

SPECIAL TOWN COMMISSION MEETING MINUTES
JUNE 19, 2017

Minutes of the Special Town Commission Meeting/Joint Workshop with the Planning & Zoning
Commission of the Town of Ocean Ridge held on Monday,
June 19, 2017, at 8:30 AM in the Town Hall Commission Chambers.

CALL TO ORDER

The meeting was called to order by Mayor Pugh at 8:30 a.m.

ROLL CALL

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

| | <u>Present:</u> | <u>Absent:</u> | <u>Tardy:</u> |
|---|-----------------|----------------|---------------|
| <u>Town Commission</u> | | | |
| Commissioner Aaskov | | x | |
| Vice Mayor Bonfiglio | x | | |
| Commissioner Coz | x | | |
| Commissioner MaGruder | x | | |
| Mayor Pugh | x | | |
| <u>Planning & Zoning Commission</u> | | | |
| Chairman Goray | x | | |
| Member David Hutchins | x | | |
| Member Penny Kosinski | x | | |
| Member Mark Marsh | x | | |
| Member Mauro Walker | | x | |
| Alternate James Leming | | x | |
| Alternate Kimberlee Marshall | x | | |

Let the record show that the members absent provided notice.

PLEDGE OF ALLEGIANCE

Mayor Pugh led the Pledge of Allegiance.

WORKSHOP DISCUSSION ITEMS

1. Saturday Construction Hours

Mayor Pugh stated it has been brought to the attention of the Commission that Saturday construction hours should be limited, and he suggests the hours of 8 a.m. to 2 p.m. He asked Building Official McIntosh what the Saturday construction hours are for the Village of Golf, and Mr. McIntosh responded that the hours are 8 a.m. to 4 p.m.

Commissioner Coz stated that the problem isn't necessarily construction, but noise altogether such as leaf blowers, nail guns, etc. He stated that 2:00 p.m. sounds ok, but people in his neighborhood are out and about after Noon, so he would not like to hear construction noise after Noon.

Vice Mayor Bonfiglio asked what problem we are trying to address, and Mayor Pugh responded that we are trying to address quality of life and noise. Vice Mayor Bonfiglio suggests limiting the time for outside activities, and letting people do inside work that will not cause noise pollution. Mayor Pugh stated we should limit the industry as a whole, because if you don't it would be up to the police department to differentiate. Chief Hutchins suggested that everyone read code section 34-83 which deals with construction noise. It does not deal with a prohibition of construction activities. Code section 34-8 is the section that prohibits construction on Sundays and legal holidays. We should look at section 34-8 and modify that for construction prohibitions on Saturday. He stated that if the desire is to limit construction on Saturday, state that in an ordinance so that it can be easily enforced, but if the issue is noise, we should adjust the penalties and enforcement of code section 34-83.

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Public Comment: Terry Brown, Harbour Drive South, stated the problem is noise from leaf blowers and mowers. He stated we should look at a long term plan such as the one in Palm Beach. He stated that companies are now selling battery operated equipment that don't make noise. He noted that the noise issue on Saturday is a big problem, and lawn service is a problem every day of the week.

Public Comment: Polly Joa, 35 Hersey Drive, stated she does not see a problem with shortening construction hours up from 6:00 p.m. on Saturday; however, we should try to give crews an 8 hour work day. If we go shorter than 8 hours in a day, the General Contractor will have trouble. We should allow them to get their hours for their pay.

David Hutchins stated that the ordinance applies to residents as well as anyone else. He stated he likes the idea of an 8 hour work day. He stated the battery powered leaf blowers might be taking it too far and that doesn't seem practical.

Commissioner Coz asked what the economic impact would be on the homeowner if the construction hours are limited on Saturday, and Chair Goray responded that it would not be a big impact for residential construction. Member Marsh stated that most contracts are written for five work days and Saturday is a bonus day, and stated that 8 a.m. to 2:00 p.m. is a good period. He stated he respects the eight hour work day, but most contracts are five work days per week. Discussion ensued regarding which hours we should limit Saturday construction to.

