Joint Town Commission and Planning and Zoning Commission Workshop Meeting held on Tuesday, January 29, 2002 at 2:00 PM in the Town Hall Meeting Chambers.

The meeting was called to order by Mayor Kaleel at 2:10 PM and Town Clerk noted that the following members were present:

Commissioner Bingham	James Bonfiglio, P&Z
Commissioner Bridges	Ward Northrup, P&Z
Commissioner Willens	Peggy Smith, P&Z
Mayor Kaleel	Mauro Walker, P&Z

It was noted for the record that Comm Aaskov was running late.

Also present at the meeting were Fran Shay and Bob Diffenderfer of Lewis, Longman & Walker.

Workshop to discuss code re-write for the Town Code of Ordinances

Mayor Kaleel advised that the public would not be participating in the discussion at the meeting although there were index cards available if someone wanted to write down a question for discussion.

Atty Spillias stated that the issue of code re-write has been one since he began as Town Attorney two years before. He stated that at this meeting, he would be looking for input on Chapters 14 and 26 and then would present a draft of the chapters to the Town Commission to see if it meets their intentions. He explained that he had distributed a copy of the order of the Boynton Beach Code of Ordinances and suggested that the revised Ocean Ridge Code of Ordinances be done in a similar manner.

Comm Aaskov arrived at the meeting at 2:17 PM.

Town Manager Dunham stated that he estimated 80% of the Code did not need any review.

Chapter 14

Section 14-1. Removal of debris from construction sites; storage of equipment and materials

Mr. Northrup questioned Sec. 14-1(b) and how long debris can stay on a lot to which Atty Spillias stated that it can not be on the lot at all and that it would be a code enforcement action once it is reported. Town Clerk Hancsak advised that now the sites are required to have dumpsters and to keep them covered. She added that the Department of Public Safety is now able to write citations on the spot for code violations.

Section 14-2. Sanitary facilities at construction sites

Mr. Walker questioned if there were any requirements for cleaning the "port-a-potty" on construction sites to which Atty Spillias advised that it may already be a health dept. code, but it could be added to the Town's Code as well.

Section 14-26. Adoption of technical codes and countywide amendments

There was no discussion on this section

Section 14-27. Floor elevations

Town Manager Dunham explained that this section became an issue in the Pugliese variance on Hersey Drive. He stated that it would need to be clarified where the height of the building is measured from and if a residence could be three stories. He stated that the code does not allow for someone to put a garage or basement in fill that has been imported. He further explained that a residence will be applied for soon which will be required to bring in a tremendous amount of fill in order to bring it to the minimum required floor elevation.

Comm Bridges stated that he felt the overall height of a building is dictated by the tie beam, which is 24' above the 1'6" above the average height of the road. He stated that he felt if fill was required to bring the residence to the required finished floor elevation and there was enough room to then build a garage or basement in the fill, the applicant should be allowed to do so.

Atty Spillias stated that he needed clarification on where the 36' building height would be measured from and if a garage or basement would count as a third floor. He added that this situation might only occur on Old Ocean Blvd where there is a natural ridge. It was the consensus of the Town Commission that if fill has to be brought in for the FFE and there is sufficient room to add a basement or garage, it would be allowed.

Section 14-28. Drainage, required; swales; construction of driveways

Mr. Northrup questioned if something could be added to the code to help adjoining property owners in regard to drainage from new construction sites. Mayor Kaleel stated that an addition could be made to the code that if there is a change to the site plan of a property, consistent drainage is maintained.

Atty Spillias stated that it could be suggested that a new property owner's drainage effect the neighbors as little as possible to which Mayor Kaleel advised that the Town must be sure not to punish new builders.

Comm Bingham suggested that the maintenance of swales be included. Mrs. Smith advised that the resident across the street from her repaved their driveway and reduced the swale causing water to flow to her property where it had not before. Town Manager

Dunham suggested that the addition advise that for construction or renovations, the current Town drainage Codes be met. He explained that this would require someone repaving their driveway to either maintain their current swale or add one if there is not one. Comm Bingham commented that hedges planted in the swale also reduce the swale. Comm Bridges suggested that a minimum of 6" swales be maintained throughout the Town. Mayor Kaleel stated that he had no problem with planting in the swale, however, he was concerned with the amount of fill placed in the swale. Mr. Walker advised that part of the drainage problems can be solved with increasing the 15% pervious area.

Section 14-29. Flood damage prevention for utility systems

Section 14-30. Stilt construction

Section 14-31. Balconies not to extend into required yards

Section 14-32. Roof systems

Section 14-33. Hot water required

Section 14-51. Violation of Article

There was no discussion on the above sections.

Section 14-52. Construction board of adjustments and appeals

Atty Spillias advised that there was a problem with this section as there is no construction board of adjustments, but that he would provide a solution when the draft of Chapters 14 and 26 are presented.

Section 14-53. Signature and seal of registered architect or engineer required on certain plans

Mr. Northrup advised that he felt a $10,000 minimum regarding sealed drawings may be too high. Town Clerk Hancsak stated that the County, as our building department, may have a lower threshold, which is required by contractors submitting building permits to the Town. Mayor Kaleel suggested that the Town match what the County requires.

