

Special Town Commission Meeting of the Town of Ocean Ridge held in Town Hall Meeting Chambers on Monday, December 13, 1999 at 3:30 PM.

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

Commissioner Bingham  
Commissioner Stamos

Commissioner Bridges  
Mayor Aaskov

It was noted for the record that Commissioner Kaleel was running late.

#### Pledge of Allegiance

#### 1. Appointment of a Special Master

Town Manager Dunham advised that the current Special Master, Randy Zeldin, had submitted his resignation and that he and Atty Spillias had received a resume from Paulette Torcivia. He advised that she has agreed to the same rate as Mr. Zeldin and that she currently serves as Special Master for Riviera Beach and Lake Worth. He stated that staff was recommending to hire her on an interim basis and then consider her for full time. Atty Spillias stated that he knows her very well and that she was also the Special Master for West Palm Beach in forfeiture matters. He added that he had spoken to other attorneys about her and had received good recommendations and that she was firm.

Comm Kaleel arrived at the meeting at 3:40 PM.

Mayor Aaskov stated that she recalled that the Town Commission wanted to interview these candidates before they were hired.

Comm Kaleel moved to hire Paulette Torcivia as Special Master at the leisure of the Town Commission, seconded by Comm Bridges.

Atty Spillias stated that Ms. Torcivia did ask whether she should attend this meeting, but that he or Town Manager Dunham were not aware that the Town Commission would want to meet her. He stated that he would ask her to attend the January 10, 2000 meeting.

Roll call was taken on Comm Kaleel's motion.

Motion carried – yea 5.

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### 2. Discuss Possible Amendments to the Zoning Regulations By: Comm Bridges

Comm Bridges stated that he wants to tighten the regulations on building heights to close the loopholes that some architects are taking advantage of. He suggested that “top plate” be added with tie beam for wood construction. He also suggested that the FAR be increased from 36% to 38%. He stated that height should be clearly defined.

Comm Stamos stated that he agreed with increasing the FAR to 38% as long as all other code requirements are met. He also agreed to tightening up the height controls. Comm Bridges suggested controlling heights similar to the code in Palm Beach.

Comm Kaleel questioned the height for a two-story home to which he was told that it was currently 36'. Comm Bridges stated that they should only allow 35' of sheer wall in any one place and define where the height of the wall starts.

Comm Kaleel stated that he supported these changes.

Town Manager Dunham explained that there is a 24' maximum height of the tie beam for a two-story residence, but that some architects try to add an architectural feature above the tie beam, but still within the building envelope. Comm Stamos stated that he would not like to restrict the tie beam elevation. Town Manager Dunham explained that dormer windows and gabled ends are currently allowed as exceptions to the building envelope and some architects have added features calling them dormer windows or gabled ends in order to get around the code.

Town Manager Dunham stated that the staff will present a written and visual comparison of the Ocean Ridge and Palm Beach Code.

Comm Kaleel moved that Atty Spillias present an ordinance which includes changes suggested by the Town Commission, seconded by Comm Bridges.

Motion carried – yea 5.

### 3. Discuss Commercial Zoning Issues

Mayor Aaskov passed the gavel to Vice Mayor Kaleel for this discussion citing a conflict of interest.

Vice Mayor Kaleel stated that the Town Commission was here to discuss the current commercial ordinance adding that they wanted the opinions of the current commercial property owners.

Comm Stamos stated that he felt the Town Commission made a mistake when adopting this ordinance in 1969 and that he would not like to change the zoning, but allow the current uses to continue. He added that he feared the Town would be accused of

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selective enforcement if they changed the code now that some businesses have left the Town.

Comm Bingham stated that she felt most people were aware of this ordinance when they bought their property.

Jans Hartung, Seaview Motel, stated that this ordinance will cause his income to drop by a third which will not be enough for sufficient upkeep on the building. He added that the type of tenant will also change if he had to convert to minimum thirty-day rentals.

Comm Bridges stated that he has mixed feelings regarding this subject adding that he understands the reason for possibly amending the code and that he realizes monthly rentals will equate to more slum type rentals. He stated that he felt reversing the ordinance would bring lawsuits from Busch's and those hotels/motels which have already converted. He added that the Sivitilli's were aware of this ordinance when they purchased the property at 5011 N. Ocean Blvd.

Atty Spillias stated that any ordinance which is passed by the Town Commission is valid and enforceable. He stated that the lawsuit previously filed by Busch's restaurant did not prove that the ordinance was unconstitutional and; therefore, the Town's ordinance was upheld. If the Town Commission chose to repeal this ordinance, he felt the motels/hotels which have previously converted would have no case to file as the Town has only been enforcing the ordinances which were in effect. He stated that he was unable to locate the code that states the hotels must convert to thirty-day rentals. He explained that there are definitions for dwelling units and residences and dwelling units are defined as having culinary space and not used for transient occupancy. He stated that the code provides that when these units phase out, they must comply with the residential zoning where they are located i.e., if a motel is in a RSF district it would have to convert to a single family home or have a change in zoning.

