

SPECIAL MEETING OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE  
HELD IN THE TOWN HALL ON TUESDAY, MARCH 11, 1997, 7:00 P.M.

The meeting was called to order by Mayor Stamos. Following the Pledge of Allegiance, roll call was answered by the following:

Commissioner Aaskov            Commissioner Bridges  
Commissioner Kaleel           Commissioner O'Hare  
Mayor Stamos

III.            Continue Discussion of Proposed Land Development Code  
Revisions

Town Clerk Hancsak summarized the correspondence regarding the proposed revisions received since the last meeting of January 13, 1997. A letter was received from Earl Jones, 14 Sailfish Lane, stating his feelings that the south end of Town did not need special exceptions to the code. A letter was also received from Marilyn Tuppen who stated that she was in favor of the residents controlling the appearance of their homes. Mrs. Hancsak announced that she had also received 2 petitions. The first petition was from Mr. Goray with 61 signatures of residents against the proposed changes (making a total of 76 signatures including the previous petition submitted by Mr. Goray). The second petition included 89 signatures in favor of the proposed revisions.

Comm Bridges asked Town Clerk Hancsak if all of the pages on Mr. Goray's petition were signed at the bottom. Mrs. Hancsak advised that 2 pages were not signed. Mayor Stamos stated that the Town Attorney would decide the validity of the petition.

Mayor Stamos advised the public that they would be allowed to participate and that no final decisions would be made at this meeting.

Atty Nicoletti advised that the proposed Land Development Code amendments distributed were prepared from information supplied by the consultant (Hank Skokowski of Urban Design Studios), the Town Manager, Comm Bridges, and comments from the residents in previous meetings. Atty Nicoletti emphasized that not all parts of the revisions are intended to have the force of law. Atty Nicoletti then proceeded to summarize the revisions.

Regarding the second page of the memorandum distributed by Atty Nicoletti, Sec. 14-31 and Sec. 14-32 of the Town Code would be moved to the Land Use Code in the RSF district. Sec. 14-31 would be modified slightly to include a section providing for small 25 sq. ft. balconies and Sec. 14-32 would pertain only to sloped roofs.

The third page of the memorandum added the use of the County Construction Board of Adjustment and the Court Fire Board of Appeal since the Town does not have either. Page three also outlines Hank Skokowski's criteria of human scale development. Page four included illustrations regarding human scale elements.

Comm Bridges stated that he thought the human scale element was going to be non-mandatory. Comm O'Hare suggested the possibility that if this element was mandatory and all criteria was met,

SPECIAL MEETING OF MARCH 11, 1997

then certain concessions could be made for the residents. Atty Nicoletti advised that some municipalities do have this type of "bonus."

The fifth page outlined the development regulations for certain neighborhood types. The sixth page was a continuation that included certain exceptions for regulations regarding front entrance openings, windows, and second floor area.

The seventh page contained proposed mandatory elements. These included covered entries, front entrance openings, standard and feature windows. Atty Nicoletti advised that the illustrations for this page were not to scale and that it is the dimensions that are important.

The eighth through tenth pages included the elements of front doors, window and door coverage, solid walls, floor area calculations, second floor area limit, roof pitch, and flat roofs. The section regarding the roof pitch contained new language along with some of the existing code.

The eleventh page introduces a new section of the building envelope that would replace the triangle used in the current code.

The twelfth page outlined the text for the RSE and RSF districts which included the current code with the change of the maximum building height for a single story building and the deletion of the text relating to the triangle building envelope.

The thirteenth page included Sec. 26-39 which if amended could allow for some incursion into the setbacks providing that it would not be visible from the front of the structure. Atty Nicoletti advised that the Commission would have to decide how this screening should be accomplished. The addition of Sec. 26-135 would require that construction documents be submitted certifying compliance with all the Town requirements.

An additional memorandum was distributed by Atty Nicoletti which included revisions to Sec. 14-28. Section 14-28(a) would not change and Sec. 14-28(b) regarding required trench drains would be added. Also Sections 14-28(c), (d), and (e) would be added regarding fences and walls, additional landscaping requirements, and block walls, respectively. Sec. 26-240 would be a definition section explaining total floor area and floor area ratio.

Mayor Stamos asked for comments from the Commissioners. Comm Bridges suggested that the public speak first.

