

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES TO CLARIFY EXISTING REGULATIONS REGARDING THE CALCULATION OF FLOOR AREA BY AMENDING THE DEFINITIONS AT CHAPTER 1, GENERAL PROVISIONS, SECTION 1-3 FOR FLOOR AREA TOTAL, FLOOR AREA RATIO, AND LOT AREA; AMENDING CHAPTER 67, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS, DIVISION 1, GENERALLY, SECTION 67-32, FLOOR ELEVATIONS TO CLARIFY ALLOWABLE CONSTRUCTION BELOW THE DESIGNED ELEVATION AND CONSTRUCTION INCLUDED IN FLOOR AREA; AMENDING CHAPTER 64, ZONING, ARTICLE 1, DISTRICT REGULATIONS, SECTION 64-1, RSF AND RSE SINGLE-FAMILY RESIDENTIAL DISTRICTS, TO CLARIFY FLOOR AREA AND MAXIMUM FLOOR AREA; AND, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

WHEREAS, the Town of Ocean Ridge, Florida (“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, at the January 23, 2023 Planning and Zoning Commission workshop meeting, the Planning and Zoning Commission discussed proposed revisions to the Town’s floor area provisions within the Town’s Land Development Code; and

WHEREAS, at the February 6, 2023 Town Commission meeting, the Town Commission provided direction to staff to work with the Planning and Zoning Commission to prepare an ordinance to adopt the discussed proposed revisions to the Town’s Floor Area and FAR provisions; and

WHEREAS, at the Planning and Zoning Commission meeting on April 17, 2023, the Planning and Zoning Commission further discussed proposed revisions to the Town’s floor area provisions in an effort to provide clarification but not to change the existing maximum floor area permitted in the single-family residential zoning districts; and

WHEREAS, the Planning and Zoning Commission considered this Ordinance on May 15, 2023 and recommended approval to the Town Commission; and

WHEREAS, the Town Commission has reviewed this Ordinance and determined that this Ordinance is in conformance with the Town’s Comprehensive Plan and serves a valid public purpose.

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: Chapter 1, entitled, “General Provisions”, Section 1-3, entitled, “Definitions”, is hereby amended to read as follows (underline denotes additions; ~~stricken through~~ denotes deletions):

Sec. 1-3. – Definitions.

Floor area, total, as used for calculating floor area ratio, means the gross horizontal areas of all floors of all buildings on a lot, measured from the exterior face of exterior walls or other type of enclosure, or from the centerline of a wall separating two buildings, including garages, carports, and porte cocheres, ~~but not including: and basements and, attics (unless if~~ **intended to be or used as habitable living space)**, ~~but not including:~~ **unenclosed decks or patios, covered porches, balconies (covered or uncovered), or crawl spaces except as otherwise stated.**

Floor area ratio (FAR) means the ratio of the total floor area of all structures on a lot to the ~~usable land area~~ **lot area**.

Lot area or lot size means the total horizontal area included within lot lines.

SECTION 3 – Amendment: Chapter 67 of the Land Development Code, entitled, “Buildings and Building Regulations”, Article III, entitled “Technical Codes and Other Construction Standards”, Division 1, entitled “Generally”, Section 67-32, entitled, “Floor Elevations” is hereby amended to read as follows (underline denotes additions; ~~stricken through~~ denotes deletions):

Sec. 67-32. Floor elevations.

- (a) *Minimum finished floor elevations.* Minimum finished floor elevations, also referred to as the lowest floor permitted in flood hazard areas, shall be the highest of the following:
- (1) The minimum elevation required by the Florida Building Code and all other applicable governmental agencies.
 - (2) At the elevation of 7.00 feet (NAVD-88), where the highest crown of the road abutting such property is at, or below an elevation of 5.10 feet (NAVD-88).
 - (3) At the elevation of 18 inches above the average crown of the road abutting such property, where the elevation of the highest crown of the road abutting such property is above 5.10 feet (NAVD-88), but not lower than 7.00 feet (NAVD-88).
- (b) *Other finished floor elevations.*

- (1) The maximum finished floor elevation of the structure shall be established as the average floor elevation of all areas (by square foot area) of the first floor, which average shall be no higher than one foot above the established minimum floor elevation.
 - (2) At the outside perimeter of a building, the grade shall not have a gradation drop of more than two inches per foot to the edge of the property.
 - (3) Nothing in subsection (a) and (b) shall be construed to prohibit the construction of basements, garages, or porches, provided however, that all basements shall have a minimum finished floor elevation of not lower than 7.00 feet (NAVD-88), and except as otherwise provided in subsection (d)(2) of this section, a maximum finished floor elevation as required by subsection (b)(1) of this section. The artificial filling of land to create a basement is expressly prohibited. Notwithstanding the foregoing, all garages or other enclosed areas used **or intended to be used** solely for parking vehicles, building access, ~~or storage,~~ **or other areas used or intended to be used as non-habitable space** below the designed elevation can be constructed at elevations lower than 7.00 feet (NAVD-88), provided that the enclosed area provides for entry and exit of flood waters through: (i) two openings having a total net area of not less than one square inch per one square foot of enclosed area or (ii) engineered openings that are certified as having been designed to provide automatic equalization of hydrostatic flood forces. The bottom of any opening or engineered opening must be at least one foot above adjacent grade. All enclosed areas in special flood hazard areas must be constructed in accordance with the provisions of the Florida Building Code, Building Section 1612.4 or Florida Building Code Residential Section R322, as applicable.
- (c) *Finished grade of slab.* The minimum finished grade of the first floor or slab for residential structures located within the town shall be not less than 7.00 feet (NAVD-88), and such grade level shall not be higher than 8.00 feet (NAVD-88) except for enclosed areas which can be constructed at elevations lower than 7.00 feet (NAVD-88) in accordance with subsection 67-32(b)(3).
- (d) *Maximum elevation.*
- (1) Where the natural elevation of a lot, prior to the placement of any fill, is higher than 8.00 feet (NAVD-88), the maximum elevation of the first floor or slab shall be established at not more than 1.00 foot above the average natural elevation of the lot. However, if the maximum finished floor elevation in this section is lower than the required minimum elevation set forth in paragraph (a) of this section, then the elevation in paragraph (a) of this section would prevail as the maximum finished floor elevation.
 - (2) Where the natural grade differential of a lot is sufficient to build a basement or garage with a minimum of a ten-foot grade differential, then the height of the structure is determined from the first floor living elevation.
- (e) In the event a flood insurance study has been proposed for Palm Beach County as well as a proposed flood insurance rate map this will be considered "best available data" provided certain requirements, as set forth by FEMA have been met. The town shall require the use

