

ORDINANCE NO. 2022-09

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES, SPECIFICALLY THE LAND DEVELOPMENT CODE, TO EXTEND THE ARCHITECTURAL REQUIREMENTS FOR FRONT ELEVATIONS TO ALL ELEVATIONS FOR SINGLE FAMILY DWELLINGS AND ACCESSORY STRUCTURES AND TO PERMIT FLAT ROOFS WITH RESTRICTIONS ON SINGLE-FAMILY RESIDENTIAL DWELLINGS AND ACCESSORY STRUCTURES BY MAKING REVISIONS TO CHAPTER 64, ZONING, ARTICLE I, DISTRICT REGULATIONS, SECTION 64-1, RSF AND RSE SINGLE-FAMILY RESIDENTIAL DISTRICTS, SECTION 64-3, OCEAN VIEW SPECIAL AREA, ARTICLE III, SUPPLEMENTAL REGULATIONS, SECTION 64-50, LOCATION OF EXTERIOR RESIDENTIAL EQUIPMENT AND ACCESSORIES, AND SECTION 64-60, DECKS, PATIOS, DRIVEWAYS, PARKING AREAS, STEPS, STOOPS, AND TERRACES (UNENCLOSED AND UNCOVERED); CHAPTER 67, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS, DIVISION 1, GENERALLY, SECTION 67-37, ROOF SYSTEMS; 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’s Land Development Code currently sets forth architectural requirements for the front elevation of single-family residential dwellings to have doors and windows covering 15% of the front wall elevation and other significant articulation such as shutters, decorative arches, banding or building jogs; and

WHEREAS, the Town’s Planning and Zoning Commission recommended that the Town Commission extend the architectural requirements for front elevations to all elevations of residential dwellings including their accessory structures as often multiple sides of a single-family residential dwelling and accessory structures are readily visible to the public and requiring such architectural requirements on all elevations will help to reduce massing of new construction being built next to and around existing dwellings and accessory structures; and

WHEREAS, the Town Commission has accepted the recommendation of the Planning and Zoning Commission and desires to extend the front elevation architectural requirements to all elevations of single-family residential dwellings and accessory structures with an exception for utility sheds/storage buildings which are 100 square feet or less; and

WHEREAS, the Town’s Land Development Code currently only permits pitched roofs with no more than twenty percent (20%) of the pitched roof to be a flat roof area, if at least five percent (5%) is utilized as a deck, porch, or usable outdoor space; and

WHEREAS, with the recent increase in contemporary-style architecture, the Town is seeing an increase in proposed single-family dwelling development with parapets designed to hide pitched roofs; and

WHEREAS, these parapets create massing issues and cause deviations from the “human scale” purpose and intent of the single-family residential district; and

WHEREAS, the Town’s Planning and Zoning Commission recommended that the Town Commission amend the Land Development Code to allow flat roofs in single-family residential dwellings and accessory structures establish regulations and restrictions for such flat roofs and related flat roof usable areas; and

WHEREAS, the Town Commission has accepted the recommendation of the Planning and Zoning Commission and desires to allow flat roofs in single-family residential dwellings and accessory structures and establish regulations and restrictions for such flat roofs and flat roof usable areas; and

WHEREAS, the Town Commission has determined that the enactment of this ordinance to extend the front elevation architectural requirements to all elevations of single-family residential dwellings and accessory structures and revise the restrictions on flat roofs is for a proper public purpose and in the best interests 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 true findings of fact of the Town Commission.

SECTION 2 – Amendment: The Town’s Land Development Code, Chapter 64 “Zoning”, Article I, “District Regulations”, Section 64-1, “RSF and RSE single-family residential districts”, Subsection (e), “Land Development Criteria, and Designation of Building ‘Front’”, is hereby amended as follows (underline is added; ~~stricken through~~ is deleted):

(e) *Land development criteria, and designation of building "front."* The following land development criteria, and the examples set forth in figure 64-1 and 64-2 as shown in figures 64-1 through 64-7, shall apply ~~only to~~ all the front, street elevations of ~~all~~ single-family dwelling units and their accessory buildings in the town. For the purposes of this section, except setbacks (which are treated elsewhere), "front" shall mean only one side of a dwelling or building, and shall be the one facing the street or right-of-way, whether public or private, or for double street frontages or corner lots, the one designated by the owner. Utility sheds/storage buildings that do not exceed 100 square feet are exempt from the following land development criteria.

