

SPECIAL MEETING AND PUBLIC HEARING HELD BY THE PLANNING AND ZONING COMMISSION FOR THE TOWN OF OCEAN RIDGE, FLORIDA, TO BE HELD IN THE TOWN HALL ON WEDNESDAY, OCTOBER 30, 1996, AT 8:00 AM.

The meeting was called to order and roll call was answered by the following:

Commissioner Gimmy Commissioner Jones
Commissioner Bingham Vice Chairman Ford

III. APPROVAL OF OCTOBER 7, 1996 MINUTES

Bruce Gimmy moved to approve the October 7, 1996 Planning and Zoning Commission minutes as submitted, seconded by Earl Jones.

Motion Carried - Yea 4.

Vice Chairman Ford requested that Item V be discussed before Item IV.

V. CONTINUE DISCUSSIONS ON AMENDMENTS TO LANDSCAPING CODE - FINAL DRAFT

Town Attorney Nicoletti explained that he had still not been able to get a good definition of historic and specimen trees. He inquired as to whether anyone on the Commission had any feelings on this matter.

Earl Jones asked if a landscape architect had reviewed the Code thus far as previously requested. Attorney Nicoletti stated that he had not found anyone to do it as yet. Mr. Jones suggested that the same individual who does the review also defines historic and specimen trees.

Attorney Nicoletti asked for a clarification concerning whether or not a major site plan would require total landscape conformity or just a percentage. Town Clerk Hancsak stated that she believed this was discussed by the pervious Planning and Zoning Commission and a percentage was agreed upon. Attorney Nicoletti replied that this was discussed, but the difference was that now Single Family developments were excluded.

Earl Jones questioned if the Code should apply to just the area of new construction or to total conformity. Mr. Jones stated that if the Code required total conformity, areas that are already landscaped may be damaged.

Betty Bingham agreed that only area of new construction should be made to conform plus possibly a percentage of the surrounding area. Mr. Jones added that he could not see the logic of a change in the front of the house necessitating a change in the back also.

Vice Chairman Ford stated that in Delray Beach, the Codes must be met by everyone with no exceptions. Town Manager Lanker added that the Code needs to be very clear as to what will need to conform.

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Ms. Bingham stated that she can foresee a time where government becomes so intrusive that residents will resist. She suggests that care be used in deciding how far to push the rules.

Town Attorney Nicoletti stated that new construction should definitely be required to conform. Earl Jones stated that a reasonable amount of area in addition to the amount of footprint change would be a good compromise. Mr. Jones suggested adding a 15' perimeter surrounding the proposed change.

Town Manager Lanker explained that the area of conformity is usually based upon the percentage of the renovation vs. value to which Vice Chairman Ford stated that method could cause problems in the future.

Bruce Gimmy stated that he agreed with Mr. Jones' suggestion for calculation because it would be kept simple. He questioned what would be required if there was no new construction involved, but just a relandscape. Attorney Nicoletti replied that there is already a section in the Code that addresses that issue.

Town Clerk Hancsak asked if Single Family homes were exempt from the tree permitting section to which Attorney Nicoletti replied that they were exempt citing page 10 of the Ordinance, Section C.

Ms. Bingham questioned if new construction on vacant lots would be applicable. Town Clerk Hancsak explained that newly adopted Ordinance 489 addresses removing all non-native trees, but does not address retaining other trees. Ms. Bingham stated her concern that someone would be able to remove all trees from a lot to which Attorney Nicoletti commented that vacant lots are not exempt from the Code.

Earl Jones requested that a clarification be made on page 3, #2 so that it clearly states in what sections exemptions are made. Attorney Nicoletti agreed and stated that he would amend page 2, Section D to specify "division" instead of "code."

Vice Chairman Ford restated the Commission's conclusion that they wanted the area of applicability (in regards to the Xeriscape section) to be the 15' perimeter around the footprint of new construction only. He also stated that this would not be applicable to Single Family homes. The Commission concurred.

Mr. Jones restated his desire to have the Code reviewed by someone with a greater understanding of the landscaping language to which Attorney Nicoletti replied that his intent was to proceed to that step next and then have the final draft prepared.

IV. CONTINUE PRESENTATION AND DISCUSSION WITH URBAN DESIGN

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STUDIOS RE: REVIEW OF LAND DEVELOPMENT CODE

Town Clerk Hancsak read the correspondence received by J. Bailey Wolforth, 14 Sabal Island Dr., regarding revisions to the Land Development Code.