Commissioner Coz asked how we would go about limiting leaf blowers on Saturday. Attorney Shutt responded that we should modify our code to clarify that commercial construction stops at 6:00 p.m. because our verbiage is regarding noise, not necessarily construction. He stated that this would have no bearing on landscaping service companies. He noted that this would apply to commercial construction companies, not the homeowners, who would need to comply with the noise ordinance. He noted that we would need to address the leaf blowers separately.

Public Comment: Ken Kaleel, 86 Island Drive South, stated he is a proponent of limiting construction hours on Saturday, but recognizes that people may need to have some work done on Saturday. He stated there can be a distinction on the type of construction, and we have to be cognizant of isolated construction vs. new construction. To have some limitation makes sense and to preserve the quality of life makes sense, but how you differentiate that is what needs to be discussed.

Attorney Shutt stated that in other codes there are provisions for the Town Manager to have authority to override the code if there are special circumstances such as a one-time concrete pour. Mayor Pugh stated that we already have that in our code.

There was consensus of the Commission to shorten the construction hours to 2:00 p.m. on Saturdays, and to limit construction Monday through Friday from 8 a.m. to 6:00 p.m.

Chairman Goray asked for clarification if the noise ordinance is ok as is, and that we are looking at construction hours only, not maintenance or homeowners, and Mayor Pugh clarified that is correct.

Attorney Shutt stated he would draft the ordinance and run it by P&Z for review before the Town Commission.

2. Demolition Code/Vibration Issues

Mayor Pugh stated that this item is on the agenda because of vibration issues from demolition damaging adjacent properties. Commissioner Coz stated that the issue that just came up was a civil matter and the owner that complained needed to prove the cracks were not there before the demolition occurred.

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Attorney Shutt asked if we want something in our code that gives the Building Official or Code Enforcement Officers the opportunity to go inside an adjacent home when a complaint comes in and feel the vibration and place a stop work order, or when the contractor applies for a permit, the contractor would be required to submit a plan as to how the vibration will not affect the adjacent properties.

Mayor Pugh stated that we want to make sure we don't do something that will kill the construction industry in our town. Some of the older homes need to be demolished, and although no-one ever plans to destroy a neighbor's property, sometimes things happen.

Vice Mayor Bonfiglio stated this is a liability issue, and maybe we would want to require notice before use of a wrecking ball so adjacent owners can then video or take pictures to prove no cracks were present before construction.

Attorney Shutt stated some towns ban vibratory compaction. He stated he doesn't know if one method is preferred over the other.

Member Marsh stated that liability is the key. He noted that the Building Department can give the contractor notification if the adjacent property is close which could cause problems. He stated that the contractor should be monitoring pre and post evaluation of the adjacent property so there is a record, however, the onus is on the property owner and liable for damage, and the Town cannot get involved.

Vice Mayor Bonfiglio stated that generally speaking, unless there is a foundation issue or the cost of an expert saying nothing was pre-existing will outweigh the cost of pursuing it. He noted that it is the contractor's responsibility to document.

Attorney Shutt noted that we could require documentation from the contractor that notification has been sent to the neighboring properties before a permit is issued.

Chairman Goray stated that this appears to be an isolated instance and not a recurring problem, and in that case, he does not want to overreact to a random event. There are a lot of variables in respect to compaction and it would take a study to differentiate between the methods. He suggests leaving the ordinance the way it is, and if it becomes a recurring problem, take it up then.

Vice Mayor Bonfiglio stated that we have more permits for new construction so it may become a recurring problem in the near future that we should probably address.

Town Manager Titcomb stated that we could require the contractor to notify adjacent homeowners, but if it is not codified we could run into problems.

Commissioner MaGruder stated the current problem is because a concrete foundation being destroyed by a wrecking ball caused problems for the neighbor. He noted that a jackhammer could have been used for that but it would have taken longer and been more expensive, but it would not have caused the problems that the wrecking ball did. Mayor Pugh stated that contractors have liability insurance for those instances.

