

**TOWN OF OCEAN RIDGE, FLORIDA
PLANNING & ZONING COMMISSION MEETING
AGENDA**

**SEPTEMBER 25, 2017
8:30 A.M.
TOWN HALL * MEETING CHAMBERS**

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. Approval of August 14, 2017 Minutes

PUBLIC HEARINGS

None.

ORDINANCE REVIEW

2. Concept Plan Review
3. Definition of Family

DISCUSSION / ACTION ITEMS

4. Discussion Regarding Flat Roofs

ADJOURNMENT

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING & ZONING COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, HE/SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. PERSONS WHO NEED AN ACCOMODATION IN ORDER TO ATTEND OR PARTICIPATE IN THIS MEETING SHOULD CONTACT THE TOWN CLERK AT 561-732-2635 AT LEAST 5 DAYS PRIOR TO THE MEETING IN ORDER TO REQUEST SUCH ASSISTANCE. PLEASE TAKE NOTICE THAT ONE OR MORE TOWN COMMISSIONERS MAY BE PRESENT AT ANY BOARD OR COMMISSION MEETING OF THE TOWN OF OCEAN RIDGE.

PLANNING & ZONING MEETING MINUTES
AUGUST 14, 2017

Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, August 14, 2017 in the Town Hall Meeting Chambers.

1. CALL TO ORDER

The meeting was called to order at 8:30 a.m. by Chairman Gerald Goray.

2. 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	
Alternate Member James Leming	x		
Alternate Member Kimberlee Marshall		x	

Staff present: Town Attorney Brian Shutt, Town Manager Jamie Titcomb, Building Official Don McIntosh, Zoning Official Manny Palacios, and Town Clerk Tracey Stevens.

3. APPROVAL OF THE MAY 8, 2017 MINUTES

Member Marsh moved to adopt the May 8, 2017 minutes; seconded by Member Hutchins. Motion carried 4-0.

4. PUBLIC HEARINGS

- a. An Application for Development Approval/Special Exception Submitted by Palm Beach County Board of County Commissioners to Allow Improvements to Existing Facilities at Ocean Inlet Park Located at 6990 N. Ocean Blvd, Ocean Ridge, FL, in the Public Ownership Zoning District, as a Public Park Area and Marina with Accessory Buildings to be Operated by the County.

Chairman Goray noted that this is a quasi-judicial hearing, and asked the members if they have had any ex parte communications regarding this matter, and all responses were no.

Town Clerk Stevens swore in all persons who wanted to speak at the hearing.

Member Marsh asked if the newly proposed floating docks are mitigating what is there now, and Simon Coleman responded that they will be replacing the docks that are there now, as they are in a terrible condition.

Simon Coleman, Alan Gerwig & Associates, Palm Beach County's Consultant for the Project, 12798 W. Forest Hill Blvd Suite 201, Wellington, FL, gave an overview of the project. He noted that there are two main pieces of the project, one of which is the replacement of the existing marina facilities that are in disrepair. He noted that the site

plan shows replacement of the existing marina bulkheads and docks. He noted that the docks will be replaced with a combination of fixed docks and floating docks. They will be maintaining the same number of docks (28), with a slightly different configuration. The second aspect of the project is the replacement of an existing building. He stated there are two buildings currently, one with the existing office space and restrooms, and the other is a concession building. The current buildings have exceeded their useful life are not meeting the current function, and the plan is to replace that building with a similar size building further to the North which will allow the existing building to remain in operation during construction, and then the old building will be demolished after the new one is built. All of the current functions will be contained in the new building, and the courtyard that is currently located North of the existing building will be redeveloped on the South side of the new building. The new building will contain offices for Palm Beach County Ocean Rescue and Palm Beach County Sheriff's staff, as well as public restrooms, and a small concession will be utilized as yet to be defined in terms of its function. There is no plan for additional parking or re-configuration of the entrance, and ingress and egress will all remain the same. The existing bulkhead wall at the Southwest corner of the park will be replaced and that is where there is significant landscaping that currently exists that will need to come out, and we will be mitigating the landscaping there to re-create the buffer.