Maureen Hamilton, 1 Inlet Cay, thanked the Commission for all their work and added that if these revisions are adopted then a legacy that the Commission really cares about preserving the character of the Town will remain.

MaryLou Farr, General Manager of Ocean Ridge Management, stated that she represented 115

condominium owners who completely agreed with the changes because they would keep the Town aesthetically pleasing.

Betty Bingham, 1 Ocean Ave, stated her concern over allowing intrusion into the setback with A\C units as residents may take advantage. She added that she believed requiring a 75% second floor limit would not allow a colonial style house.

Phil Barlage, 35 Anna St. and Member of the Board of Adjustment, questioned the use of the designations by neighborhood type. Comm Bridges reminded Mr. Barlage that the neighborhood types are a guideline only. Mr. Barlage suggested that if they are not going to be enforced that they should be taken out. Atty Nicoletti clarified that the neighborhood types are brought into the mandatory sections by their exceptions for certain elements.

Joan Douglas, 21 Eleuthra, stated that she wanted to keep Ocean Ridge the way it is and not wait until it is too late when the change has already taken place.

Kristen Hamre, 5505 N Ocean Blvd and executive of the Boca Historical Society, stated that she commended the Town for having more foresight than Boca Raton where people buy several small lots and build large homes. Atty Nicoletti advised that there is nothing to prevent that from occurring in Ocean Ridge if a Unity of Title is applied for. Comm Bridges agreed with Ms. Hamre stating that he believed that the FAR and the 75% second floor limit would help eliminate the monster homes. He added that a home should not effect the property around it. Comm O'Hare suggested that in order to stop encroachment on neighboring properties the setbacks should be increased while increasing the FAR.

Richard Lucibella, 5 Beachway N, advised that he felt the Commission is attempting to discourage a certain type of home, the monumental scale home. He stated that he would have to question adopting ordinances on taste. He added that he believed people come to Ocean Ridge because it is eclectic. He concluded that the Commission needs to ask why it is taking power away from individuals.

Emmett Pace, 5550 N Ocean Blvd., stated that he was not clear on the issue of doors and windows. Atty Nicoletti advised that these revisions would only pertain to the doors and windows on the front of the house. Mr. Pace stated that he believed houses with Ocean, Intracoastal, or canal views should be allowed to have windows to enjoy these views. Bud Ford, Vice Chairman of the Planning and Zoning Board, advised that when the Board first started reviewing these revisions, they clarified the front as the side that faces the street.

Emmett Pace inquired about having a sliding glass door in the front of a condo. He also suggested that the maximum width of a door be increased to 8' without the necessity of having a double door and eliminate the 8' door height limit. He also asked for further clarification on the subject of lot types. Atty Nicoletti replied that after reviewing the proposed revisions that the Neighborhood

SPECIAL MEETING OF MARCH 11, 1997

types would have to be mandatory because they are listed in the exceptions in the mandatory section of the revisions.

Emmett Pace questioned that if 20% of a roof can be a deck, is the area underneath that considered as area under roof or area under deck. Mayor Stamos replied that it would still be area under roof.

Mr. Pace again questioned the acceptability of a sliding glass door on the front of a condo. Atty Nicoletti advised that they would have to define if a sliding glass door should be classified as a door or a window.

Ryszard Gordecki, 34 Harbour Dr N, stated that he applauded the initiative of the Commission in taking this action, but he felt there is a problem in trying to dictate taste. He added that the Code should allow for what is tasteful to all, not just to a few.

Comm O'Hare advised that clarification would have to be made on the frontage of houses as there are houses on corners that face three streets. Atty Nicoletti replied that the Commission would have to look at those lots that front either on two streets or on a street and a canal.

Tom Dyer, 92 Island Dr S, stated that when he was first elected to the Commission, a building moratorium was called and the building code was revised. He advised the Commissioners and the public to remember what made them move to Ocean Ridge and to attempt to maintain the same feel that brought them here. He concluded that he felt the Commission was "on the right track" in their current thinking.

Gerald Goray, 130 Island Dr., stated that he believed Ocean Ridge to be a great place to live. He advised that he encouraged fewer laws and added that he believed that the Town currently has good laws on the books. He suggested that before these revisions are made, the Commission look at tightening up the current code and deal with potential abuses on a case by case basis.