(1) Window and door coverage. All elevations of a single-family residential dwelling and of an accessory building including without limitation, front, side, and rear

elevations, shall devote a minimum of fifteen percent (15%) of their wall coverage to window and door coverage. Figure 64-1 shows an example of this for a front elevation.

[Keep current Figure 64-1 without changes]

(2) Substantial articulation. In addition to the 15% window and door coverage on all elevations of a single-family residential dwelling and an accessory building including without limitation, front, side, and rear elevations, there shall be other significant articulation on all elevations such that the placement of an 8' x 16' rectangle on the wall of the elevation must touch or overlap an element such as a window or door, or a significant articulation such as shutters, decorative arches, building jog, or banding. Figure 64-2 shows an example of this for a front elevation.

[Keep current Figure 64-2 without changes]

SECTION 3 – Amendment: The Town’s Land Development Code, Chapter 64 “Zoning”, Article I, “District Regulations”, Section 64-1, “RSF and RSE single-family residential districts”, Subsection (f), “Roof pitch, elevation and covering” is hereby amended as follows (underline is added; ~~stricken through~~ is deleted) along with the deletion of Figure 64-4 in its entirety as shown below:

(f) Roofs and Flat Roof Usable Areas ~~Roof pitch, elevation and covering.~~

- ~~(1)~~ For single-family residential dwellings and accessory buildings in the single-family residential districts, the minimum permitted pitch for a pitched roof is 4:12 (rise to run) and the maximum permitted pitch is 14:12 (rise to run). Except for a flat roof usable area (defined below), it shall be unlawful to construct or maintain a pitched roof system consisting of tar paper or felt without approved exterior shingles, tiles or metal covering. Parapets shall not be utilized with pitched roofs except in conjunction with a flat roof usable area (defined below).
- ~~(2)~~ Flat roofs, which are less than 4:12 pitch (rise to run), are permitted on single-family residential dwellings and accessory buildings in the single-family residential districts, provided the flat roof complies with all requirements and restrictions set forth in section 67-37.
- ~~(3)~~ A flat roof usable area is an area provided with a pitched roof or flat roof system which may be utilized as a deck, porch, or other outdoor usable space on single-family residential dwellings and accessory buildings in the single-family residential districts. A flat roof usable area shall not exceed fifteen percent (15%) of the total floor area. A flat roof usable area shall be limited to a maximum height of 14 feet from the finished floor. No balconies shall be attached to, connected to, or adjoin a flat roof usable area. Except for temporary external access necessary for maintenance, repairs, and emergencies, access to the flat roof usable area must be internal to the dwelling or building. The construction and/or installation of any non-temporary external access to the flat roof usable area is prohibited.

~~Roof pitch, elevation and covering. Flat roof areas, that are less than 4:12 pitch (rise to run) are permitted on single- and multifamily structures, provided they do not exceed 15 percent of the~~

total horizontal ground surface area covered by the roof, including but not limited to all living areas, porches, patios, garages, porte cocheres, carports, entrances, and exterior balconies. The maximum permitted pitch is 10:12 (rise to run). Flat roof areas may be increased to 20 percent, if at least five percent is used as a deck, porch or usable outdoor space. It shall be unlawful to construct or maintain a sloped roof system consisting of tar paper or felt without approved exterior shingles, tiles or metal covering. Flat roof areas, excluding decks and porches, shall be screened entirely by a parapet, which shall not extend above the top of the tie beam by more than three feet. This parapet shall extend around the flat roof area and shall screen all flat roof elements. Where a parapet is used to conceal a pitched roof, the top of the parapet shall not extend above the top of the tie beam by more than three feet.