Member Marsh asked if they could use Coconut Palms instead of Sabal Palms for the buffer landscaping at the bulkhead as Sabal Palms don't provide much buffering or shading, and Mr. Call responded that they could do that. Jay Bridge from Urban Design Studios, Landscape Architect for the Project responded that Coconut Palms grow much faster.

Member Hutchins asked if the one year warranty on the landscaping trees is a typical warranty period, and Mr. Bridge responded that it is.

Chair Goray asked if they low level landscaping in addition to the trees will provide adequate screening, and Mr. Bridge stated that yes, they will be providing seagrapes and lower level planting shrubs and hedges which will be suitable for the area and have a variation in color. Mr. Bridge stated that we need plants that can take the salt because it tends to flood during high tide in that area.

Member Hutchins stated that the area is subject to shoaling. He stated that it was recently dredged, and asked if this is something the County takes care of. Eric Call, Palm Beach County Director of Parks and Recreation responded that the County does take care of that, and it will be done as necessary.

Public Comment: Terry Brown, Harbour Drive South, stated that the Sabal Palm is the Florida State tree, and the Coconut Palms will require more maintenance and carry more liability. He also noted that he does not see that there is any plan to protect people walking into traffic on the east side of A1A, and asked if the County can secure the area at the south end to see if there is something that can be done.

PLANNING & ZONING COMMISSION MEETING HELD AUGUST 14, 2017

Vice Mayor James Bonfiglio, 5616 N. Ocean Blvd, asked if the County has worked with the Sheriff to see what they are going to do to patrol the area, and Mr. Call stated that they have a sub-station in the park, but it will not be staffed 24/7. It will be staffed only during the daylight hours. Mr. Bonfiglio asked if the docks will be extended out into the intercoastal, and Mr. Coleman stated that they would be to accommodate the configuration of the floating docks and the size of the vessels. Mr. Bonfiglio asked about signage to direct boats away from the beach area, and Mr. Call stated that the County will work in conjunction with our Chief of Police on safety issues, and they will erect signs to keep the beach area boat-free. Mr. Bonfiglio stated that the area is overrun by iguanas, and asked if the County has a plan to control that, and Mr. Call stated that a cold snap would help with that problem.

Town Commissioner Don MaGruder, 9 Ridge Blvd, asked when the County plans to start construction, and Mr. Call stated that the construction is subject to grants which are not appropriated yet, and estimates that the project should begin around 2023. He noted that they will continue to operate as is for now. Attorney Shutt urged Mr. Call to look at our code to see how long our special exception permit is good for.

Chair Goray asked about the 50 foot dock extensions, and Mr. Coleman stated that the berths are bigger because they are floating docks, and they need to be away from the fixed docks. He stated that they need to maintain certain slopes, and the berths are slightly bigger than the current ones.

Chairman Goray asked about Coconut Palms vs. Sabal Palms as they relate to hurricane conditions, and Mr. Call stated that there are more maintenance requirements for coconut palms, as well as safety issues. He stated that they don't place coconut palms in the picnic areas, but it would be fine in the buffer area. He stated he wants to make sure we plant natives.

Member Hutchins asked if there is a security system in place since they will be leasing boat spaces and at night if there is no-one available from the Sheriff's department, it becomes a target for people wanting to take things off boats. Mr. Coleman stated the second story of the building will contain a small residence for the dock master residence to enhance security. He stated there would be a significant increase in land based security.

Chairman Goray asked if the sea rescue helicopter landing area will remain intact, and Mr. Call stated that nothing will interfere with that.

Member Hutchins moved to recommend approval of the application for Development Approval/Special Exception for Ocean Inlet Park as submitted; seconded by Member Marsh. Motion carried 4-0.