of the elevations set forth in the "best available data" provided that the property owner meets all other requirements of the Code.

- (f) All garages, carports, porte cocheres, and other enclosed areas used or intended to be used solely for parking vehicles or as habitable space shall be included in the total floor area and floor area ratio calculations.**

SECTION 4 – Amendment: Chapter 64 of the Land Development Code, entitled “Zoning”, Article I, entitled “District Regulations”, Section 64-1, entitled “RSF and RSE Single-Family Residential Districts”, subsection 64-1(k), entitled “RSE – Single Family Residential Estate Property Development Regulations”, is hereby amended to read as follows (underline denotes additions; ~~stricken through~~ denotes deletions):

Chapter 64 – ZONING

Article I. – DISTRICT REGULATIONS

Sec. 64-1. – RSF and RSE single-family residential districts.

(i) Floor area calculations.

- (1) When calculating total floor area, the first floor area under ceilings which are 16 feet or higher shall count as double. The first 300 square feet thereof, however, shall be counted as one floor to allow for limited vaulted spaces. The second floor area shall not exceed 75 percent of the first floor.
- (2) For purposes of calculating the 75 percent requirement of this section, the first floor area will include those portions of a structure utilized in establishing the maximum finished floor elevation described in section 67-32~~(a)(3)~~**(b)(1)** including roofed porches, but excluding bay windows, and which share at least one wall with the remainder of the habitable structure.
- (3) For purposes of calculating the second floor for the 75 percent requirement of this section, the second floor area will include all enclosed areas of the second floor and roofed porches and balconies, but will exclude bay windows whose sills are no lower than 12 inches from the floor, and provided the bay windows comprise 20 percent or less of any one facade and do not extend out beyond the overhang.

(j) RSF — single-family residential property development regulations. Property development regulations for the RSF district are as follows:

- (4) *Minimum floor area.* Minimum floor area is 1,800 square feet.
- (5) *Maximum lot coverage.* Maximum lot coverage shall be 35 percent of the total lot area.
- (6) *Maximum floor area.* The maximum floor area of all finished floors under roof shall be 36 percent of the total lot area. For any RSF lot existing or created after the date of adoption of this ordinance in excess of 20,000 square feet, the maximum floor area of all finished floors under roof shall be 32 percent of the total lot area. For purposes of this subsection, if a lot is separated by a street or right-of-way from that portion of the lot containing the principal structure or use, the calculation of the "total lot area" shall

include the first 1,000 square feet of the separated portion of the lot, provided that the maximum floor area does not exceed 36 percent of the total lot area. Prior to allowing the use of the separated portion square footage, a unity of title, approved by the town, must be executed by the property owner. The floor area occupied by bay windows, chimneys, or other non-habitable architectural features shall be included and shall be subject to this provision. The floor area occupied by roofed porches and balconies shall be exempt from this provision **up to a maximum of 500 square feet.**

(k) RSE — single-family residential estate property development regulations. Property development regulations for the RSE district are as follows:

- (4) *Minimum floor area.* Minimum floor area is 1,800 square feet.
- (5) *Maximum lot coverage.* Maximum lot coverage shall be 32 percent of the total lot area.
- (6) *Maximum floor area.* The maximum floor area of all finished floors under roof shall be 36 percent of the total lot area. For purposes of this subsection, if a lot is separated by a street or right-of-way from that portion of the lot containing the principal structure or use, the calculation of the "total lot area" shall include the first 1,000 square feet of the separated portion of the lot provided that the maximum floor area does not exceed 36 percent of the total lot area. Prior to allowing the use of the separated portion square footage, a unity of title, approved by the town, must be executed by the property owner. The floor area occupied by bay windows, chimneys, or other non-habitable architectural features shall be included and shall be subject to this provision. The floor area occupied by roofed porches and balconies shall be exempt from this provision **up to a maximum of 500 square feet.**

SECTION 5 - Codification: This Ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

SECTION 6 - Repeal of Conflicting Ordinances: All ordinances, resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

SECTION 7 - 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 8 - Effective Date: This Ordinance shall become effective immediately upon adoption.

FIRST READING this ____ day of _____, 2023.

SECOND AND FINAL READING this ____ day of _____, 2023.

Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon

GEOFF PUGH, Mayor
STEVE COZ, Vice Mayor
CAROLYN CASSIDY, Commissioner
 , Commissioner
 , Commissioner

ATTEST: _____
TOWN CLERK