

Public Hearing and Special Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Thursday, January 16, 2003 in the Town Hall Meeting Chambers.

The meeting was called to order at 8:00 AM by Chair Bruce Gimmy and roll call was answered by the following:

Gerald Goray  
Ward Northrup

James Bonfiglio  
Peggy Smith

Chairman Bruce Gimmy

- III. CONTINUATION OF DISCUSSION PROPOSED ORDINANCE NO. 540; A TOWN-INITIATED REQUEST FOR ADOPTION AND ENACTMENT OF A NEW LAND DEVELOPMENT CODE AND A NEW CODE OF ORDINANCES, FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN AND IN CONFLICT THEREWITH, PROVIDE FOR A PENALTY FOR THE VIOLATION THEREOF, PROVIDE FOR THE MANNER OF AMENDING SUCH CODE, PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE

The board decided the most efficient method to proceed was to review the proposed Definition Section and Land Development Code page by page.

The questions raised under the Definition Section were as follows:

Mrs. Smith questioned if bedroom should include a closet. Atty Spillias advised that this definition had not changed. Mr. Harris inquired if the room was 90 square feet if it would be considered a bedroom. Zoning Administrator, Joe Crisafulle, Hybrid Inc., commented that a bedroom must have ingress and egress. There was no change recommended.

Carol Harris, 127 Marlin Drive, questioned if there was a definition of a lodge because there are sections of the code that specifically use lodge and it does not appear with hotel or motel but appears to be have the same meaning. Atty Spillias advised that he would review this.

Mr. Jones questioned why some of the motels that have converted to apartments are still permitted to have signs when anyone with a duplex or triplex cannot. The board agreed that this needed to be reviewed by the Town Commission to decide if the signage should be uniform or code enforcement action taken.

Mrs. Smith inquired if tie beam should be added as a definition. Atty Spillias clarified that it is defined in the Building Code; however, it could be added to the Town's definitions. The board did not make a recommendation.

Several members were concerned that vehicle showed three separate definitions. Atty Diffenderfer commented that the definition of vehicle actually varied three different ways in various sections of the code. He stated that they were still reviewing how to best present the definition while covering all three uses.

At this point the P & Z started reviewing the Land Development Code.

Barry Harris, 127 Marlin Drive, commented that he did not feel that the new proposed code as revised correctly reflects the view of Page One (3) that currently reads - conserving the value of land, buildings, and resources, and protecting landowners from adverse impacts of adjoining developments. He stated that he felt the property owners' ability to rebuild has diminished greatly. He added that he felt this board would be doing a disservice to residents if they did not recommend to the Town Commission to look at the economic impacts because he believes the changes would be contrary to the above statement. He also stated that land has increased way out of proportion to the value of a house and the code has an effect to depress the values of those that did not enlarge their homes. Mr. Gimmy advised that the Town hired Urban Design Studios around 1996, and along with Vision 2000, it was expressed by the participants in any and all discussions that they did not want overbuilt homes and unfortunately the code revisions have taken longer than expected.

Bob Ochs, 132 Island Drive, commented that his home has been on the market and they had four perspective buyers that backed out of purchasing because they supposedly heard that the maximum size of their home could only be approximately 3100 square feet. Mr. Jones, 14 Sailfish Lane, argued that point stating that the 36% FAR has not changed, only what would be included in the calculation for future building or additions. Town Clerk Hancsak clarified that the Town Hall does not calculate figures to property owners, realtors, or perspective buyers. She added that the Town Hall provides the code requirements and advises that in most cases the architect would need to do the calculations. Atty Spillias added that he has instructed staff not to provide actual figures or approvals prior to an actual plan submittal.

Mr. Jones, 14 Sailfish Lane, stated that the 36% FAR is not being changed, however, he does not recall any discussions regarding the intent to downsize the size of the house but he does for the cleaning of code and to stay in the 36%. Atty Spillias advised that the issue was to reduce the massing of the house not the size of the house.