5. ORDINANCE REVIEW

a. Floodplain Management

Attorney Shutt advised that the floodplain management ordinance was adopted by the Commission, however, after adoption we received notification from the State Floodplain Coordinator that manufactured housing is allowed in our comp plan and codes, so we need to insert language regarding manufactured housing in the floodplain management ordinance to be compatible with what our codes currently provide for.

Member Marsh asked if construction trailers and manufactured housing is the same, and Attorney Shutt responded no, construction trailers are not addressed under the manufactured housing section; they are covered under another section. Zoning Official Palacios stated that when a plan is submitted for construction trailers, the Building Official reviews the plans along with traffic control measures, etc. and works with the Contractor on placement, etc.

Chairman Goray called for public comment, and there was none.

Member Marsh moved to recommend approval of the Floodplain Management Ordinance as submitted; seconded by Member Leming. Motion carried 4-0.

b. Administrative Amendments to the Florida Building Code

Attorney Shutt advised that this change was precipitated because of the changes in the Floodplain Management ordinance. He stated we were told that our section of code regarding the Palm Beach County amendments to the building code is not acceptable, and that we need to adopt our own amendments to the Florida Building Code. He stated he reviewed ordinances from other towns in Palm Beach County and developed this ordinance adopting the amendments. He stated the biggest change he saw was how they dealt with the Floodplain areas, and that is why we need to adopt our own. He noted that the County has certain things in their amendments that won't mesh with ours.

Chairman Goray called for public comment, and there was none.

Member Leming moved to recommend approval of the Administrative Amendments to the Florida Building Code as submitted; seconded by Member Hutchins. Motion carried 4-0.

c. Saturday Construction & Lawn Service Hours

Attorney Shutt advised that this topic came up in the joint meeting between the Town Commission and Planning & Zoning Commission, and he has also had discussions with the Chief of Police, and it appears that construction has not been prohibited in our code; it is just the noise from construction that is prohibited after 6 p.m. and before 8 a.m. The proposed ordinance provides for us to prevent construction after 6 p.m. or before 8 a.m. and on certain federal holidays and on Sundays. He stated he expanded it to prohibit construction on Saturdays except for the hours between 8 a.m. and 1 p.m. He stated there is a new section for lawn maintenance equipment noise which would be limited the same hours as construction. He noted that the ordinance does not prevent homeowners from

doing lawn maintenance; it prevents the homeowner from hiring someone to do lawn maintenance during those hours.

Chair Goray stated that these are significant changes to our practice.

Member Marsh stated that cutting off lawn maintenance by 1:00 p.m. seems unfair. Chair Goray stated we had previously talked about cutting it off at 2:00 p.m. Member Marsh stated he would like to see the lawn maintenance cutoff at 4:00 p.m. and 1:00 p.m. for construction.

Member Hutchins stated that due to weather, lawn maintenance companies need to use Saturdays to catch up sometimes. As for construction, he asked if it would be acceptable to do inside work on Saturday. Member Marsh stated that interior work that does not cause noise irritation should be fine.

Chief Hutchins stated that he has received many comments regarding construction activities and noise over the years. He noted that we have an ordinance regarding noise on Sundays and it is still problematic, so that is why we are bringing a new ordinance before the Commission. He stated that even opening and closing vehicle doors disrupts the peace. Chair Goray asked if the Police Department can make a distinction between inside and outside work, and chief said it is very difficult to make a distinction and enforce it. He stated that the ordinance is geared toward commercial businesses performing activities during certain time periods, and noted that it does not preclude homeowners from doing their own work. He stated that when commercial vendors come in and have to park and setup equipment and make noise, it becomes a disturbance in the neighborhood.

