing elements that are not preferred.
7. The architectural style and elements of proposed additions and renovations shall be consistent with the other portions of the building.
8. All proposed structures shall be consistent with the town's land development regulations and the goals, objectives and policies of the comprehensive plan.

(2) Notice of development plan review meeting.

- a. Written notice shall be mailed, no later than 20 calendar days prior to the planning and zoning commission meeting, to the property owners within 300 feet of the perimeter of the property, which is the subject of the development plan review,
- b. Notice shall be posted on the town's website at least 15 calendar days prior to the scheduled meeting.
- c. Notice posted by the town on the property requesting the development plan review by placing one placard visible from each adjoining right-of-way or on each street block face, at least 15 calendar days before the scheduled meeting.

(3) Following the development plan review hearing, the planning and zoning commission shall approve, deny, approve with conditions, or defer its decision to permit the developer/applicant to provide responses to any questions, concerns or comments of the Planning and Zoning Commission or to request additional information in order to make a determination that the proposal is compliant with the above criteria. Written notice of appeal of the planning and zoning commission's decision to the town commission shall be made within 30 calendar days of the date such decision is rendered and shall be filed with the town clerk. Those property owners within 300 feet of the perimeter of the subject

property shall have the right to appeal the planning and zoning commission's decision to the town commission, in accordance with the time frames set forth herein. Such appeal shall be heard and considered by the town commission at its next available meeting.

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

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

SECTION 5 - Severability: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

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

FIRST READING this ____ day of _____, 2022.

SECOND AND FINAL READING this ____ day of _____, 2022.

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:

	AYE	NAY
KRISTINE DE HASETH, Mayor	_____	_____
SUSAN HURLBERT, Vice Mayor	_____	_____
STEVE COZ, Commissioner	_____	_____
GEOFF PUGH, Commissioner	_____	_____
MARTIN WIESCHOLEK, Commissioner	_____	_____

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this ____ day of _____, 2022.

TOWN OF OCEAN RIDGE, FLORIDA

BY: _____
Kristine de Haseth, Mayor

ATTEST: _____
Karla Armstrong, Town Clerk

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

Meeting Date: March 21, 2022
Subject: Change Meeting Dates for June

P&Z Commissioners:

At the last Town Commission meeting, the Commission approved changes to the Employee Handbook. The updated Employee Handbook adds Federal Holiday Juneteenth as a Town Holiday. As a result, Town Hall will be closed on June 20, 2022, in observance of Juneteenth, which falls on a Sunday. Staff is proposing that we move the Planning and Zoning Commission meeting to Tuesday, June 21st.

Also, I have received responses that the December date is really close to the Holidays. If you would like to change the meeting date for December to the second Monday, then we will need a motion. The meeting date for December will be December 19, 2022.

After the meeting, I will provide an update of the meeting dates for 2022.

Respectfully,
Karla Armstrong
Town Clerk

Agenda: March 21, 2022
Memo: Item #7

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

Subject: Re-zoning Requirements

The Town has been notified that the County as well as Spanish Creek, LLC, are planning on re-zoning their properties from Residential Single Family to Preservation/Conservation. A survey is required for a zoning map change according to Sec. 63-53 in the Town Code of Ordinances (Code Section attached). The issue that both parties are having is that they cannot locate a survey. Due to the high volume of survey requests, it would take months for them to be able to obtain a survey for their application. In discussions with Town Planner O’Gorman, a survey is mostly needed when a re-zoning is proposed for a future build. In this case, the properties asking to be rezoned are empty lots and are re-zoning to Preservation/Conservation. We would like to create an exemption that no survey is required for empty lots that are re-zoning to Preservation/Conservation and instead we would request accepting the following in lieu of a survey:

- (i) Latest Recorded Deed for the property with a legal description of the property
- (ii) An aerial map from the Palm Beach County Property Appraiser
- (iii) The Palm Beach County Property Appraiser’s computation of total acreage of the tract

This may also impact the Town because we are under contract to purchase land in Ocean Ridge and we would like to join in the expansion of Preservation/Conservation in that area. We would also not have a survey for this property.