Bruce Gimmy, 12 Ocean Ave., stated that the Commission needed to look at the community as a whole and not individuals.

Shelly Childers, 22 Harbour Dr S, stated that she felt that the Code is a very good framework, but clarification is needed. She added that the market is different now and these revisions are needed.

Comm Aaskov advised that she was in favor of a portion of the revisions but felt that some are too rigid. She stated that even if the revisions are adopted, it would not guarantee a house in good taste. She added that a old New England Federal style house could not be built under these guidelines.

Comm Bridges stated that he felt the Code would encourage the federal style house. He advised that the Commission is taking the old Code and clarifying it so that the Building Official would have a clear definition of Floor area ratio, et cetera. He explained that there are more lenient

sections regarding the A/C unit allowed in a setback if screened and regarding flat roofs. He added that the 75% second story restriction is designed to protect the surrounding properties. He stated that good architecture comes from restrictions and that without restrictions, Towns are destroyed. He concluded that he felt the Commission did have a mandate to propose these changes and clarify the current code.

Comm Kaleel advised that he agreed with many items in the proposed revisions and outlined those areas that he disagreed with. The first area of disagreement was regarding lot types. Comm Kaleel stated that he felt the clarifications should be made by lot size rather than lot type. He stated that he felt that Sec. 26-10(a) is an opinion and should be eliminated and that page 9 of the handout should be made mandatory. He advised that he felt that covered entries could be extended if still within the human scale element. He stated that the State energy calculations should be the guide for the maximum allowed window coverage. He also stated that he disagreed with the maximum height for door size and added that he would like it to be increased from 8'. He stated that a different means of control should be researched to allow for ceilings over 15' that would not allow for someone to build a second story at a later time. He advised that window size should not be restricted providing the windows are in proportion. Lastly, he stated that he objected to the illustrations used as they tend to be misleading. He advised that he calculated a 240' frontage for the house that is illustrated.

Comm Kaleel asked for clarification on why the rule of ceilings over 15' counting as double was introduced. Comm Bridges explained that it was to be a deterrent to someone making a single story house into 2 stories later on. Emmett Pace asked if a recent ordinance gave the Town the right to inspect the inside of houses. Atty Nicoletti explained that the Town has limited access to the inside of houses.

Comm O'Hare advised that in the beginning, the Commission had wanted to stop the influx of erroneous houses going up in Town and to control what happens to the neighboring properties. He stated that he believed that control of the building envelope and FAR would solve the problem. When this was given over to the consultant, other issues such as window and door size were added. Comm O'Hare stated that he now sees those additions as potential problems. Comm O'Hare concluded that he agreed with Comm Kaleel that some aspects may not be necessary, but that he felt the element of the building envelope to be important.

Mayor Stamos advised that the Commission had received a lot of information that will be reviewed. He advised that at the next meeting they would have to decide which parts are most important. He also agreed that the consultant may have gone overboard.

Atty Nicoletti outlined the changes that had been suggested from the meeting. The first was that the non-mandatory section on human scale be moved to the definition section. The second was changing the categories as defined by lot type to defined by lot size. Also a decision would have to be made by the Commission of how much of the mandatory section to keep. Lastly, the issue of

SPECIAL MEETING OF MARCH 11, 1997

frontage of properties would have to be addressed.

Comm Bridges advised that he felt the building envelope element to be most important and that he wanted to see the human scale aspect included somewhere.

Comm Kaleel stated that he felt the Commission was basically all in agreement if everyone agreed with keeping 15% coverage as a minimum for window coverage and allowing the State energy calculation to dictate the maximum.

Mayor Stamos stated that he felt that some of the architectural guidelines were not intended to be mandatory.

Comm O'Hare suggested that Atty Nicoletti be instructed to write the proposed revisions in ordinance form and at the next meeting, the Town Commission vote on each issue.

The Town Commission agreed that the Town Attorney draft the revisions in Ordinance form.

IV. Adjourn

The meeting was adjourned at 9:30 PM.

\_\_\_\_\_  
Mayor Stamos

\_\_\_\_\_  
Commissioner Aaskov

\_\_\_\_\_  
Commissioner Bridges

\_\_\_\_\_  
Commissioner Kaleel

\_\_\_\_\_  
Commissioner O'Hare

Attest By:

\_\_\_\_\_  
Town Clerk