Building Official McIntosh stated that this is a civil matter, but the Building Department does tell contractors to get a video or photos of the adjacent properties before demolition to cover themselves.

There were no changes suggested at this time.

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3. Floor Area Ratio

Chairman Goray suggests that this is a quality of life issue and he doesn't want to say bigger is better, but more and more younger families are moving into town, and younger families means a need for larger storage space and garage space. We can enhance the quality of life by modifying the Floor Area Ratio (FAR). He noted that P&Z had voted to recommend to the Town Commission that it be done, but the Commission did not approve a change. He stated it would be a positive move for the community.

Member Hutchins stated that when P&Z discussed the issue, they looked at setbacks being maintained, and no changes or exemptions for garage locations. They talked about a 4% increase in size of homes, which is a relatively small change in the footprint when the second story is $\frac{3}{4}$ the size of the first floor, and it will give people a change. He stated it will give people the opportunity to realize more for their home when they sell it. He stated that when speaking of quality of life, we will see changes across the bridge that will make a 4% increase in the size of homes look like nothing.

Vice Mayor Bonfiglio stated he ran for this past election on the premise to keep the FAR as-is and two candidates were for an increase in FAR, and he won the election, so it is his opinion that the majority of voters in Ocean Ridge want to keep floor area ratio the same. He stated he does not want to increase the FAR because he does not want to see larger homes in Ocean Ridge.

Member Marsh and Member Kosinski stated they are not for an increase in FAR. Member Marsh stated he does not think we should forfeit our FAR or lot coverage for the occasional desire to have a bigger house.

Public comment: Ed Brookes, 15 E. Ocean Ave, stated he does not see that we are losing sales on properties for 4%. He stated it is working the way it is.

Commissioner Coz stated that when he was campaigning, what people told him is that they are angry about when there is a 2-story foyer, the town would not let them build a loft or an extra bedroom. He stated that if you look at the envelope idea, you keep the outside the same, but inside you could add a bedroom, which does not affect the architectural look of the house. Member Marsh responded that you are penalized for over 16 feet, so if you have a 20 foot high foyer, a percentage goes against your FAR, as there is a penalty clause for that. The first floor area under ceilings which is 16 feet or higher will count as double. Commissioner Coz stated that the people he talked to wanted to renovate their homes to gain square footage and they couldn't. They were not given the option to reduce the ceiling height to add a bedroom and make their home more sellable. Commissioner Coz asked if any other towns use volume instead of FAR, and Member Marsh responded that Palm Beach does, but he urged the Commission not to switch to that because it is very impactful, and it lowers the envelope.

Public comment: Ken Kaleel, 86 Island Drive South, stated that we have wrestled with this for years. He stated that we hired Urban Land Design Studios, and had several meetings to discuss this issue. The goal was to control the massing, and if we can control the outside massing, it has a big impact on what you can do on the inside. He stated that we created a balance in the code with FAR combined with other things to try to control the massing. He stated that a 4% increase is a lot. He stated that if we can reduce massing but increase living space, he would be in favor of it, but he is not in favor of increasing the FAR as he does not believe it would increase the quality of life.

Chairman Goray stated that maybe we should not penalize people for going above a 16 foot high ceiling; maybe we should allow them to go higher without penalizing them and subtracting from their ability to add to the floor area square footage.

Member Hutchins asked what an increase in massing means, and Mayor Pugh responded that we are speaking about volume, not mass. The setbacks are the setbacks, and you can only build to the setbacks.

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He stated that over time, there are always exceptions and things have to be tweaked. He suggested looking at lot size when looking at percentages. Member Marsh responded that buyers can choose a bigger lot. He would not want to change the neighborhoods.