At this time, we are also requesting to change our code from “C” Conservation to “PC” for Preservation/ Conservation to match the Zoning map and Future Land Use Map (FLUM) in Comprehensive Plan.

Town Attorney Goddeau has prepared the attached proposed ordinance for consideration of the Planning & Zoning Commission, and staff recommends approval.

Sec. 63-53. - Major development application and site plan requirements.

The following shall be required for a major development application; the requirements set out in subsection (1) of this section shall also be required for a zoning map change:

- (1) *Major development and zoning map change applications.* Every application for a major development or zoning map change shall include the following:
- a. *Authority.* A statement of the petitioner's interest in the property, including a copy of the last recorded warranty deed; and:
 1. If the property is under joint and several ownership, a written consent to the application by all owners of record;
 2. If a contract purchase, a copy of the purchase contract and written consent of the seller/owner;
 3. If the petitioner is an authorized agent, a copy of the agency agreement or written consent of the principal/owner;
 4. If the petitioner is a lessee, a copy of the lease agreement and written consent of the owner;
 5. If the petitioner is a corporation or other business entity, the name of the officer or person responsible for the application and written proof that the representative has the delegated authority to represent the corporation or other business entity, or, in lieu thereof, written proof that he is in fact an officer of the corporation; or
 6. If the petitioner is a group of contiguous property owners, written consent by the owners of at least 75 percent of the property described in the petition.
 - b. *Survey.* A certified boundary survey of the parcel prepared by a surveyor registered in the state, at a scale prescribed by the town, containing the following:
 1. An accurate legal description of the property to be rezoned.
 2. A computation of the total acreage of the tract, to the nearest tenth of an acre.
 3. A raised surveyor's seal on all survey copies accompanying the application.
 - c. *Area location map.* The location for the subject parcel, plotted by an engineer or surveyor registered in the state, on a copy of the official zoning map of the town or reasonable facsimile thereof.
 - d. *List of area property owners; courtesy notice.* A complete list of all property owners, with mailing addresses and legal descriptions, for all property within 300 feet of the subject parcel as recorded in the latest official tax rolls in the county courthouse. Such list shall be accompanied by an affidavit stating that to the best of the petitioner's knowledge the list

is complete and accurate. If an application is brought by other than the owners of the subject property or their representatives, actual notice by certified mail shall be given to the owners of record of such property.

- e. *Property owners' location drawing.* A property owners' location drawing showing all property owner information required in subsection d of this section and the relation to the subject parcel.
 - f. *Statement of use.* A statement of the special reasons or basis for the request, including the intended use of the property.
 - g. *Confirmation of concurrency.* Written confirmation that the provision of all adequate public facilities is in conformance with article II of this chapter.
 - h. *Filing fee.* Payment of the official filing fee as set by the town commission and received by the town clerk.
- (2) *Major development site plan requirements.* Every application and site plan shall include the following:
- a. The information required for minor development applications in section 63-52 shall be included.
 - b. A site plan shall also include the following information, where applicable:
 - 1. An area map, at a convenient scale prescribed by the town, which shall include existing roads, streams, street rights-of-way and street intersections, and the location of the nearest public streets on all four sides of the subject property.
 - 2. Existing public streets, easements or other reservations of land within the proposed site.
 - 3. The items required by subsections (3) through (11) in section 63-52, pertaining to the minor development list.
 - 4. A traffic impact analysis report or letter of projected trip generation for the development is required.
 - 5. A statement by the petitioner of the major planning objectives of the development project, including but not limited to:
 - i. Project population.
 - ii. Proposed timing and stages of development.
 - iii. Proposed ownership and form of organization to maintain any common and open space and facilities.
 - iv. Proposed density of land use for each development parcel within the project.
 - 6. Where the applicant wishes to develop the project in incremental stages, a site plan indicating proposed ultimate development, for approval of the entire parcel. Proposed

development phases shall be numbered in sequence.

7. Any other reasonable information which may be reasonably required from time to time by the town commission, which is commensurate with the intent and purpose of this land development code.