Section 14-54. Authority to require engineering review and survey

Section 14-55. Permit fees

There was no discussion on the above sections.

Section 14-56. Posting of permits

Town Manager Dunham explained that this section refers to the actual permit issued by the County and not the permit notice signs placed by the Town.

Section 14-71. Applicable standards

Section 14-72. Submission of plans

There was no discussion on the above sections.

Section 14-73. Appeals

Atty Spillias advised that there may be a change made to this section to which Mayor Kaleel advised that any procedural changes that Atty Spillias suggests should just be added into the draft form. Mr. Bonfiglio stated that he would like to see a procedure for appeals added into the code.

Section 14-74. Required improvements

Atty Spillias stated that Section 14-74(a) requires the "…installation and construction and maintenance of an approved municipal street system…," but there are problems with this in subdivisions that do not have proper street systems. He advised that the Town is currently in litigation over the question of legal access.

Atty Spillias advised that currently the code is interpreted that if someone is building on an unimproved right-of-way, they, not the Town, must improve it all the way to their property.

Comm Bridges questioned if flag lots were allowed to which Atty Spillias stated that there is nothing in the code to preclude it. He stated that he would need direction from the Town Commission on whether they want to allow flag lots or not. Comm Bridges stated that he did not believe that they were needed as they increase density and non-pervious areas. It was the consensus of the Town Commission not to allow flag lots.

Atty Spillias questioned if the Town Commission wanted to make sure that anyone building along an unimproved right-of-way would have to improve it all the way to their property to which the Town Commission agreed. Mayor Kaleel suggested that Atty Spillias look into requiring those who build along the right-of-way after it has been improved make a contribution for this improvement.

Atty Spillias advised that the Town would be required to maintain this newly improved right-of-way.

Section 14-75. Payment of costs of installation and maintenance

Section 14-76. Responsibility for maintenance when improvements not accepted by the town

Section 14-77. Repair by town

Atty Spillias stated that his office would fine-tune the above sections for the draft.

Section 14-96. Applicability of article

Section 14-116. Required

Section 14-117. Exemption

Section 14-118. Expiration

Section 14-137. Site work not incidental to construction

There was no discussion on the above sections.

Section 14-138. Drainage

Town Manager Dunham explained that there are no standards dictated in this section and that the Town Engineer, Lisa Tropepe, has suggested that the same standards indicated in Section 26-41 be included here.

Comm Willens stated that he would like the revised code to include a provision that when there is a new residence built in a neighborhood, not a single drop more of rainfall will accumulate on the neighboring lots.

Mr. Diffenderfer stated that there is no standard by South Florida Water Management and one needs to be placed in the code. Comm Willens stated that he would like to require that lots hold more than the one inch currently required to which Comm Bridges disagreed stating that one inch is a lot of water and that he did not believe you could ask a homeowner to hold more than that. Mr. Diffenderfer explained to Comm Willens that when new construction causes additional water on an already built lot, some of that water is from what is flowing off from the already built lot onto the vacant lot. He stated that the new construction could not be made to retain runoff from other properties. Town Manager Dunham stated that he would be requesting in another section to increase the pervious area requirement, which would also help with the drainage situation.

Mr. Walker stated that he would like to see requirements for all the water to drain into the new drainage improvements to which Mayor Kaleel explained that the drainage improvements would only be a part of the solution and that retention on lots is also important.

Mayor Kaleel questioned if the Town Commission wanted the Town Engineer to review and approve all drainage plans to which Town Manager Dunham explained that would be

included in their scope of service. Comm Bridges suggested that an as built survey be required at the end of construction.

Atty Spillias stated that the cost for the Town Engineer's review could also be included in the Town's permit fees.

Section 14-136. Site work incidental to construction

Mr. Northrup stated that he felt it was senseless to require contractors to bury rocks in the ground. Town Manager Dunham stated that this section would be reviewed by the staff for the draft.

Section 14-150. Purpose and scope

Section 14-151. Definitions

Town Clerk Hancsak stated that these two sections are included for the benefit of the Special Master. Mrs. Smith asked if the definitions would all be placed together to which Atty Spillias advised that they would be in the same place for each chapter.

Comm Willens stated that he would like to see a requirement for oceanfront owners to perform beach cleaning in the code revisions. Town Clerk Hancsak replied that it is covered by the same sections requiring properties to be maintained and that if it were not done, it would become a code enforcement issue.

Mayor Kaleel stated that there is also a liability issue in that some of the waste is coming up on their properties after being washed in from the Ocean. Mr. Diffenderfer stated that Section 14-158, while not being beach specific, does cover this issue.

Section 14-152. Code enforcement special master; alternative means of enforcement

Section 14-153. Minimum standards for structures

There was no discussion on the above sections.

Section 14-154. Maintenance and appearance standards for all structures

Regarding Section 14-154(c) which states "…yards not utilizing vegetative cover, must utilize a material that meets all town codes, and such material must be maintained free of uncultivated growth…," Mr. Northrup suggested that the code be specific as to what types of materials meet town codes.