Vice Mayor Bonfiglio stated that everything is integrated; we have FAR, lot size, pool, septic tank drain field, permeable land, the 75% two-story rule, and that is how we got to the 36% to control the massing. When you start changing one of the elements in the FAR, you need to look at how that will impact the other areas. You can't just change the FAR without looking at it all. He stated that if you need a bigger space for parking or storage, find a house like that. He noted that the average age in Ocean Ridge is 56, and it is not a quality of life issue; the real issue is that people want to make more money on their homes when they sell them. He noted that homes are valued less in Ocean Ridge than they are in Delray or Boca because there is less ocean access.

Public comment: Terry Brown, Harbour Drive South, stated that if you look at FAR in the code, it does not include non-enclosed patios but does include garage. He urged the Commission to look at the home entering Harbour Drive South and imagine what the impact would be if the FAR was larger by 4%. He stated he agrees that we need to keep our FAR at 36%. He opined that the value on property with a 4% increase in FAR would be minimal, and everything is based on money instead of quality of life.

There were no suggestions for change at this time.

4. Flat Roofs

Member Marsh stated the time has come to look at the issue of flat roofs. He stated that the criteria to avoid a flat roof is to have roofs that have a minimum of 4 and 12, and what everyone is doing is a mini peaked roof behind a parapet, and we are going to get more and more mini roofs. He noted that our current code is not doing anyone any favors since it can cause a problem with drainage issues. He stated that staff can't deny the mini roofs because it meets criteria in the code, and parapets need to be high to mask the mini roofs which is unfortunate. He stated that we need to look at outlawing flat roofs totally, or decide to allow them and change the code accordingly.

Chairman Goray stated he agrees with Member Marsh. We have an aesthetic and technical issue. We are addressing a technical issue of convoluted methods that Architects go through to make the appearance of a flat roof that is not practical. The other issue is an aesthetic issue; do we want flat roofs or not?

There was a discussion regarding the height of a structure, and Zoning Official Palacios clarified that the total height of a two story structure is 36 feet, and the only thing that can go above that is a chimney, not a parapet. Member Marsh stated that on a two story house that has a hip roof, under current code you can build a parapet wall. Commissioner Coz asked what the difference is between the shadow of a parapet wall and the shadow of a gable roof, and Member Marsh stated the difference is it is going to a peak.

Mayor Pugh suggested that if we want a change, we would need to look at the flat roof definition.

Vice Mayor Bonfiglio asked how we got to the flat roof current code, and Ken Kaleel responded that it was created due to the square look of the roof on the house on Harbour Drive South at the time. He noted that rains caused headaches with flat roofs, and people didn't want the warehouse look so the Commission tried to avoid that, however, a good Architect will find a way around our code. He stated that there are market changes from time to time and people are building houses with flat roofs now, but that may change in the future.

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Chairman Goray stated we have two issues, with one being the definition of flat roof, and the other is the question of do we want flat roofs or not. Mayor Pugh noted that the P&Z will need to review the definition of flat roof and make a recommendation to the Commission.

Public Comment: Ed Brookes, 15 E. Ocean Ave, stated that flat roofs allow you to build a contemporary home, and if you limit that, you may hurt property values more than the 4% (FAR increase).

Attorney Shutt clarified that the direction is to have P&Z look at the definition of flat roofs and whether we are going to allow flat roofs or not, and Mayor Pugh confirmed. Attorney Shutt asked for opinions from the Commission on whether or not they want flat roofs, and Mayor Pugh stated he wants to see a change in the definition before he decides if he wants them or not.

Member Marsh stated he would like to ask the Town Attorney to research what other communities the same size allow, and there was Commission consensus to do so.

5. Site Plan Review Ordinance (a/k/a Architectural Review)

Vice Mayor Bonfiglio asked what problem a site plan review ordinance is supposed to address, and asked if there is a life safety welfare issue. Attorney Shutt responded that this addresses concerns that the town would like to have input on single family or two family homes that are being constructed here in town, or where exterior renovations involve more than 50% of the value. The ordinance will direct P&Z to review these types of projects coming forward and they will have criteria to look at. He stated he understands it is subjective in nature and there is no real way to get around that.