(Ord. No. 540, 3-13-2003)

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES TO CORRECT THE NAME OF THE “C” CONSERVATION ZONING DISTRICT TO MAKE IT CONSISTENT WITH THE CURRENT COMPREHENSIVE PLAN, ZONING MAP, AND THE FUTURE LAND USE MAP WHICH ALL REFER TO THE “C” CONSERVATION ZONING DISTRICT AS THE “PC” PRESERVATION/CONSERVATION DISTRICT, IN CHAPTER 64, ZONING, ARTICLE I, DISTRICT REGULATIONS, SECTION 64-6, “C” CONSERVATION DISTRICT AND IN CHAPTER 65, TELECOMMUNICATION TOWERS AND ANTENNAS, SECTIONS 65-3, GENERAL REQUIREMENTS, AND SECTION 65-5, SPECIAL EXCEPTION USES; AND, AMENDING CHAPTER 63, GENERAL AND ADMINISTRATIVE PROVISIONS, ARTICLE IV, SITE PLAN REVIEW PROCEDURES, SECTION 63-53, MAJOR DEVELOPMENT APPLICATION AND SITE PLAN REQUIREMENTS, TO ENCOURAGE “PC” PRESERVATION/CONSERVATION RE-ZONINGS BY EASING THE SUBMITTAL REQUIREMENTS FOR RE-ZONING VACANT PROPERTY TO “PC” PRESERVATION/CONSERVATION; PROVIDING FOR 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 currently has four (4) zoning districts: Single Family, Multi-Family, “C” Conservation, and “PO” Public Ownership, which are described in Chapter 64 of the Town’s Land Development Code; and

WHEREAS, the Town’s current Comprehensive Plan, Zoning Map, and the Future Land Use Map all refer to the “C” Conservation zoning district as the “PC” or “Preservation/Conservation” district; and

WHEREAS, the intent of the current Comprehensive Plan, Zoning Map, and the Future Land Use Map was to not create a new zoning district but to reference the existing “C” Conservation zoning district; and

WHEREAS, the Town is aware of two (2) property owners who are interested in re-zoning their vacant property to “C” Conservation; and

WHEREAS, in reviewing the requirements for re-zoning requests, the Town discovered the discrepancy in the names to describe the “C” Conservation District and desires to correct the same and make the name consistently the Preservation/Conservation District in all Town official documents; and

WHEREAS, the Town's Comprehensive Plan encourages re-zonings to Preservation/Conservation to protect and enhance the natural environment of the Town; to perpetually maintain or improve the current quality and extent of existing natural resources; and, to conserve, manage and sensitively use the environmental assets of the Town's coastal zone location; and

WHEREAS, to re-zone property in the Town, a number of required documents must be submitted pursuant to section 63-72(c) and section 63-53; and

WHEREAS, since re-zoning vacant property in the Town to Preservation/Conservation is encouraged by the Comprehensive Plan, the Town desires to relax the requirements for such applications to further encourage such re-zonings; and

WHEREAS, the Town Commission has determined that the enactment of this ordinance amendment is for a proper municipal purpose, that it is in the best interests of the residents of the Town, and will serve to further promote the goals of the Comprehensive Plan to encourage preservation and conservation.

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

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

SECTION 2 – Amendment: Chapter 64, entitled "Zoning", Article I, entitled "District Regulations", Section 64-6, entitled "C Conservation District", is hereby amended to read as follows (underline denotes additions; ~~stricken through~~ denotes deletions):

Sec. 64-6. ~~C-conservation~~ Preservation/Conservation (PC) district.

- (a) *Purpose and intent.* The purpose and intent of the PC district is to establish and protect certain areas which are composed of the habitats of endangered species of wildlife, fish or flora, or which are important habitats for the production of fish and wildlife.
- (b) *Permitted uses.* In a PC ~~conservation~~ district, no building, structure or land and water use shall be permitted except for one or more of the following uses upon approval by the town commission:
 - (1) Pedestrian or canoe trails.
 - (2) Boating limited to motors of less than ten horsepower.
 - (3) Wildlife management performed by the game and fish commission of the state.
 - (4) Fishing under policies and regulations prescribed by the game and fish commission of the state.
 - (5) Archaeological exploration, observation and excavation by recognized authorities.