Section 14-155. Unsafe structures

Section 14-156. Repairs and installations

Section 14-157. Responsibilities of owners, operators and occupants

Section 14-158. Requirements relating to the safe and sanitary maintenance of premises adjacent to structures

There was no discussion on the above sections.

Section 14-159. Additional minimum standards for commercial, industrial and institutional structures

Atty Spillias suggested removing reference to institutional or industrial in this section to which the Town Commission concurred.

There was a 20-minute break from 3:50 PM until 4:10 PM.

Section 26-1. Short title

Section 26-2.Legislative purpose and intent

There was no discussion on the above sections.

Section 26-10. Single-family residential districts

Town Manager Dunham stated that he felt the first real issue was in Section 26-10 (c) and questioned if the Town Commission wanted to require that the front door side of a residence face the street or if it could face the side. Atty Spillias stated that the code does not designate where the front must be for the purpose of the front setback. He explained that the Town Commission needs to decide whether they want to require the main/front entrance of a residence face the street and also if they want to require a 25' rear setback if an unimproved right-of-way ran behind the property. Comm Bridges stated that he felt that the 25' front setback should be from the street side whether or not the front door/main entrance faces the street. He added that he felt the rear setback should also be 25' from unimproved rights-of-way as the staff has been interpreting the code. Mr. Bonfiglio questioned why a 25' front setback was required to which Mr. Northtrup stated that it was for aesthetics and parking reasons.

Atty Spillias summarized that the side of the residence in the front setback area would have to conform to the regulations set forth in figures 14-1 and 14-2.

Comm Bridges stated that he would like to see cubic content requirements on the revised code, which would control the height, size and massing of a residence.

Atty Spillias suggested that a maximum lot size be included for some districts where property owners may want to combine more than one lot to build a bigger residence.

Comm Bridges suggested that the FAR not be included in the revised code, but that the setbacks and the building envelope be included. He added that he felt the property owners who own on the east side of the old CCCL should not be allowed to use that portion of their property in their building measurements.

Atty Spillias questioned if the Town Commission would like to allow residents to use the setback area or property east of the old CCCL for accessory uses. Comm Bridges stated that he would like to see an allowance included in the revised code for some accessory uses such as a gazebo or pool house.

It was the consensus of the Town Commission to allow some accessory uses in the setback areas and not allow use of the land east of the old CCCL in building calculations. Atty Spillias suggested that a schematic of the old CCCL be included in the revised code book.

It was also the consensus of the Town Commission to rework the requirement for the 25% reduction of the second floor so that it will not allow the total reduction to be at the back of the residence.

Regarding the building envelope, Town Manager Dunham stated that although there is a 24' maximum height for a second floor tie beam, there are some architectural features that have a higher tie beam which is still within the building envelope. He questioned whether or not the Town Commission would want to allow this. It was the consensus of the Town Commission to allow architectural features with a tie beam above 24' but within the building envelope.

Atty Spillias advised that they would be increasing the amount of pervious area required from 15% to 25%.

Section 26-12. RMM medium density multiple-family residential district

Section 26-13. RHM high density multiple-family residential district

Section 26-14. PO public ownership district

Section 26-15. C conservation district

Section 26-16. Zoning map

Section 26-30. Accessory uses, buildings and structures generally

There was no discussion on the above sections.

Section 26-31. Swimming pools

Town Manager Dunham read from the Planning and Zoning Commission minutes in which they concurred to recommend to the Town Commission that a screened enclosure not be included in the lot coverage calculations.

Section 26-32. Private clubs

There was no discussion on the above section.

Section 26-33. Fences, walls and hedges

Town Manager Dunham explained that currently the code is interpreted as not only disallowing chain link fences in the front setback, but also the rear setback in the case of double frontage (not including pool fences). He stated that the code is not clear on this and questioned if the Town Commission wanted it clarified in keeping with the current interpretation to which the Town Commission concurred.

Town Manager Dunham explained that when new residences are made to build at higher elevations next to older homes, the new residence may have a retaining wall that matches the height of the neighboring 6' fence thus causing a situation where if someone climbed over the retaining wall they would have a 6' drop to the next yard. He suggested allowing the newer homes to place a lattice type fence on top of the retaining wall to 6' on their side.

Town Manager Dunham explained that the 4' maximum height for fences in the front yard is measured from the crown of the road, which would only allow for some homeowners to have to 1'6" fence. He suggested revising the code to allow for a 4' actual fence.

Town Clerk Hancsak read from the Planning and Zoning Commission minutes, which reiterated their desire to allow for a 4' actual fence in the front yard and also allow an appropriate percentage of exemption for certain features such as columns and lights.

Atty Spillias stated that he believed he had enough information to start a draft on Chapter 14 and 26 and that he would send a memo to the Town Manager if there was a subject he felt needed further discussion.

Mayor Kaleel stated that he felt the Town should follow Boynton Beach's code for organization purposes.

Mayor Kaleel suggested that a building moratorium be discussed at the February regular Town Commission meeting.

Adjournment

The meeting was adjourned at 5:20 PM.

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Town Clerk