Public comment: Town Commissioner Don MaGruder, 9 Ridge Blvd, noted that the Town of Palm Beach recently precluded lawn maintenance on Saturdays, which likely moved the lawn maintenance companies into Ocean Ridge to make up for the time. He stated that residents are upset about the noise from leaf blowers. He stated that when we are back in season and people want to use their patios, they have construction noise and lawn maintenance noise, so they want it done by 1:00 p.m. to alleviate that. He stated that residents want quiet enjoyment of their property.

Chair Goray asked Building Official McIntosh if limiting construction on Saturday prolongs construction time periods or has adverse impacts, and Building Official McIntosh stated that may exacerbate the length of time to complete a project, but generally contractors have a few extra days in their schedule for rain days, etc. He stated it is negligible in his opinion.

Public comment: Terry Brown, Harbour Drive South, stated he has lived here for 26 years and even though he has impact windows, there is still too much lawn maintenance noise which is horrible because it rotates all the time between neighbors. He stated we are missing an opportunity if we don't limit the noise to 1:00 p.m. on Saturday. He stated

that the Town wants to be an upscale community, and we are not going to be upscale if we have noise after 1:00 p.m. on Saturday.

Member Hutchins moved to recommend approval of the proposed ordinance with a 1:00 p.m. limit for lawn maintenance and commercial contractors on Saturday; seconded by Chair Goray. Roll call vote: Chair Goray – yes; Vice-Chair Marsh – yes; Member Hutchins – yes; Member Leming - yes.

Public comment: Vice Mayor James Bonfiglio, 5616 N. Ocean Blvd, stated that the consensus he got from residents was they don't want work all day Saturday, but there didn't seem to be a consensus on a cutoff time which is the difficulty. He stated that 1:00 p.m. seems to be a reasonable time/compromise. If this does not work, we can always change it.

Member Marsh stated we should start to gather some data on complaints. He stated he agrees with limiting construction on Saturday, but he reluctantly voted to end lawn maintenance at 1:00 p.m. on Saturday.

Town Commissioner Don MaGruder, 9 Ridge Blvd, stated having both cutoff times the same will make the Police Officers jobs much easier because they will be monitoring all work until 1:00 p.m. with construction and lawn maintenance.

Member Leming stated that battery operated leaf blowers could solve some noise problems.

d. Concept Plan Review

Attorney Shutt advised that the Commission discussed the previously written site plan review ordinance and voted it down, and directed P&Z to discuss a concept plan review process which is in front of the P&Z Commission today. He stated that it would be voluntary, as people are not required to come in front of the Commission.

Chairman Goray stated that the watered down version may not be worth proceeding with.

Town Clerk Stevens stated that it was her understanding that all applications would come to the P&Z and then the P&Z would make a recommendation to the Zoning & Building Officials; it would be a mandatory process, but a recommendation process, not an approval process.

Town Manager Titcomb stated that staff looks at the plans and are meeting more frequently to trouble-shoot things an applicant might do that would violate our code, however, staff doesn't necessarily look at aesthetics. He stated staff does not recommend one way or the other.

Zoning Official Palacios noted that he has had meetings with Member Marsh in the past, and when he is looking at zoning, things are black and white, but sometimes there are

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options that could go either way and that is where outside help from the Commission would help.

Building Official McIntosh stated that a property owner that wants to construct a residence has a concept of what they desire. He stated they are purchasing the property, and the property owner has the right to develop their property based on what they like.

Member Marsh noted that every other town that he knows of in the coastal communities has a system for architectural review. He stated that it is unfair for the Zoning Official to look at aesthetics, but everyone's image will not match others. He stated that if the Zoning Official sees something that may not seem appropriate, staff could determine if the Commission needs to meet.

Member Hutchins stated that the ordinance presented today is voluntary with non-binding results, and noted that the Town Clerk's recollection is that we wanted to proceed with a binding meeting with non-binding results. He asked if we want to do something that gives direction.

Member Marsh stated that we don't want to mandate colors or tastes, however, we need some preliminary review so the applicant does not get into a position down the road where there are objections and discontent. He stated he would be in favor of the ordinance if it was a mandatory review for everyone.