- (c) *Special exceptions subject to town commission approval.* Special exceptions permitted subject to town commission approval are as follows in the PC district: park areas operated by the town.
- (d) *Prohibited uses and activities.* Any use which has an adverse impact upon any environmental habitat or archaeological site causing the deterioration of the habitat or physically altering an archaeologically significant environment is prohibited. Intense activity levels of the uses permitted in this section without consideration of the compatibility of the activity with the natural resource is also prohibited. Any alteration of the soils, vegetation or water levels beyond the minimum required to accommodate the uses permitted is prohibited. Further, wheeled vehicles, tracked vehicles and airboats are prohibited.

SECTION 3 – Amendment: Chapter 65, entitled “Telecommunication Facilities”, Article I, entitled “Telecommunication Towers and Antennas”, Section 65-3, entitled “General Requirements”, is hereby amended to read as follows (underline denotes additions; ~~stricken through~~ denotes deletions):

Sec. 65-3. General requirements.

- (a) *Permitted or special exception use.* Antennas and towers shall be a "permitted use" on town-owned property and a "special exception use" in the remainder of the "PO" public ownership, "PC" preservation/conservation and "RHM" high density multi-family residential districts. The use and the structure shall be classified as "accessory," and an existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

[The remainder of Section 65-3 is not amended by this Ordinance]

SECTION 4 – Amendment: Chapter 65, entitled “Telecommunication Facilities”, Article I, entitled “Telecommunication Towers and Antennas”, Section 65-5, entitled “Special Exception Uses”, is hereby amended to read as follows (underline denotes additions; ~~stricken through~~ denotes deletions):

Sec. 65-5. Special exception uses.

- (a) *General.* The following provisions shall govern the review and approval of special exception applications for towers or antennas by the town commission:
 - (1) If the tower or antenna is not a "permitted use" as described in section 65-4, then special exception approval shall be required for the construction of a tower or the placement of an antenna only as provided in this section.
 - (2) Special exceptions shall be granted only within the "PO" public ownership, "PC" preservation/conservation and "RHM" high density multifamily residential districts.
 - (3) In granting special exception approval, the town commission may impose conditions to the extent it concludes such conditions are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.
 - (4) Any information of an engineering nature which the applicant submits, whether civil, mechanical, or electrical, shall be certified by a state-licensed professional engineer.

- (5) An applicant for a special exception use shall submit the information described in this section, and for site plans, generally, and shall pay such deposits and fees as may be established by resolution of the town commission.

[The remainder of Section 65-5 is not amended by this Ordinance]

SECTION 5 – Amendment: Chapter 63, entitled “General and Administrative Provisions”, Article IV, entitled, “Site Plan Review Procedures”, Section 63-53, entitled “Major Development Application and Site Plan Requirements” is hereby amended to read as follows (underline denotes additions; ~~stricken through~~ denotes deletions):

Sec. 63-53. Major development application and site plan requirements.

The following shall be required for a major development application; the requirements set out in subsection (1) of this section shall also be required for a zoning map change:

- (1) *Major development and zoning map change applications.* Every application for a major development or zoning map change shall include the following:
- a. *Authority.* A statement of the petitioner's interest in the property, including a copy of the last recorded ~~warranty~~-deed; and:
 - 1. If the property is under joint and several ownership, a written consent to the application by all owners of record;
 - 2. If a contract purchase, a copy of the purchase contract and written consent of the seller/owner;
 - 3. If the petitioner is an authorized agent, a copy of the agency agreement or written consent of the principal/owner;
 - 4. If the petitioner is a lessee, a copy of the lease agreement and written consent of the owner;
 - 5. If the petitioner is a corporation or other business entity, the name of the officer or person responsible for the application and written proof that the representative has the delegated authority to represent the corporation or other business entity, or, in lieu thereof, written proof that he is in fact an officer of the corporation; or
 - 6. If the petitioner is a group of contiguous property owners, written consent by the owners of at least 75 percent of the property described in the petition.
 - b. *Survey.* A certified boundary survey of the parcel prepared by a surveyor registered in the state, at a scale prescribed by the town, containing the following:
 - 1. An accurate legal description of the property to be rezoned.
 - 2. A computation of the total acreage of the tract, to the nearest tenth of an acre.
 - 3. A raised surveyor's seal on all survey copies accompanying the application.