Vice Mayor Bonfiglio asked how the ordinance would be enforceable, and Attorney Shutt responded that in most cases, when a Board makes a ruling, the property owner will make a change and go ahead with the plans, however, there is an appeal provision.

~~Vice Mayor Bonfiglio asked what the chances are of someone going to circuit court, and Attorney Shutt responded that he has won most writs of cert than he has lost and as far as damages, there would be none, however, Attorney fees would come into play. He stated he does not know how often that would happen. He stated that in other towns, the Board will work with the contractor. Vice Mayor Bonfiglio asked if an applicant files suit, would they probably win, and Attorney Shutt responded that if plans are close to the code, they would probably win, and he gave examples of what would win or lose. He noted that courts give deference to the legislative body, but he does not have percentages. Vice Mayor Bonfiglio voiced his concern about laying down another hoop, another item of cost, another area of dispute, and laying down ground work for us to spend money.~~

Member Marsh stated that right now, we have staff that is put in the awkward position to make a judgment call on some items, and if submitted plans meet all of the criteria in the code, then it goes through. He noted that we are the only coastal community that does not have a review process. He stated we are starting to get deviations from what we like to see in Ocean Ridge, and those are all things that would come up in a review process. He stated that this is a land use and zoning issue with aesthetics, and it would be in our best interest to have some review process just to see that things are meeting the basic criteria. He noted that the format is diluted compared to other towns, but it is a start. He stated this issue has come up because of recent applications on Tropical and the three story building on Old Ocean. Building Official McIntosh stated that the building on Old Ocean is not a three story building, however, they took advantage of the code by putting in a mezzanine. Vice Mayor Bonfiglio asked what would have happened to these homes if the applications had gone through the review process, and Member Marsh stated the P&Z would have reviewed the application and worked out the interpretive details as a preliminary process.

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Commissioner Coz stated he agrees with 90% of what Member Marsh said, but he has concerns with the review vs. approval process. He stated that what P&Z is trying to do is to encourage people to stay to a certain type of architecture, which is very different than having an approval, but this ordinance is not a review process, it is an approval process. Member Marsh clarified that the P&Z is not trying to mandate things, they would simply look at things such as high walls, etc. and figure out what the applicant is trying to do to deviate from the intent of the code. Commissioner Coz stated that residents are hot on this issue.

Commissioner MaGruder asked if the P&Z would have approved the application for 6029 Old Ocean if this ordinance had been in effect, and Member Marsh responded that it complied with code on one side, but was contradictory on the other side, so P&Z may have made a recommendation to re-design the ocean side of the house. Member Marsh stated it is a fine line, but we need some safety net to review the massing and aesthetics.

Chairman Goray stated it is not black and white, it is a nuance, and in order to have oversight on what happens in this town, this is a step in the right direction. He stated that a home such as the igloo home in Manalapan might be something the P&Z would make a recommendation about. He stated that this ordinance is in line with what coastal communities are doing to preserve the overall quality of life. He noted that this is not the total answer on quality of life, but a step there.

Member Marshall stated this is to help the staff in town and help the homeowner with time and money and to maintain aesthetic value, not to say this is what you should be building or not building.

Public Comment: Ed Brookes, 15 E. Ocean Ave, stated that none of us moved into an HOA, and we don't want to be treated like an HOA with a lot of rules and regulations like this. He does not like the approval or denial aspect of the draft code, and asked if good taste is quantifiable. He stated it is hard to define good taste, as we all have different taste, and he gets concerned when he reads about color and aesthetics in the code. Member Marsh responded that we are not trying to mandate a style. Mr. Brookes stated that the ordinance speaks to color and approval.

Commissioner Coz stated P&Z should put together guidelines we would like people to follow, and Member Marsh responded that guidelines need to be tied to a code to be enforceable. He stated that we are fortunate to have all kinds of styles here that create individuality, and we want to maintain that. He noted that Zoning Official Palacios is charged with looking at codes, but should not be looking at aesthetics.

