

Special Meeting of the Town Commission and Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, April 12, 1999 at 6:00 PM in the Town Hall.

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

Commissioner Bingham
Commissioner Stamos

Commissioner Bridges
Vice Mayor Kaleel

It was noted for the record that Mayor Aaskov was absent with notice.

Pledge of Allegiance

Town Commission Item

Ordinance No. 502; Amending Chapter 26 of the Code of Ordinances at Article IV, Landscaping, by Establishing a Division 2, Water Efficient Landscape (Xeriscape), and Division 3, Tree Permits; providing for repeal of conflicting ordinances; providing for severability; providing for codification; and providing for an effective date (1st reading)

Vice Mayor Kaleel read Ordinance No. 502 by title only.

Town Manager Dunham explained that Ordinance No. 502 was approved on first reading at the regular Town Commission meeting on April 5, 1999 with some modifications. He stated that since then, a conflict was noticed regarding the removal of exotics on the dune. He advised that an amendment had been made to the ordinance so that although a permit is not needed for removing invasives, one will be necessary for removing invasives from the dune.

Comm Bridges moved to approve Ordinance No. 502 on first reading as amended, seconded by Comm Stamos.

Atty Nicoletti advised that while he did not think there would be a conflict between this and the section regarding dune trimming, he recommended the change be made.

Roll call was taken on Comm Bridges' motion.

Motion carried – yea 4.

SPECIAL MEETING OF THE TOWN COMMISSION AND PLANNING AND ZONING COMMISSION HELD ON MONDAY, APRIL 12, 1999 AT 6:00 PM

Town Commission and Planning and Zoning Commission

Discuss Town Land Development Regulations as they apply to and impact Grandfathered Uses

Town Clerk Hancsak advised that all the regular members of the Planning and Zoning Commission, Peggy Smith, Bruce Gimmy, Richard Lucibella, Ward Northrup and Peter Vrouhas, were present and that one alternate, Craig Baskin, was also present.

John Carlene and Hank Skokowski were present from Urban Design Studios to speak to the Commissions.

John Carlene advised that at the last joint meeting, the two Commissions created a joint issues list which was ranked in order of importance. Referring to the handout he presented to the commissioners, he outlined the first issue which was “no incentives exist for converting multifamily dwellings to single family dwellings.” He stated that there could be financial incentives given for this conversion to include property tax cuts (for five years), no tax on improvements (for five years), fee waivers, and/or opportunities for low interest loans.

Mr. Carlene showed a zoning map which highlighted all of the non-conforming lots within the town most of which are located at the south end of town and include both single family and multi family dwelling units. He explained that many of the lots on Oceanview and Douglas are too small to meet today’s codes and if they were to be built on with the current setbacks, it would only allow for 15% lot coverage. He stated that if the setbacks were changed so that the front was 20’ and the rear and sides were 10’, it would allow for 32% lot coverage. Mr. Skokowski stated that even on a lot with the minimum dimensions for the RMM district, the 40% maximum lot coverage could not be reached with the current setbacks.

Comm Bridges asked why some of the lots in the RMM district were not marked as non-conforming on the zoning map which he believed to be non-conforming. Mr. Carlene advised that some information on the lots was difficult to get and those lots which were very close to conforming were not marked as non-conforming.

Richard Lucibella questioned how much of a savings residents would receive on their tax bills for conversion. Earl Jones, 17 Sailfish Lane, advised that out of the \$3000 he pays in taxes, approximately \$500 of it is town taxes. He stated that even a 10 year elimination of taxes would only amount to around \$5,000.

Mr. Carlene suggested that special districts be established to grant relief on property development regulations for single family non-conforming structures. He explained that a special overlay district could be established in the south end of town such as an Ocean View District.

SPECIAL MEETING OF THE TOWN COMMISSION AND PLANNING AND
ZONING COMMISSION HELD ON MONDAY, APRIL 12, 1999 AT 6:00 PM

The second previously discussed issue was “need to change the code to allow the improvement of a non-conforming, grandfathered structure if the non-conformity is not increased.” Mr. Skokowski advised that the Town Commission is currently reviewing an ordinance for this purpose. Mr. Jones stated that he did not feel the changes would help those with lots on Oceanview and Douglas. Mr. Skokowski stated that if an overlay district was in place which would bring many of the lots into compliance, the 5% administrative variance being reviewed would make a difference in changes these residents could make. Atty Nicoletti advised that if the town returned to the prior setbacks in those areas, the 5% administrative variance would be an even greater possible change. Mr. Jones stated that he did not believe the residents of that area wanted the setbacks decreased. Atty Nicoletti advised that the ordinance states that the 10’ setback can not be violated and that once at 10’, the 5% does not apply. He added that this covers the concern of the residents of that area that they be allowed to build “up” with their homes, but not add to the existing setbacks.

