

PLANNING & ZONING MEETING MINUTES  
MAY 8, 2017

Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, May 8, 2017 in the Town Hall Meeting Chambers.

I. CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Chairman Gerald Goray.

II. ROLL CALL

Town Clerk Stevens led the roll call which was answered by the following:

	<u>Present:</u>	<u>Absent:</u>	<u>Tardy:</u>
Chairman Goray	x		
Member David Hutchins	x		
Member Penny Kosinski	x		
Member Mark Marsh	x		
Member Mauro Walker	x		
<u>Non-Voting Members:</u>			
Alternate Member James Leming	x		
Alternate Member Kimberlee Marshall		x	

Staff present: Town Attorney Brian Shutt, Town Manager Jamie Titcomb, Town Engineer Lisa Tropepe, and Town Clerk Tracey Stevens.

III. APPROVAL OF THE APRIL 17, 2017 MINUTES

**Member Kosinski moved to adopt the April 17, 2017 minutes; seconded by Member Hutchins. Motion carried 5-0.**

IV. ORDINANCE REVIEW

1. Ordinance No. 623: Floodplain Management

Attorney Shutt advised that the draft floodplain management ordinance is a template that the State Floodplain Coordinators have been using throughout Florida, and noted that they are trying to get all towns to adopt this so they can have a uniform policy of floodplain management that ties into the Florida Building Code. He stated that pursuant to our Town Code, this needs to come before the Planning & Zoning Commission (P&Z) as a recommending body before it goes to the Town Commission for adoption. He stated that we received a letter from FEMA on April 5<sup>th</sup> notifying us that we have to adopt a floodplain ordinance that meets the standards of the National Flood Insurance Program (NFIP) in federal regulations. If we fail to do that, our flood insurance rates could go up, and even more of an issue, if someone sells a house and they need to get flood insurance, no approval will be forthcoming because we have not adopted an ordinance that is in compliance with NFIP. He also noted that if the Town seeks FEMA funds in the future, those will also not be forthcoming unless we adopt the ordinance that is in compliance with the federal statute. He noted the deadline for adoption is October.

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Attorney Shutt pointed out several things in the ordinance and noted that some things do not apply to Ocean Ridge, but the state wants to see the general template adopted in all communities. He stated he had conversations with the state coordinator about elevations, and NAVD vs. NGVD. He stated we need to go one foot above the minimum elevation for the first finished floor to meet the floodplain requirements, however, this is already in our code, and we are not changing restrictions of base flood elevation in our code. In regards to substantial improvement, there is a policy in place now that affects CRS rating, so in order for the town to maintain its ratings, we will take into consideration five years of building permits, and if a structure exceeds 50% improvements over the five year period, the owner would need to comply with the floodplain requirements, so there won't be a lot of change in what we are doing now because we are keeping the elevations the same. The Floodplain Coordinator did say we may want to look at the minimum base elevations and increase them, however, we did not do that in this ordinance. We will begin counting the five year period at the date of the adoption of the ordinance.

Attorney Shutt stated that we need to modify our 6.7 NGVD to NAVD. He stated he assumes that if we increase our base flood elevation to a higher standard, there may be some savings on flood insurance, however the heights would go up a little. He noted that if we change the minimum floor elevation, that would have significant impact on existing structures, because if they do work on an existing structure and trip the 50% threshold, they would need to comply with the new minimum floor elevations. He stated we tried to tailor the ordinance to be consistent with what we have on the books already. He mentioned that we have our definition of minimum first floor elevation, but if the state's definition exceeds our definition, we must default to the Florida Building Code. He does not believe this will have impact on us at this time but it could in the future.

Town Engineer Lisa Tropepe explained that in 1929, NGVD (National Geodetic Vertical Datum) was established. As best as they can describe it, a zero level of water would be positive and everything below it would be negative. And then in 1988, we developed satellites and a more precise means of determining vertical elevations, so the federal government decided to change it to NAVD (North American Vertical Datum). She stated the change from NGVD to NAVD is a 1.6 foot difference in Ocean Ridge since what we had been using since 1929. She stated it doesn't mean we are raising everything by 1.6 feet; it is a means by which we measure the number that is more precise than before.