Chairman Goray asked about a recent permit that was approved for pilings only, and stated we should not approve a piling permit without the building. Zoning Official Palacios stated he doesn't recall that we have ever done that before.

Public Comment: Vice Mayor James Bonfiglio, 5616 N. Ocean Blvd, stated that the Commission had a long discussion at the joint workshop regarding the Architectural Review Board, and that ordinance did not pass. He stated he thinks it is a good idea to have P&Z review for development. He stated he would like P&Z to look at plans and make a recommendation. He noted that we are in the sights for developers for large developments. He stated he has talked to citizens who say they like their quality of life here with the single family environment. He stated that if we can structure a review of plans with recommendations; that would be good.

Member Hutchins stated that if we have a binding meeting, and P&Z makes a recommendation to the Town Commission, it would be a long process to build a house. Town Clerk Stevens clarified that the P&Z would be making its recommendation to the Zoning official, not the Town Commission.

Member Marsh stated that compared to other municipalities, it would still be a quicker turnaround time. He stated that we need to slow the process down a little and bring the review process to P&Z. He noted that the applicant could appeal to the Board of Adjustment if they do not agree with the decision of the Zoning Official and/or Building Official.

Building Official McIntosh responded to Chairman Goray's earlier comment regarding the piling permit, stating that it is allowed under Florida Building Code, with a caveat that the property owner is proceeding at his/her own risk.

Building Official McIntosh stated that according to Florida Statutes and the Florida Building Code, staff only has 30 days to review plans for single family or two family structures, and get back to the property owner or developer. Town Clerk Stevens stated that would not apply in this instance, as the applicant would be submitting a land development application for the concept plan review process first before submitting a building permit application. The concept plan review application would be the first step in the process, and the Building Official would still have 30 days to review after the actual building permit is submitted.

Chairman Goray suggests that the process be mandatory, with a complete plan package review, and a recommendation made by the P&Z.

Attorney Shutt clarified that it would be a mandatory review for new construction of single and double family homes along with the 50% rule, and it would be mandatory to submit a full plan package, with the P&Z recommendations going to the Zoning Official.

Member Marsh moved to make the changes to the concept plan review ordinance as clarified by the Town Attorney; seconded by Member Hutchins. Motion carried 4-0.

Town Manager Titcomb asked about complete plan sets being submitted, and also stated we should add something into our code so the town has an idea what they are looking at and approving in regards to pilings permits.

e. Flat Roofs

Attorney Shutt advised that he is looking for direction to draft an ordinance regarding flat roofs.

Member Marsh stated that he would look for relevant codes and make recommendations to staff to develop an ordinance to bring to the next P&Z meeting.

There was no action on this item at this time.

6. ACTION ITEMS

a. Change October Meeting Date Due to Columbus Day Holiday

Town Clerk Stevens advised that the October meeting date falls on Columbus Day, and suggested that the meeting be changed to either Monday, October 2nd or Tuesday, October 10th.

There was consensus of the Commission to move the meeting to October 16th.

7. ADJOURNMENT

Member Marsh moved to adjourn at 10:07 a.m.; seconded by Member Leming. Motion carried 4-0.

Minutes adopted by the Planning & Zoning Commission at its meeting on September 11, 2017.

Chairman Goray

Attest:

Tracey L. Stevens, CMC, Town Clerk

MEMORANDUM

TO: PLANNING AND ZONING COMMISSION MEMBERS
FROM: R. BRIAN SHUTT, TOWN ATTORNEY
RE: PROPOSED ORDINANCE REGARDING CONCEPT SITE PLAN REVIEW
DATE: AUGUST 22, 2017

The proposed ordinance provides for a review of new construction and construction that exceeds 50% of the existing square footage or cost of the structure, regarding single family homes, by the Planning and Zoning Commission. As you may remember an ordinance providing for required review by this Commission was brought before the Town Commission for approval, however, it was not approved and direction was given to provide for a concept plan review process.