[Figure 64-4 below is deleted in its entirety]

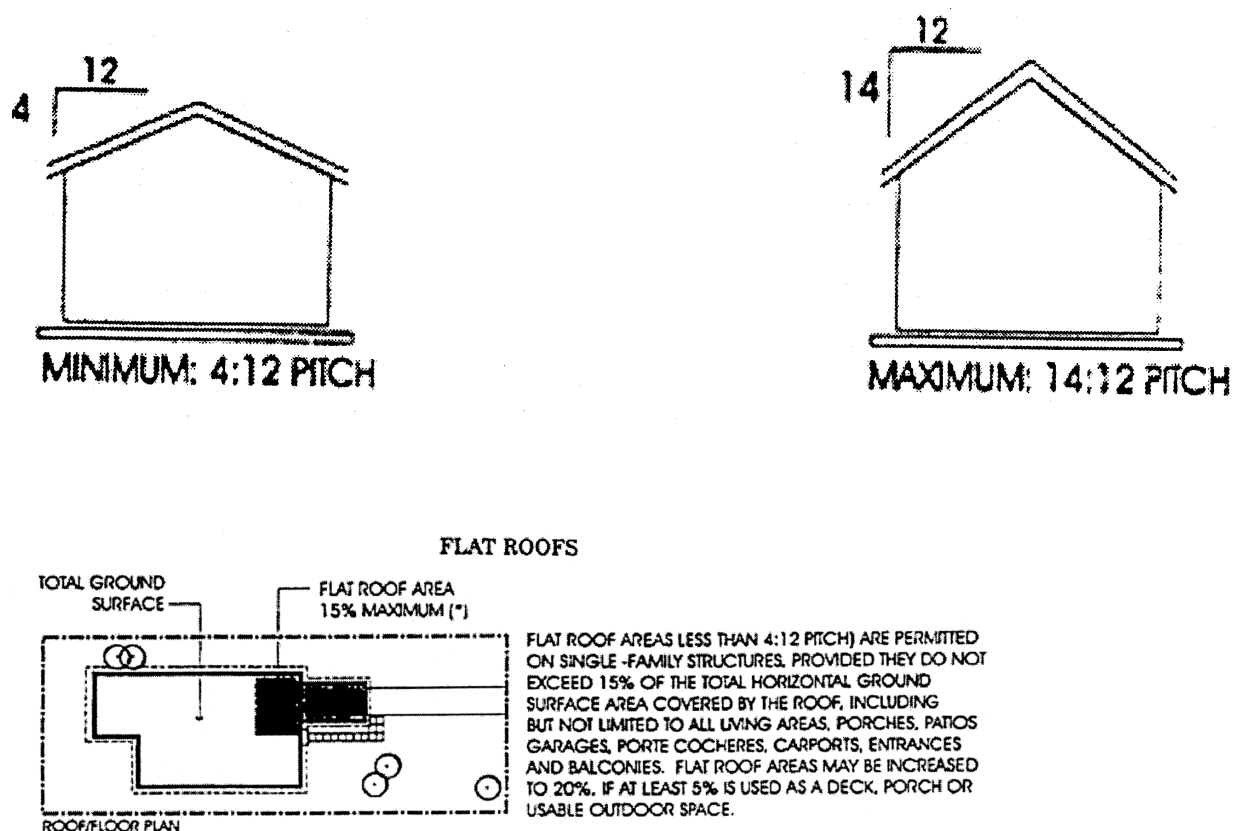


Figure 64-4

SECTION 4 – Amendment: The Town’s Land Development Code, Chapter 64 “Zoning”, Article I, “District Regulations”, Section 64-1, “RSF and RSE single-family residential districts”, Subsection (g), “Building Envelope” is hereby amended as follows (underline is added; ~~stricken through~~ is deleted):

- (g) *Building envelope.* All single-family residential buildings must be within the limits of an overall building envelope established by yard setbacks, maximum building height, maximum

height of the tie beam, maximum lot coverage, floor area ratio, and roof pitch. The building envelope permitted within the town is shown graphically as follows:

[Amend Figure 64-5 to create 64-5(a) for pitched roofs and 64-5(b) for flat roofs]

[Amend figure 64-6 to create 64-6(a) building envelope maximum one story and two story for pitched roofs and create 64-6(b) building envelope maximum for one story and two story for flat roofs]

SECTION 5 – Amendment: The Town’s Land Development Code, Chapter 64 “Zoning”, Article I, “District Regulations”, Section 64-1, “RSF and RSE single-family residential districts”, Subsection (h), “Building Envelope Exceptions” is hereby amended as follows (underline is added; ~~stricken through~~ is deleted):

- (h) *Building envelope exceptions.* Notwithstanding the building envelope requirements set forth above, the construction of a flat roof usable area shall be permitted up to the building setback requirements. Further, the construction of dormers and gabled ends on single-family dwellings with pitched roofs shall be permitted, notwithstanding the building envelope requirements above, it being the intent of the town commission to permit colonial, federal, dutch colonial, and other similar styles of architecture.