Mr. Carlene compared the existing zoning regulations in the RSF, RSE and RMM districts and the effect that the 5% administrative variance would have on any of the special overlay districts, if imposed. He stated that the special overlay districts would only apply to the non-conforming lots within their jurisdiction.

Comm Bridges stated that he did not feel that the proposed Beach Cottage special overlay district located east of A1A across from the Coastal Shores subdivision was necessary. He stated that he felt most of the lots are already assembled and that the area should not be changed. He advised that the Coastal Construction Control Line must also be considered in these new districts. He suggested that a flat 36% FAR be considered with all other regulations falling in around it. He suggested that the 75% second floor restriction be dismissed in certain areas.

Comm Stamos agreed that he felt the Beach Cottage special district is not necessary, but that for smaller lots, the second floor 75% restriction should be kept and the FAR increased.

Mr. Jones pointed out that in the Ocean View special district, the minimum house size of 1600 SF would already be higher than the maximum allowable 36% FAR. Atty Nicoletti stated that according to the code, if a residence was over the FAR to begin with, a new residence could be built to that same FAR. Mr. Skokowski stated that he has found a 45% FAR to be typical in similar areas.

Vice Mayor Kaleel suggested that a sliding scale FAR be used in relation to lot size. Comm Bridges added that he felt the setbacks should also be lot specific. Mr. Lucibella questioned if the sliding scale would be relevant to the entire town or just the special districts to which Vice Mayor Kaleel stated that it would be for the very small lots within the special districts. Mr. Skokowski stated that with the sliding scale, it would be possible to keep the 75% second floor and other design criteria.

SPECIAL MEETING OF THE TOWN COMMISSION AND PLANNING AND ZONING COMMISSION HELD ON MONDAY, APRIL 12, 1999 AT 6:00 PM

Comm Bingham stated that she felt there also needed to be incentives for motels/hotels to convert to single family homes. Mr. Jones stated that he feels when the hotels are forced to minimum one-month rentals, many undesirables will move into the town creating a bad situation.

Mr. Skokowski stated that he felt they had enough information to reevaluate.

Comm Bridges questioned what would apply to the Ocean Club Masonettes special overlay district at the north end of town on the west side of A1A. Atty Nicoletti explained that it would be difficult to apply the same regulations as the area is a co-op and there are no lot lines for each unit. Mr. Skokowski stated that they would need to have a standard for perimeter conditions and an interior standard such as minimum distance between structures. He suggested that perhaps a special meeting for the residents of this area be scheduled for their recommendations. Vice Mayor Kaleel suggested that Town Manager Dunham and Atty Nicoletti meet to discuss the legal issues involved in zoning regulations for this area.

Bruce Gimmy questioned what the incentive would be for a part-time resident who owns a three unit structure (living in one unit part time and renting the other two) to convert to a single family home. Vice Mayor Kaleel stated that he did not feel they needed to discuss financial incentives, yet, as they were not even a consideration at the previous meeting.

Mr. Skokowski stated that he could bring the recommendations back to the Town Commission in concrete form for final approval and then have them placed in ordinance form. Mr. Lucibella stated that he thought there did not need to be another combined meeting and that the next draft should go before the Town Commission. Comm Bridges agreed that the draft should go before the Town Commission in a special meeting and then put in ordinance form. Town Manager Dunham explained that the contract with Urban Design Studios was for four meetings of which this was the third. Mr. Skokowski stated that he could give the draft to the Town Commission in advance of any meeting and they could decide which body it was brought before. There was continued discussion on which body the next draft would be brought to and there was a consensus that the draft would go before the Planning and Zoning Commission and brought before the Town Commission afterward in ordinance form.

Comm Stamos moved that the Planning and Zoning Commission review the draft of proposed land development regulations and bring the proposed ordinance before the Town Commission, seconded by Comm Bingham.

Motion carried – yea 4.

Adjournment

The meeting was adjourned at 7:45 PM.

SPECIAL MEETING OF THE TOWN COMMISSION AND PLANNING AND ZONING COMMISSION HELD ON MONDAY, APRIL 12, 1999 AT 6:00 PM

Vice Mayor Kaleel

Commissioner Bingham

Commissioner Bridges

Commissioner Stamos

Craig Baskin

Bruce Gimmy

Richard Lucibella

Ward Northrup

Peggy Smith

Peter Vrouhas

Attest By:

Town Clerk