The proposed ordinance provides that plans for new construction or construction on existing structures that exceed 50% of the cost or square footage of the existing structure be submitted to the Planning and Zoning Commission for their input. After the Planning and Zoning Commission reviews the plans they will then send a report to the Town's Zoning Official who will then consider their comments during his/her review of the construction plans.

If you have any questions please feel free to call me prior to the meeting.

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 63, “GENERAL AND ADMINISTRATIVE PROVISIONS”, ARTICLE IV, “SITE PLAN REVIEW PROCEDURES”, SECTION 63-51 “TYPES OF APPLICATIONS”, AND ENACTING SECTION 63-56 “CONCEPT PLAN REVIEW”, TO PROVIDE FOR CONCEPT SITE PLAN REVIEW OF NEW CONSTRUCTION; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Ocean Ridge, Florida (the “Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission wishes to provide for a concept site plan review process by the planning and zoning commission for new construction; and

WHEREAS, the Town Commission has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:

SECTION 1 – Findings of Fact: The **WHEREAS** clauses set forth above are adopted herein as findings of fact.

SECTION 2 – Amendment: Chapter 63 “General and Administrative Provisions”, Article IV “Site Plan Review Procedures”, Section 63-51 “Types of applications” is hereby amended as follows:

Sec. 63-51. - Types of applications.

(a) *Generally.* In order to receive a development order, one or more of the following procedures are required depending upon the specifics of the case; all but item (1) are potentially considered development permits:

- (1) Comprehensive plan amendment.
- (2) Rezoning: map or text change.
- (3) Subdivision, plat approval or plat amendment.
- (4) Site plan approval of minor or major development application and special exception application or amendment.
- (5) Planned residential development approval or amendment.

- (6) Variance.
- (7) Modification of commission conditional approval.
- (8) Building or sign permit.

Subsections (a)(1), (6), (7) and (8) of this section, plus single-family dwellings on a lot in ownership separate from adjacent lots, may not be subject to concurrency; see article II of this chapter. The most significant review procedure for purposes of this land development code is site plan review of minor and major development applications. Procedures for subsections (a)(1), (2) and (6) are found in article V of this chapter, procedures for subsection (3) are found in article V of [chapter 64](#), and procedures for building permits are found in [chapter 67](#). The planned residential development procedure, as set out in article II of [chapter 64](#), is a specialized major development plan review process. Development permit applications shall be made upon forms provided by the administrative official with accompanying fees as may from time to time be specified by the town commission.

(b) *Minor and major developments.* If a development permit application is in conformance with the comprehensive plan, zoning district regulations and subdivision requirements, the following shall apply:

- (1) A minor development permit application shall require site plan approval by the administrative official. A minor development includes only:
 - a. Single- or two-family structure in single and separate ownership;
 - b. A modification to a previously-approved site plan which adds less than five percent, cumulatively, to the approved square footage of all structures, which deviates no more than five percent, cumulatively, from the dimensions of the previously approved site plan;
 - c. Signs;
 - d. Bulkhead filling; and
 - e. Dune vegetation trimming or pruning.

A development permit application related to a single or two family structure that is for new development or construction that increases the size of the current structure by more than 50% or where such construction costs more than 50% of the existing structure shall comply with Section 63-56.

(2) *Major development.* All development permit applications other than those for minor development are considered for major development and shall require a site plan to be submitted to the administrative official for approval by the town commission after recommendation by the planning and zoning commission. This includes any special exception uses as specified in article I of [chapter 64](#).

(c) *Site plan and special exception distinction.*

(1) *Site plan.* A major or minor development application is reviewed to make certain that all of the district, supplemental and special regulations have been met by the application, including concurrency as set out in article II of this chapter; these are largely on-site considerations.