SECTION 6 – Amendment: The Town’s Land Development Code, Chapter 64 “Zoning”, Article I, “District Regulations”, Section 64-1, “RSF and RSE single-family residential districts”, Subsection (j), “RSF – Single-Family Residential Property Development Regulations”, is hereby amended as follows (underline is added; ~~stricken through~~ is deleted):

- (3) Maximum building height shall be no more than 24 feet for single-story buildings and the maximum two-story building height shall be no more than 36 feet. Height shall be measured to the ridge or highest point of the structure, including all non-habitable architectural features, but excluding chimneys, as measured from the top of the lowest finished floor elevation of the first floor, as described in section 67-32. No building with more than two stories is permitted. No chimneys, including caps, shall exceed four feet in height from the ridge of the roof. For pitched roof systems, w~~Wherever~~ a base flood elevation (BFE) is dictated by the FEMA National Flood Insurance Program (NFIP) maps requiring the finished floor elevation to be above seven feet NAVD, for every foot above seven feet NAVD there shall be a corresponding decrease of one foot in the maximum building height.

SECTION 7 – Amendment: The Town’s Land Development Code, Chapter 64 “Zoning”, Article I, “District Regulations”, Section 64-3, “Ocean View Special Area”, is hereby amended as follows (underline is added; ~~stricken through~~ is deleted):

- (a) *Scope.* Notwithstanding other provisions of the land development code, including this article, relating to minimum lot size, lot depth, setbacks, floor area ratio or minimum floor area

for building structures, this section shall apply to all existing residential lots within the area as of October 4, 1999, and shall supersede any land development code requirements to the contrary. Except as specifically provided in this section, all other land development code requirements remain applicable to the residential lots in the area, including without limitation, sections 64-1(e), 64-1(f), and 67-37 for single-family residential dwellings and single-family residential accessory buildings in the area.

SECTION 8 – Amendment: The Town’s Land Development Code, Chapter 64 “Zoning”, Article III, “Supplemental Regulations”, Section 64-50, “Location of Exterior Residential Equipment and Accessories”, is hereby amended as follows (underline is added; ~~stricken through~~ is deleted):

Sec. 64-50. – Location of exterior residential equipment and accessories.

(a) No part of an air conditioning unit, swimming pool maintenance unit and the like, or any equipment or apparatus related thereto, shall be exposed or visible from the front of the primary building structure or be placed within the front yard setback. For purposes of this section, front yard shall be defined as in section 64-1(d), and shall not include canal frontages. No part of an air conditioning unit, swimming pool maintenance unit and the like, or any equipment or apparatus related thereto, may be placed within ten feet of the side or rear lot line of any lot. Customary yard accessories and ornaments and furniture shall be an exception to this section. Any rooftop mechanical equipment shall be screened on all sides from view from off-site properties. The screening of the rooftop equipment shall, at a minimum, equal the height of the proposed equipment. Mechanical equipment shall not be placed on a flat roof permitted for a residential single-family dwelling or an accessory building to a single-family residential dwelling unless specifically authorized in section 67-37. Existing permitted rooftop equipment shall not extend more than 30 inches above the flat roof surface, however, exact change out equipment permit applications are exempt from this provision as determined by the building official.

SECTION 9 – Amendment: The Town’s Land Development Code, Chapter 64 “Zoning”, Article III, “Supplemental Regulations”, Section 64-60, “Decks, Patios, Driveways, parking areas, steps, stoops, and terraces (unenclosed and uncovered)”, is hereby amended as follows (underline is added; ~~stricken through~~ is deleted):

Unenclosed and uncovered decks, patios, driveways, parking areas, steps, stoops, and terraces shall be setback at least five feet from any property line or right-of-way line, whichever is closer. These improvements shall be maintained and drained so as to prevent nuisance conditions, which include, but is not limited to, nuisances as described in this Code, to the public and/or abutting property owners. In those instances where that portion of the property containing the deck, patio, steps, stoops or terraces abuts a sea wall, the setback requirement for the primary area where the deck, patio, steps, stoops or terraces abuts the sea wall shall be waived no setback shall be required. Flat roof usable areas as defined in section 64-1(f)(3) shall comply with all applicable building setbacks.