Mr. Goray reiterated his concern that houses are bought and sold based on air-conditioned space first and gross square footage secondary. He added that if covered porches will now be included there would be a substantial change, citing that Florida homes have covered porches, which would ultimately decrease the air conditioned space built and ultimately decreasing the value of the home. Atty Spillias stated that this board needed to recommend whether the definition of FAR would include covered porches or not.

Carl Casio, attorney representing James McAndrews, questioned Page 50 where the maximum floor area for any lot in excess of 20,000 square feet in the RSF district would have a maximum of 32% FAR. Atty Diffendorfer stated that the Town Commission requested this reduction. Mr. Goray commented that this item was not placed in the summary of substantive changes and he felt it was a substantial change. Atty Spillias advised that this was placed into the proposed revisions because there was concern over a property owner purchasing several adjacent lots and then building one massive house over the lots thereby totally dwarfing the other homes. He added that the Commission contemplated implementing maximum lot sizes.

Carol Harris, 127 Marlin Drive, questioned why on Page 12 the time frames for publications were changed for P & Z applications. The board concurred that it should not change.

Mr. Bonfiglio moved to recommend that the hearing procedures for the P & Z remain the same as in the prior code. Mr. Northrup seconded the motion.

Motion carried – Yea (5)

It was noted that page 13 would also need to be amended back to its original form.

Mrs. Harris, 127 Marlin Drive, questioned why on Page 16 (6) regarding no two members of the board of adjustment shall come from or represent the same business, profession, occupation or job was totally stricken. She was advised that it was hard to get a compliment of volunteers.

The board concurred that Page 16 with (6) stricken should remain as proposed.

Carl Casio, attorney representing Mr. McAndrews, stated that Page 32 reflects a reduction from 30 days to 10 days on filing an appeal. He commented that this could present a hardship on someone trying to file an appeal. Chairman Gimmy questioned why this section was changed. Atty Spillias advised that the Town Commission requested this change.

Mr. Bonfiglio moved to recommend that the appeals section on Page 32(a) be changed back to 30 calendar days and change where applicable. Mrs. Smith seconded the motion.

Motion carried – Yea (5).

Mr. Bonfiglio moved to recommend changing where appropriate that five days means 5 business days, seconded by Mr. Goray.

Motion carried – Yea (5).

Carl Casio, attorney representing James McAndrews, stated that this client had a question regarding grandfathered structures and the ability to rebuild. Atty Spillias advised that they would review the language to see if it was at all unclear, however, it has always been interpreted to permit rebuilding to the same size as the previous structure prior to destruction.

Chairman Gimmy left at approximately 9:55 A.M. and passed the gavel to Vice Chair Bonfiglio.

There was a brief discussion regarding the increase in fees for applications and petitions and the board concurred that the proposed increase in fees and deposits were appropriate.

Regarding Page 49 (g) Building envelope exceptions, Carl Casio, attorney for Mr. McAndrews, stated that his client was concerned that this provision limits the styles for homes too much. Mrs. Harris, 127 Marlin Dr., agreed. Atty Diffenderfer commented that this paragraph was referring to the construction of dormers and gabled ends for single-family dwellings. Atty Spillias reminded the board that their motion was to recommend permitting the 75% anywhere on the second floor but they still had questioned whether there should be a 75% rule at all.

Atty Diffenderfer explained the new provision stating the maximum tie beam height may be exceeded for not longer than 10% of the total tie beam length to allow for nonhabitable decorative architectural features. He stated that this provision was placed in the code because there have been instances where architects were adding larger structures, to single family structures, such as belfries or church towers that they explained were architectural features. Mr. Goray questioned if an architect was consulted to come up with the 10% figure. Mr. Jones commented that he does not understand this requirement and would have trouble deciphering it in a Board of Adjustment meeting. Mr. Bonfiglio stated that if the board does not understand the concept then an architect could possibly be consulted for advice.

Carl Casio agreed with Mr. Goray stating that his client agrees that professionals more qualified should look at the proposed code changes. Regarding the 10% figure Atty Spillias stated that the attempt by the Town is to make the code more flexible.