(2) *Special exception.* In addition to the onsite considerations of the site plan review, a use requiring special exception approval shall also be reviewed for its impact on surrounding uses and facilities. See [section 63-54](#) for review criteria.

(3) *Construction documents.* Each set of construction documents furnished to the town for review shall include all mathematical calculations, survey and scaled dimensions in sufficient detail such that the reviewer can determine compliance with the dimensional requirements established by the town or other governmental agency, including but not limited to the minimum lot and floor area, minimum yard setbacks, maximum floor area ratio (FAR), maximum lot coverage and building height, drainage, first floor elevations, and landscape.

SECTION 3 – Amendment: Chapter 63 “General and Administrative Provisions”, Article IV “Site Plan Review Procedures”, is hereby amended by enacting Section 63.56 “Concept plan review” as follows:

Sec. 63-56. – Concept plan review.

All development related to a single or two family structure that is for new development or construction that increases the size of the current structure by more than 50% or where such construction costs more than 50% of the existing structure shall be required to submit the development/construction/site plans to the planning and zoning commission for review. A developer/applicant shall be required to submit all documents/plans, as set forth in the development action form, prior to being heard by the planning and zoning commission. The planning and zoning commission shall use the review criteria as set forth herein when reviewing site plans.

1. Relationship of building to site:
 - i. The site should be planned to accomplish a desirable transition with the streetscape. The overall balance and proportion of the proposed building will be considered.
 - ii. The height and scale of each building should be compatible with its site and other buildings onsite.
2. Relationship of building and site to adjoining area(s):
 - i. Buildings should be designed to enhance the surrounding neighborhood.
 - ii. Harmony in architectural style, form, texture, mass and lines, as well as materials, colors, and use of architectural elements should be provided in the design of all buildings.
 - iii. Buildings should be consistent with the established neighborhood character or within acknowledged architectural styles.
3. Building design:
 - i. Evaluation of a project should be based on quality of its design and relationship to surroundings.
 - ii. Components such as roofs, windows, doors, eaves, and parapets should have balanced proportions in relationship to one another.
 - iii. Colors should be harmonious and representative of the architectural style of the building and generally within the character of the neighborhood.

iv. Design attention should be given to mechanical equipment or other utility hardware on roofs, buildings and at grade so as to screen them from view.

v. Buildings should be of a size as to be in harmony with permanent neighboring development or within acknowledged architectural styles.

vi. Use of any/all of the above preferred design elements in conjunction with the renovation or addition to existing homes is encouraged, along with the removal of any existing elements that are not preferred.

The planning and zoning commission shall provide the findings of its review to the planning official of the town, who shall then consider such findings while making his/her review of the development application.

SECTION 4 - Codification: The ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

SECTION 5 - Repeal of Conflicting Ordinances: All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

SECTION 6 - Severability: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 7 - Effective Date: This Ordinance shall become effective immediately upon adoption.

FIRST READING this ___ day of _____, 2017.

SECOND AND FINAL READING this ___ day of _____, 2017.

Commissioner _____ offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

GEOFFREY A. PUGH, Mayor _____

JAMES A. BONFIGLIO, Vice Mayor _____

GAIL ADAMS AASKOV, Commissioner _____

STEVE COZ, Commissioner _____

DON MAGRUDER, Commissioner _____

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this ____ day of _____, 2017.

TOWN OF OCEAN RIDGE, FLORIDA

BY: _____
Geoffrey A. Pugh, Mayor

ATTEST: _____
Tracey L. Stevens, Town Clerk

MEMORANDUM

TO: PLANNING AND ZONING COMMISSION MEMBERS
FROM: R. BRIAN SHUTT, TOWN ATTORNEY
RE: PROPOSED ORDINANCE CHANGING THE DEFINITION OF FAMILY
DATE: AUGUST 25, 2017

The Town Commission had previously given direction for staff to review the Town's transient rental ordinances and procedures and to propose modifications to such ordinances in order to help insure that the Town's residential neighborhoods maintain their fundamental residential zoning characteristics.