Atty Spillias stated that the Town Commission could keep the ordinance as it is (which would require 5011 N Ocean Blvd. to phase out by June 2000), repeal ordinance and allow current commercial uses to continue as they are with no new commercial allowed or amend comprehensive plan to add commercial zoning districts.

Jim McDonald, 5101 N Ocean Blvd., Turtle Beach, stated that he is a customer of the 5011 N Ocean Blvd. stores and that he feels this commercial building fits its location in Town.

Comm Kaleel questioned if the ordinance were repealed, if there would be a way to encourage those remaining hotel owners to maintain a more positive image for their properties. Atty Spillias stated that there are ordinances which regulate hotel uses and that he would research this question. Comm Kaleel stated that the Town Commission needed to determine if the repeal of this ordinance would be in the best interest of the future of the Town.

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The consensus of the Town Commission was for repeal of the ordinance and to have the Town Atty research an ordinance which would encourage proper maintenance of the properties.

### 4. Discuss Architectural Review

Town Manager Dunham advised that Chris Wheeler, Chairman of Architectural Board in Gulfstream and Don Silpe, Chairman of Architectural Committee in Manalapan were both present at the meeting to speak to the Commissioners and answer any questions.

Mr. Silpe advised that Manalapan's committee was relatively new and that they had an architectural firm help them with their committee guidelines. He advised that Manalapan is divided into the two districts, Point Manalapan and the area on the ocean. He stated that homeowners must submit a model of their home before construction so that the board will know what it will look like from the neighbor's perspective. He advised that they had seen models of some very nice homes, but they did not blend with the look of the neighborhood. He stated that all plans are passed by the zoning and building departments before they are submitted to the committee.

Comm Kaleel questioned who is on their committee to which Mr. Silpe that there is an architect, physician, housewife, former food industry worker, builder and a property manager on their committee. He added that they meet the second Tuesday of every month.

Comm Bridges questioned if the Town Commission would evaluate the project after the Architectural Committee to which Mr. Silpe advised that it does not, but that all appeals are made to the Town Commission.

Comm Stamos questioned who helped with their guidelines to which Mr. Silpe advised that four architectural firms provided input as well as reviewing the codes of other architectural review boards.

Comm Kaleel questioned if someone would have to request the committee's permission to paint their house a different color to which Mr. Silpe advised that they would.

Comm Kaleel questioned if their committee had ever been sued regarding design criteria to which Mr. Silpe advised that they had not.

Mr. Wheeler advised that the architectural board in Gulfstream has been in existence for five or six years adding that they have never been sued. He explained that they have four categories of architecture which are prohibited, preferred, discouraged and mandatory. He stated that there are also three levels of review which are staff level, staff and architectural board, and architectural board and Town Commission. He explained that unless there is something controversial about the project, the Town Commission usually approves the Architectural Board's decisions.

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Comm Stamos questioned if only the colors included in the color codes were approved to which Mr. Wheeler advised that the colors are also broken down into the categories of prohibited, preferred et cetera. He explained that a discouraged element is allowed, but that they are limited to three discouraged elements per residence.

Town Manager Dunham questioned if the staff provided comments prior to their review to which Mr. Wheeler advised that they did and that the board agrees with the staff recommendation about 75% of the time. Mr. Silpe stated that there is no staff recommendation in Manalapan.

Mr. Wheeler advised that this board creates a tremendous burden on the staff. He stated that it does create a consistency in the standards and that usually only the architects are the ones who get angry with them.

Mr. Silpe advised that in Manalapan, it is required that the side line landscaping be installed first, so that the construction can be partially screened from the neighbors.

Mr. Wheeler advised that in Gulfstream, there was no construction work allowed on Saturdays during season and construction is only permitted certain months of the year. Comm Kaleel advised that he would be in favor of curtailing some of the construction work in Ocean Ridge on Saturdays to which the Town Commission concurred.

Comm Stamos asked for examples of discouraged aspects to which Mr. Wheeler advised that having two or more eave heights is discouraged.

Comm Kaleel questioned who was on the board in Gulfstream to which Mr. Wheeler advised that there was a real estate developer, banker, retiree, investment banker and an independent investor.

Town Manager Dunham questioned if there were many disputes over the interpretation of the code to which Mr. Wheeler stated that their code is written very well and there are not many interpretation disputes.

Director Hillery questioned if their Town Attorneys attended their board meetings to which both Messrs. Silpe and Wheeler advised that they did.

Comm Stamos stated that he would be in favor of this type of board in Ocean Ridge adding that he feels it will help the town.

Comm Kaleel stated that the pre-ambles for both of these boards includes a statement of the personality of those who go on the board and that an Ocean Ridge board would need to include one as well.

The Town Commission thanked Messrs. Silpe and Wheeler for attending the meeting. The Town Commission concurred that they would like to review both municipality's booklets before developing their own.

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The meeting was adjourned at 6:45 PM.

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Mayor Aaskov

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Commissioner Bingham

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Commissioner Bridges

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Commissioner Kaleel

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Commissioner Stamos

Attest By:

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Town Clerk