Mr. Wolforth's letter begins by stating that there is currently a large number of houses for sale in Ocean Ridge. He stated that he believes the profile of the prospective purchaser for a beach area house has changed to young, professional, year round residents who require larger, newer homes. He concludes that reducing the amount of buildable area on a lot, reduces the value of the lot. Mr. Wolforth ends his letter by summarizing his observations and concerns over the information in Urban Design Studios' Supplements by agreeing with the issue of human scale and window coverage and disagreeing with the issues regarding two story house setbacks and second floor square foot restrictions.

Hank Skokowski, Urban Design Studios, thanked Mr. Wolforth for his letter, observations, and support of the "human scale" aspect. He added that the square footage allowed is not changing in that the FAR and the setbacks are not changing.

Mr. Skokowski explained the change that was made on page 6 regarding the previously discussed second floor "stepbacks." He stated the Town Commission decided that the 75% limit on the second floor precludes the need for second story "stepbacks."

Mr. Jones stated that he had investigated various lots in his area and he felt the nicest looking house has a second floor covering 100% of the first floor. He concluded that the discussions basically involved appearance and scale and stated that he would vote down anything that would scale down the size of a house.

Ms. Bingham stated that she believed the goal of the revisions were to provide people ample space between houses and not infringe on one's neighbor. She expressed her concern over water runoff from roofs that overhang too close to the neighboring property which she felt could be resolved by greater setbacks for two story houses.

Earl Jones said that the roof runoff would not matter if it were on a one or two story house and added that increased setbacks would not be an idea that he believed the Town Commission would endorse adding that at the last Town Commission meeting they even discussed the possibility of reducing the setbacks.

Town Manger Lanker explained that the 75% second floor limit would create a significant change in the architecture of new homes as opposed

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to the FAR as it is currently in the code. He commented that all new homes that have been submitted in the past 6-12 months have pushed the FAR to the maximum and would not comply to the proposed 75% second floor limit.

Hank Skokowski stated that his attempt was to establish standards that would not allow bad design; however, this may limit the very best design. He suggested that the problem may be that the older houses were not built pushing the FAR as opposed to ones that are currently being built. He added that the current provision permits building a second story the same size as a first story allows a house to intrude on its neighbors.

Attorney Nicoletti explained that several years ago an ordinance was passed that required 4' setbacks on a second story that was very unpopular and eventually repealed. He stated that the 75% limit allowed for greater freedom on the placement of the second floor.

Ms. Bingham inquired as to who decides which side is the front of the house to which Vice Chairman Ford replied that the front is the side that faces the street.

Bruce Gimmy stated that he had previously lived in a small resort town which has since been rebuilt and has lost all the old appearance because of lack of regulations. He expressed his favor of the 75% limit and that he felt that they were accomplishing something important for the Town with these changes.

Hank Skokowski added that he felt the 75% limit was important in that it allows a little more light and space between neighbors and scales down the mass of a home.

Ms. Bingham suggested that shrubbery be required inside the lot lines which could force the setbacks to increase. Town Clerk Hancsak replied that shrubbery would be addressed in the landscaping code.

Earl Jones then distributed a handout that outlined the current buildable space on various sized lots versus the maximum allowable square footage. For example, a medium sized lot (100' x 120') currently permits a 4320 sq. ft. maximum house on a lot that would be 5600 sq. ft. after the current setbacks are subtracted. Mr. Jones explained that he believed that counting over 18' as double would be a better alternative to 15' because 15' was not a sufficient height to make into two floors and violate the FAR.

Mr. Jones also pointed out that some entranceways have high ceilings and inquired as to how that would be handled. Town Manager Lanker stated that the entranceway was difficult to determine in regards

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to the FAR and that the code would need to define entranceway.

Vice Chairman Ford inquired as to the possibility that someone would actually build with a high ceiling and come in later and try to box it in. Mr. Lanker replied that while he felt that this would not occur, he believed that as long as the outside shell conforms to code, the inside that cannot be seen should not matter.

Mr. Skokowski explained that the 15' counting as double would also control a one story house that may have over 15' in most of the area, but appears like it has only 50% FAR from the outside.

Mr. Jones stated that he does not have a problem with the 15' counting as double as long as there is an exception for the entranceway. Mr. Skokowski suggested an exception for a certain amount which could be used as an entranceway or whatever else the homeowner might want.