Mr. Northrup moved to recommend to allow for a flexible feature over the tie beam height, seconded by Mr. Goray.

Motion carried – Yea (4).

Mr. Goray moved to recommend that the percentage of deviation regarding the tie beam be studied to determine if the amount is appropriate to accomplish the intent of the reason for the change or to investigate another method to accomplish the purpose. Mr. Northrup seconded the motion.

Motion carried – Yea (4).

Mr. Goray commented that he felt Page 49(h) regarding the floor area calculations and the 75% second floor coverage should not include roofed exterior balconies in the 75%.

Mr. Jones suggested splitting (h) into two paragraphs right after the sentence ending with vaulted spaces. The board and attorneys agreed the paragraph should be separated. Mr. Jones also suggested to possibly consider defining the 25% on the second floor, i.e. not roof area, rather than the 75%. Carl Casio commented that one of his clients' complaints was the requirement of a 75% second floor at all. Town Clerk Hancsak advised that this provision has been in the code since 1996 and was originally studied by Urban Design Studios. Atty Spillias stated that an ambiguity usually goes in favor of the property owner.

The meeting convened at 10:50 AM and reconvened at 11:10 AM.

Mr. Jones commented that he felt the control of the massing could be accomplished through the FAR and he felt the 75% restricts the code totally.

Mr. Goray moved to table the calculation of the 75% pending further study by the board. Mr. Northrup seconded the motion.

Motion carried – Yea (4).

Atty Spillias commented that he felt the intent of the 75% rule was as a mechanism for prohibiting massive block building but everyone should be reminded that there are other mechanisms for massing control such as setbacks, lot coverage and FAR.

Again Carl Casio suggested that this board recommend that the code revisions be opened up to public input and various professionals to provide ideas.

Because the text in pages 50-53 were substantial changes, similar to the 75% rule, Mr. Northrup moved to defer discussion on these pages until the next meeting to allow for further independent study. Mrs. Smith seconded the motion.

Motion carried – Yea (4).

Mr. Jones stated that he felt item (6) on Page 55 should be reviewed and possibly increased for the lots that are between 7,500 and 10,000 square feet.

The board concurred to keep this item as written, which is also currently in the code.

Carol Harris questioned why in the RHM district the proposed code was requiring larger units. Town Clerk Hancsak advised that the Town Commission had been concerned with the possibility of one of the areas within the RHM District, such as

the Maisonettes North as an example, raising all of the existing structures and then building more than what is currently there. Atty Spillias stated that the Town Commission also felt the sizes were too small.

Mr. Northrup moved to recommend removing item (d)(2) on page 68 referring to a golf course, seconded by Mr. Goray.

Motion carried – Yea (Goray, Northrup, Smith)

Nay (Bonfiglio)

Mrs. Smith moved to recommend revising (f)(3) on Page 70 to match and correspond to Page 59(5). There was no second to the motion.

Mr. Goray commented that a policy decision needed to be made to determine if the Town wants to increase the size therefore improving the appearance and value. Mr. Jones stated that he felt all districts should be consistent.

Mr. Goray stated that from the standpoint of being consistent in multi-family areas he moved to increase the minimum unit sizes as stated on Pages 70 and 71 to be consistent with the RHM District and also recommended changing the RMM District to match with the RHM proposed requirements. Mr. Northrup seconded the motion.

Motion carried – Yea (4).

The board concurred to stop at mid-point on Page 75.

Mr. Northrup moved to continue this hearing on Jan. 21, 2003 at 5:15 PM (and cease at 9:00 PM) or as soon thereafter when the Town Commission ends their Public Hearing.

Motion carried – Yea (4).

The board agreed to continue the meeting from Page 75 and allow for comments while the items are being discussed and then allow from 8:30 PM to 9:00 PM for general discussion on any items.

### III. ADJOURNMENT

The meeting was adjourned at approximately 12:20 P.M.

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Vice Chair Bonfiglio

Attest:

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Town Clerk