Town Manager Titcomb stated that if this is advisory and not mandated, we could run into problems with enforcement. He noted that if we mandate things, we extend the processing time, but we have teeth and legal retort, but it will have an impact in a major way. He stated that we need to decide if it is going to be a mandate, or if it will be advisory. We could be litigated against if it is not mandated because it will be perceived as someone's interpretation on the aesthetics.

Chairman Goray stated it should be required, and this procedure has been proven to be reasonably effective up and down the coast. He stated we are taking baby steps in the right direction, but it may help us so we may prevent oddball things from happening here. He recognizes that it is not perfect, but his gut feeling is this is a good thing to do.

Public Comment: Ken Kaleel, 86 Island Drive South, stated he submitted a letter previously and he spoke about the letter. He stated he has a problem with this code because he doesn't know what he is allowed to do. There needs to be some reasonable assurance of what homeowners can and cannot do. He stated this is total subjective criteria, and there is a provision for P&Z to override the code and that's the issue. He stated it does have an impact. He stated he has respect for all P&Z members, but there could be that one member who does not have good taste. He stated he does not see an overwhelming problem to fix here.

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He stated that if the Zoning Official is at a point where he needs to interpret the code, then we have a problem that needs to be fixed. He noted that as long as we have creative Architects, they are going to push the envelope, but you have economics involved and people are not going to throw their money away. He stated that property values are not going to go down. He stated that if we are going to do this, we need some definition and that is hard, and why it cannot be done.

Terry Brown, Harbour Drive South, stated that we are trying to come up with something on a knee jerk reaction to solve a problem. He stated we have an eclectic, independent streak and he does not want to stifle the feeling of the town.

Mary Leming, 2 Harbour Drive North, stated that there is a house to the east of hers that was essentially built on stilts, which probably fits the couple well but may not suit someone else because it is small. She stated it is now a sober home because they cannot sell it. She stated the review process may help us to avoid construction that is not sellable and ends up being managed property used for other purposes. Zoning Official Palacios stated that the "stilt house" is actually not a stilt house and it met all of the zoning codes.

Mayor Pugh asked Zoning Official Palacios what this ordinance would do to help him, and Zoning Official Palacios responded that the previous Town Clerk would help him determine the intent of the code as she was here for many years and was well versed in it, however, he is now doing it on his own and there are some times when the code needs to be interpreted were it could go one way or the other. He noted that he has called upon Member Marsh to help him sometimes. He noted that sometimes definitions have gray areas and that's where he could use help.

Mayor Pugh stated that when this was first developed, it seemed to be a citizen review, where citizens who are part of the town get to ask questions about the project; a review to answer questions that could come up, not an approval process. He stated he wouldn't mind having a committee review applications to help staff with interpreting code, but not make a decision on it. He wants people who live in the town to look at the applications and review them, not just people who work for the town.

Member Marsh stated that currently one of the problems is the contractor submits a final set of plans to the town for a permit with a lot of money invested in the plans, and it is hard to make comments at that stage in the process. Commissioner Coz suggested just looking at #4 in the ordinance which is the concept plan review process, and approving that portion only. Member Marsh stated we need to have some teeth, but we could try the concept approach first to see if it works.

Public Comment: Ken Kaleel, 86 Island Drive South, stated that if the code requires interpretation, then he would be in favor of passing it to P&Z for review. He stated that if there is anything in the code that needs to be interpreted by staff, that puts a lot of power in a single person for interpretation, so he would be ok with sending those questions to P&Z. Otherwise, if a house plan meets code and there is no interpretive measure necessary, then we don't need review by P&Z. He stated we could possibly design an ordinance that would deal with that aspect. He noted that if there is a full house demolition, he would probably also support it. Mayor Pugh responded that if we are going to do something, we would need to do it for all applications because we don't want to appear to be singling out certain homes.