Member Walker asked if he has a 8.5 foot slab requirement, and the middle of the road is 6.2 feet, what are we measuring from (8.5 feet above what?). Member Marsh stated we measure up from zero (sea level). He stated that 8.5 NGVD will convert to 6.8 NAVD. He stated there is no physical change, it is just a more precise measurement.

Member Marsh asked what our current building code is, and Ms. Tropepe responded that in addition to the ordinance they are mandating us to approve, the Federal Government is asking us to approve the flood maps which more clearly define which areas are in a flood zone. She stated that the map we currently use shows minimum floor elevation

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(floodplain elevation) of seven. She noted the Town has been conservative and used a one foot free board and maintained a minimum finished floor of eight.

Member Marsh stated that FEMA will tell us by the end of the year what our insurable flood level is, and it is up to the municipality whether they want to abide by that.

Member Marsh stated we use adjacent grade not center of road as point of measurement, however, Attorney Shutt stated we use center of road. He stated we make reference to NGVD in our code because it trips a different mechanism. Member Marsh stated he wants to make sure the town is using a standard measurement which should be the crown of the road. He stated a lot of this talks about adjacent grade and we start our elevation at ground floor level, but how far above the ground floor is above the street can have some impact. He stated that in most places the crown of the road sets your point of measurement and then you go up a minimum of 18 inches above that. He stated a lot of adjacent grade reference in the code concerns him. Attorney Shutt stated the intent is not to change how we currently measure which is by crown of road in 99% of cases, unless you're east of the CCCL line, then it is a little different. Ms. Tropepe stated that because the town has used a minimum eight foot minimum floor elevation in the code, the Town has had substantially low insurance premiums. Member Marsh stated that raising the minimum floor elevation has an impact on adjacent properties because building new properties near older properties gives an appearance of a false elevation.

Member Walker asked if the elevation is different in the floodplain, and Member Marsh responded that the CCCL line is the only one that the state dictates which is a minimum of 15.52 at the lowest structural point. Attorney Shutt stated there may be a state building code change related to floodplain and if they have a height increase, we will need to follow it because we automatically default to the Florida Building Code.

Member Walker asked that if the datum is a survey point for everyone to use, is the floodplain a water point, and Attorney Shutt responded that it is an elevation point. Member Marsh noted that the floodplain will vary in the amount of accumulated water due to the tides. Member Walker asked if the data is different if you are in the floodplain, and Member Marsh responded no, it is consistent throughout, but it would show you are at higher risk.

Chairman Goray stated that the purpose is for us to be compliant with FEMA, and he asked if there is anything for us to look at in making a recommendation, or is everything in the ordinance necessary to be compliant with FEMA. Town Attorney Shutt responded that the state coordinator will need to review the ordinance again before it goes to the Town Commission for approval. He noted that the P&Z could make a recommendation to change the date that would trip the substantial improvement/damage threshold, but he doesn't suggest a change. He also noted that the P&Z could change the minimum finished floor elevation to go higher, but we cannot go lower.

Member Kosinski asked if there have been indications if they will increase the minimums once everyone adopts this ordinance, and Town Attorney Shutt responded that the state

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coordinator was emphatic that we need to default to Florida Building Code. Member Kosinski asked if the bottom line is for insurance purposes, and Town Attorney Shutt responded that insurance purposes is one reason, however, the other reason is so the Town can accept funds from FEMA.

Chair Goray noted that it is important for us to move this forward so the Town Commission can move forward by the deadline date.

Town Attorney Shutt stated that the motion should include: 1) insert the date of approval by the town commission in the blanks presented in the draft ordinance “The period of accumulation begins when the first improvement or repair of each building is permitted subsequent to \_\_\_\_\_.”; and 2) conversion from NGVD to NAVD.

**Member Marsh moved to recommend adoption of the ordinance according to the Town Attorney’s suggested motion; seconded by Member Walker. Motion carried 5-0.**

V. Adjournment

**Member Kosinski moved to adjourn at 9:32 a.m.; seconded by Member Marsh. Motion carried 5-0.**

Minutes adopted by the Planning & Zoning Commission at its meeting on August 14, 2017.

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Chairman Goray

Attest:

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Tracey L. Stevens, CMC, Town Clerk