Mr. Skokowski gave 200 sq. ft. as an example to which Mr. Jones stated that he liked this idea.

The Commission concurred to anything over 15' counting as double with a 200 sq. ft. exclusion.

The Commission also concurred to a 75% second floor limit.

Mr. Skokowski then summarized all of the changes that had been made from Urban Design Studios' original proposal. On the second page of the handout, he stated that the second story setbacks had been deleted. He added that the tie beam for a one story had been decreased from 15' to 12' and the maximum height had decreased from 32' to 28'.

Town Manager Lanker stated that he believed that the intent of the FAR was to prohibit a third story which it does not do. He suggested that the prohibition of a third floor be specifically spelled out in the code. Attorney Nicoletti added that the Land Development Code currently states that someone can not have three stories above grade.

A basement is allowed by the code provided that fill is not needed to facilitate this. He further stated that the necessity for a building permit to change a vaulted area to two floors would be denied if the FAR was exceeded.

Mr. Skokowski stated that the only change to page 3 was that the face of the garage was included in the area used to determine the window/door coverage.

On the fourth page, he advised that the standard size of a window was increased to 48 sq. ft. and the exception for a feature window of up to 64 sq. ft. was added.

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Mr. Jones asked why a limit was placed on a window of 10' for height and width. Mr. Skokowski replied that 10' was within his comfort level and the Commission could increase the limit to 11' or 12' if that was what they were comfortable with.

Mr. Skokowski pointed out one new element that was included in this handout which was the element of covered entries. He suggested that a 15' limit be placed on the size of an entry (measured to the eave line) to which everyone agreed.

Mr. Jones stated that he noticed that the Planning and Zoning Commission's recommendation that the minimum roof pitch changing from 4:12 to 3:12 had been changed back to 4:12 by the Town Commission. He again stated his disagreement with this minimum.

Attorney Nicoletti announced that the Commission needed to deal with the issue of variances. He stated that currently variances are heard by the Board of Adjustments and are granted based on proving a hardship. He then read the 7 criteria outlined in the code regarding proving a hardship. Attorney Nicoletti stated that a decision would have to be made regarding who would hear these appeals. Mr. Gimmy suggested that the appeals not go to the Town Commission so there were no political conflicts.

Mr. Jones advised that it would be necessary to review all the codes to determine if there were any conflicts to which Mr. Skokowski replied that the review was part of his job.

Mr. Skokowski mentioned that due to the sizes of the homes in Neighborhoods 3 and 5, they could possibly be exempt from the 75% second floor limit. He also suggested that an exception may be made for houses with frontages on the Ocean in that they may be allowed up to 40% window/door coverage.

Mr. Jones asked whether they had decided to exempt estate lots where the landscaping did not allow the front of the house to be seen. Town Clerk Hancsak replied that the Commission had decided against the exemption because landscaping can change.

Mr. Jones expressed his concern over the appearance of a large house on the Ocean having very small windows. Mr. Skokowski agreed and responded that he would investigate at an exception for that neighborhood. He stated that the whole point of doing neighborhood analysis is to discover what is unique to each one for the exceptions.

Mr. Jones suggested to Mr. Skokowski that he try to stress to the public at the Town Commission meeting that it is not his to reduce property values in the Town.

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Attorney Nicoletti felt any appeals should be heard by the Planning and Zoning Commission.

Vice Chairman Ford then asked Mr. Wolforth how he felt about today's decisions. Mr. Wolforth replied that in regards to the 200 sq. ft. exception for over 15' counting as double, he believed that 400 sq. ft. would be a better figure. Mr. Skokowski explained that a house could still have 400 sq. ft. over 15'; however, anything over 200 sq. ft. would count as double.

Mr. Jones mentioned previous discussions regarding a possible joint meeting with the Town Commission to discuss the change and the reasons behind them. Mr. Skokowski stated that he did not believe that to be necessary anymore to which everyone agreed.

Bruce Gimmy moved to have Urban Design Studios provide the recommendations of the Planning and Zoning Commission to the Town Commission in final draft form, seconded by Earl Jones.

Motion Carried - All Yea.

Attorney Nicoletti advised that he would be taking the Landscaping Code to a Landscape architect next and he will bring the final draft to the next meeting to be scheduled after his review.

VI Adjournment

The meeting was adjourned at approximately 10:20 AM.

Vice Chairman Ford

Earl Jones

Betty Bingham

Attest by:

Bruce Gimmy

Town Clerk