Commissioner MaGruder stated that once a homeowner gets the architectural schematics developed, it would be cost prohibitive to make changes, and we will get some arguments. He stated that if we have the concept review, over time the word will get out and it would be less problematic because people would know what we are trying to accomplish in keeping everything somewhat similar.

Member Marsh stated he is ok with laying out the concept review procedures, and if we have more and more problems, we could re-visit it at a later time.

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Vice Mayor Bonfiglio asked what problems we could have if instead of a mandatory review, we have a trigger event by the Zoning Official indicating that an application needs to be reviewed by P&Z. Member Marsh responded that if we do a conceptual review, we need to mandate it, we can't pick and choose which applications to review.

Public Comment: Polly Joa, 35 Hersey Dr, stated she agrees with Mr. Kaleel, and added that her concern is that this Board may not be the same in five years. She doesn't believe we should pass something that is subjective, and noted she would resent the infringement on her own individual property rights and find it cumbersome. She stated the lead time to get a project through the building department would increase as the P&Z only meets once per month. She stated she is not in favor of the site plan review process.

Vice Mayor Bonfiglio stated he also agrees with Mr. Kaleel. If the issue is whether or not the design is aesthetically nice, and the plan meets all of the codes, you'd have the non-elective body making decisions on the code, and he has a problem with that. He noted the Board may be changing over the years and will dictate taste.

Mayor Pugh stated that the site plan review draft ordinance as written is not what he thought it was going to be. He thought it was going to be more of a concept plan review. He stated that when the previous Town Clerk was here, we had someone with institutional knowledge who would make a decision on behalf of the homeowners, but we don't have that right now. He noted that if we have the concept plan review process we would have that again.

Vice Mayor Bonfiglio asked what would be the problem with the Zoning Official saying that there is a problem with interpretation and sending only those applications to the P&Z if there are questions, as opposed to sending all of the applications to P&Z for review, and Town Attorney Shutt responded that if the Zoning Official has questions regarding the Land Development Code and is seeking input from P&Z, the Zoning Official would still be the sole decision maker, but can take direction from P&Z. He stated we can do that for every plan, but if we only do it for some and not the others we will have problems. He noted that we cannot write a code that will take away all interpretation, and the Zoning Official is going to have some questions from time to time. He stated he has a problem with sending some applications to P&Z and not the others.

Mayor Pugh noted that it looks like the site plan review ordinance as written is not going to pass. Attorney Shutt noted that the ordinance will need to go to the Town Commission at its next meeting for a vote as written.

Building Official McIntosh stated that people come into Ocean Ridge and buy expensive property, knock it down and build new, and every person has a concept of what they want to build. If it does not meet code, we won't allow them to build it. He noted that every day, there is new technology and methodology on how to build, and fresh minds mean fresh ideas, and we can't do subjective.

Mayor Pugh stated that if we had a conceptual review process, P&Z could suggest changes to the code as things come up to improve it. There is nothing wrong with more information. Building Official McIntosh responded that nothing is wrong with more information, but there is a problem with infringing on people's rights and what they see as their dream home. Mayor Pugh read the concept review section and stated there is nothing wrong with that. Zoning Official Palacios stated that the preliminary meetings with staff would be the preliminary review with P&Z instead.

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Mayor Pugh stated that #4 in the ordinance is a path to what we are looking to do. Town Attorney Shutt responded that the only notice that would go out for the public would be the P&Z agenda posted, and that no notices will be sent to adjacent property owners or noticed in the newspaper.

There was consensus of the Commission to have the P&Z discuss the issue of concept review at the next meeting.


6. Fee Schedule (Town Code Section 63-131)

Town Manager Titcomb stated that we should defer this item since it looks like the site plan review ordinance will not pass a commission vote.

ADJOURNMENT

Meeting Adjourned at 11:06 a.m.

Minutes prepared by Town Clerk Stevens, and adopted by the Town Commission on August 15, 2017.



Mayor Geoffrey A. Pugh

ATTEST:



Tracey L. Stevens, CMC, Town Clerk