The Town's current definition of "family" does not allow more than five unrelated people living together in a single dwelling unit. The Town's average family size is approximately 2.41 persons per family. The proposed ordinance provides that there cannot be more than three unrelated people living together in a dwelling unit. Occupancies that currently exceed this number shall have 12 months from the date of the ordinance, or the termination of the lease agreement, whichever occurs first, to come into compliance.

If you have any questions please feel free to call me prior to the meeting.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 1, “GENERAL PROVISIONS”, SECTION 1-3, “DEFINITIONS” TO CLARIFY THE DEFINITION OF “FAMILY”; CHAPTER 67, “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE VII, “BUILDING STANDARDS”, DIVISION 3, “OCCUPANCY LIMITATIONS”, SECTION 67-205 “OCCUPANCY LIMITATIONS”, TO CLARIFY OCCUPANCY LIMITATIONS; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Ocean Ridge, Florida (the “Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission wishes to clarify the existing definition of “family” and its application; and

WHEREAS, the Town Commission has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:

SECTION 1 – Findings of Fact: The WHEREAS clauses set forth above are adopted herein as findings of fact.

SECTION 2 – Amendment: Chapter 1 “General Provisions”, Section 1-3, “Definitions”, is hereby amended as follows:

~~*Family means one or more persons occupying a single dwelling unit; provided that, unless all members are related by blood, legal adoption or marriage, no such family shall contain over five persons; but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family. Any person under the age of 18 years whose legal custody has been awarded to the State Department of Health and Rehabilitative Services or to a child placing agency licensed by the Department, or who is otherwise considered to be a foster child under the laws of the state, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this definition.*~~

Family shall mean two (2) or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption, and/or a group of persons not more than three (3) in

number who are not so interrelated, occupying the whole or part of a dwelling as a single housekeeping unit that shares common living, sleeping, cooking, and eating facilities. Any person under the age of 18 years whose legal custody has been awarded to the State Department of Health and Rehabilitative Services or to a child-placing agency licensed by the Department, or who is otherwise considered to be a foster child under the laws of the state, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this definition. Occupancies in excess of the number allowed herein shall have twelve (12) months from the date of the enactment of this definition or the termination of the current lease agreement to come into compliance, whichever occurs first. A family does not include any society; nursing home; club; boarding or lodging house; dormitory; fraternity; sorority; or group of individuals whose association is seasonal or similar in nature to a resort, hotel, boarding or lodging house.

SECTION 3 – Amendment: Chapter 67 “Buildings and Building Regulations”, Article VII “Building Standards”, Division 3, “Occupancy limitations”, Section 67-205 “Occupancy Limitations” is hereby amended as follows:

Sec. 67-205. – Occupancy limitations.

That no more than ~~five (5)~~ three (3) unrelated persons shall reside in any dwelling unit as further defined in the definition of “family” as provided in Section 1-3 of this Code.

SECTION 4 - Codification: The ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

SECTION 5 - Repeal of Conflicting Ordinances: All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

SECTION 6 - Severability: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 7 - Effective Date: This Ordinance shall become effective immediately upon adoption.

FIRST READING this ____ day of _____, 2017.

SECOND AND FINAL READING this ____ day of _____, 2017.

Commissioner _____ offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

GEOFFREY A. PUGH, Mayor _____

JAMES A. BONFIGLIO, Vice Mayor _____

GAIL ADAMS AASKOV, Commissioner _____

STEVE COZ, Commissioner _____

DON MAGRUDER, Commissioner _____

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this ____ day of _____, 2017.

TOWN OF OCEAN RIDGE, FLORIDA

BY: _____
Geoffrey A. Pugh, Mayor

ATTEST: _____
Tracey L. Stevens, Town Clerk