SECTION 10 - Amendment: The Town's Land Development Code, Chapter 67 "Buildings and Building Regulations", Article III, "Technical Codes and Other Construction Standards", Division 1, "Generally", Section 67-37, "Roof systems", is hereby amended as follows (underline is added; ~~stricken through~~ is deleted):

Sec. 67-37. – Roof systems.

- (a) All pitched roofs shall comply with the requirements of section 64-1(f). It shall be unlawful to construct or maintain for longer than three months a roof system consisting of tar paper or felt without approved exterior shingles or other covering.
- (b) Flat roof restrictions. The following restrictions apply to flat roofs for residential single-family dwellings and accessory buildings to single-family residential dwellings:
 - 1) The ~~maximum tie beam height~~ flat roof area of a single- or multifamily residential structure shall not exceed 20 percent of the total horizontal ground surface area covered by roof including, but not limited to, all living areas, porches, patios, garages, porte cacheres, carports, entrances, and balconies. The remaining roof system shall have a minimum slope of four in 12 (rise to run). ~~is 14 feet for a single-story structure or 24 feet for a two-story structure.~~
 - 2) Flat roofs shall be screened by a parapet, which shall not extend above the top of the tie beam by more than thirty-two inches. The parapet shall extend around the flat roof and shall screen all authorized flat roof elements. Authorized flat roof elements are limited to permitted roof ventilation features, chimneys, and elevator bulkhead. The maximum height of a parapet extending around a flat roof usable area as defined in section 64-1(f)(3) shall not exceed 3 feet.
 - 3) Except as specifically permitted by federal or state law, equipment shall not be placed on flat roofs. This restriction, includes but is not limited to, permanent or temporary placement or storage of antennas, antenna equipment cabinets, air condition equipment, generators, flag poles, elevator housing, tanks, landscaping equipment or living roofs, and any other equipment or roof element which extends above the top of the tie beam by more than thirty-two inches. If equipment is authorized by federal or state law to be placed on a flat roof, such equipment shall be sight screened from view in so far as possible. Temporary storage of equipment may be authorized by the building official during periods of permitted construction.
 - 4) Except for a flat roof usable area as defined in section 64-1(f)(3), a flat roof may not be accessed or used for any purpose except for maintenance and repair or in the case of an emergency. All other access and uses including, but not limited to, habitation, dwelling, storage, recreational uses, temporary uses, and accessory uses, are prohibited on flat roofs.
 - 5) Except for internal access to a flat roof usable area as defined in section 64-1(f)(3), access to a flat roof as part of the interior or exterior construction of a structure is prohibited. ~~20 percent of the total horizontal ground surface area covered by roof including, but not limited to, all living areas, porches, patios, garages, porte cacheres, carports, entrances, and balconies. The remaining roof system shall have a minimum slope of four in 12 (rise to run).~~
 - 6) Existing permitted equipment on a flat roof may be replaced with exact change out equipment as permitted by the building official.

SECTION 11 - Codification: This Ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

SECTION 12 - Repeal of Conflicting Ordinances: All ordinances, resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

SECTION 13 - 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 14 - Effective Date: This Ordinance shall become effective immediately upon adoption.

FIRST READING this 5th day of July, 2022.

SECOND AND FINAL READING this 1st day of August, 2022.

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

SUSAN HURLBURT, Mayor	Aye
KRISTINE DE HASETH, Vice Mayor	Aye
STEVE COZ, Commissioner	Aye
GEOFF PUGH, Commissioner	Absent
MARTIN WIESCHOLEK, Commissioner	Aye

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this 1st day of August, 2022.

TOWN OF OCEAN RIDGE, FLORIDA

BY: _____
Susan Hurlburt, Mayor

ATTEST:

BY: _____
Kelly Avery, Town Clerk