Notwithstanding the foregoing, if the property to be rezoned is vacant and is to be rezoned to “PC” preservation/conservation district, a certified boundary survey

shall not be required. Instead, the Petitioner shall provide the town with: (i) a copy of the last recorded deed for the property with a legal description of the property; (ii) an aerial map from the Palm Beach County Property Appraiser; and, (iii) the Palm Beach County Property Appraiser's computation of total acreage of the tract. By submitting such information with the Petitioner's application, the Petitioner certifies that to the best of the Petitioner's knowledge, the legal description in the deed and the information from the Palm Beach County Property Appraiser is accurate and correct.

- c. *Area location map.* The location for the subject parcel, plotted by an engineer or surveyor registered in the state, on a copy of the official zoning map of the town or reasonable facsimile thereof. Notwithstanding the foregoing, if the property to be rezoned is vacant and is to be rezoned to "PC" preservation/conservation district, this requirement shall be satisfied with the inclusion of the aerial from the Palm Beach County Property Appraiser.
 - d. *List of area property owners; courtesy notice.* A complete list of all property owners, with mailing addresses and legal descriptions, for all property within 300 feet of the subject parcel as recorded in the latest official tax rolls in the county courthouse. Such list shall be accompanied by an affidavit stating that to the best of the petitioner's knowledge the list is complete and accurate. If an application is brought by other than the owners of the subject property or their representatives, actual notice by certified mail shall be given to the owners of record of such property.
 - e. *Property owners' location drawing.* A property owners' location drawing showing all property owner information required in subsection d of this section and the relation to the subject parcel.
 - f. *Statement of use.* A statement of the special reasons or basis for the request, including the intended use of the property.
 - g. *Confirmation of concurrency.* Written confirmation that the provision of all adequate public facilities is in conformance with article II of this chapter.
 - h. *Filing fee.* Payment of the official filing fee as set by the town commission and received by the town clerk.
- (2) *Major development site plan requirements.* Every application and site plan shall include the following:
- a. The information required for minor development applications in section 63-52 shall be included.
 - b. A site plan shall also include the following information, where applicable:
 - 1. An area map, at a convenient scale prescribed by the town, which shall include

- existing roads, streams, street rights-of-way and street intersections, and the location of the nearest public streets on all four sides of the subject property.
2. Existing public streets, easements or other reservations of land within the proposed site.
 3. The items required by subsections (3) through (11) in section 63-52, pertaining to the minor development list.
 4. A traffic impact analysis report or letter of projected trip generation for the development is required.
 5. A statement by the petitioner of the major planning objectives of the development project, including but not limited to:
 - i. Project population.
 - ii. Proposed timing and stages of development.
 - iii. Proposed ownership and form of organization to maintain any common and open space and facilities.
 - iv. Proposed density of land use for each development parcel within the project.
 6. Where the applicant wishes to develop the project in incremental stages, a site plan indicating proposed ultimate development, for approval of the entire parcel. Proposed development phases shall be numbered in sequence.
 7. Any other reasonable information which may be reasonably required from time to time by the town commission, which is commensurate with the intent and purpose of this land development code.

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 _____, 2022.

SECOND AND FINAL READING this ____ day of _____, 2022.

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

AYE NAY

SUSAN HURLBERT, Vice Mayor
STEVE COZ, Commissioner
GEOFF PUGH, Commissioner
MARTIN WIESCHOLEK, Commissioner

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this _____ day of _____, 2022.

TOWN OF OCEAN RIDGE, FLORIDA

BY: _____
KRISTINE DE HASETH, MAYOR

ATTEST: _____
TOWN CLERK