

SPECIAL MEETING AND PUBLIC HEARING HELD BY THE PLANNING AND ZONING COMMISSION FOR THE TOWN OF OCEAN RIDGE, FLORIDA, TO BE HELD IN THE TOWN HALL ON TUESDAY, MARCH 18, 1997, AT 8:00 A.M.

The meeting was called to order and roll call was answered by the following:

Commissioner Bingham Commissioner Gimmy
Commissioner Lucibella Vice Chairman Ford

It was noted for the record that the Town Clerk was absent from the meeting due to being called for jury duty.

III. APPROVAL OF THE OCTOBER 30, 1996 MINUTES

Bruce Gimmy moved to approve the October 30, 1996 Planning and Zoning Commission minutes as submitted, seconded by Betty Bingham.

Motion Carried - Yea 4.

IV. FINAL REVIEW OF THE LANDSCAPING CODE

Atty Nicoletti advised the Commission that the code was reviewed by Landscape Architect Bernard Turner who was present at the meeting.

Mr. Turner explained that most of his suggested changes are grammatical and that he has a question about the inclusion of single family into the Landscaping Code. He commented that flood waters create retention problems and suggested that home owners be required to retain water in recessed areas on their property. Town Manager Lanker explained that only swale areas are addressed in regards to new construction.

Mr. Turner added that there are alternatives to attaining swale areas besides merely digging a hole.

There was a discussion over the issue of required soil testing in which Mr. Turner questioned the consequences of the results. He stated that he felt that it is beneficial for home owners to know the pH level of their soil and to attempt to bring that level down to 7. Ms. Bingham stated that she felt this would require a very technical irrigation system. Mr. Turner replied that the most important function of an irrigation system is that different sections are watered for the appropriate amounts of time.

Ms. Bingham questioned the right of the Town to impose new expenses on a homeowner who wants to replant on their property. Atty Nicoletti advised that the Code would not effect replanting. He added that there is a new ordinance that will amortize out certain species. Vice Chairman Ford suggested that landscape plans for new residences not be allowed to include certain species. He added that he was not in favor of requiring single family residences to hire a Landscape Architect. Mr. Turner replied that he has not found cost to be prohibitive when obtaining minimum requirements.

Mr. Turner mentioned that other landscape codes have included the

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requirement of perimeter trees. He added that the code could be softened up, if necessary, to do what is best for everyone.

Atty Nicoletti questioned the importance of the pH testing. Mr. Turner explained that most often, the pH level would be high and that certain chemicals can be used to bring it down. Richard Lucibella asked what the approximate cost of the testing would be to which Mr. Turner replied that it would be between \$50 and \$75. Mr. Lucibella asked for an explanation of the rain sensors. Mr. Turner explained that the cost is approximately \$200 installed and the sensor can save water for residents who may be away from their homes. Town Manager Lanker advised that anyone installing an irrigation system is required to obtain approval from South Florida Water Management which requires the use of rain sensors. Atty Nicoletti suggested that it be taken out of the Town Code if it is being monitored by South Florida Water Management.

Vice Chairman Ford suggested that the Code only require sealed landscape plans for new single family homes. Atty Nicoletti stated that the Code needed to have clarifying standards.

Atty Nicoletti advised that there are situations where there are no grass areas, only rock gardens, and if that is to be acceptable, it would have to be included in the Code somewhere. Mr. Turner advised that a rock garden would require little to no irrigation.

Vice Chairman Ford advised that he felt the code was too restrictive for single family and inquired if a separate code would be necessary. Atty Nicoletti explained that only the exclusions for single family could be included in this code.

Atty Nicoletti questioned if the Board wanted this to effect additions as well as new homes. Town Manager Lanker advised that enclosures would have to be treated differently than second story additions. Vice Chairman Ford suggested an economic trigger such as 50% of appraised value be used in assessing the applicability of the Code.

Ms. Bingham questioned the section requiring the planting of 3 palm trees. Vice Chairman Ford advised that it applies when a Black Olive is removed.

Atty Nicoletti inquired if new single family homes must have sealed plans by a Landscape Architect or just meet the landscape requirements. Vice Chairman Ford advised that the plans had to only meet the requirements.

Referring to pg 12, section K, Atty Nicoletti suggested that the Town

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may want to give an incentive to those who use a Landscape Architect or take the incentive section out. Ms. Bingham advised that she would not be comfortable with penalizing those who can not use a Landscape Architect. The Board concurred to take the section out.

Vice Chairman Ford noted that Mr. Turner had added the word "desirable" on pg 2, section B to describe existing plant communities and existing vegetation. He suggested that the word "permitted" be inserted instead as it would be less likely to be misinterpreted. The Board agreed to this change.

Vice Chairman Ford summarized that the Board has decided to include Mr. Turner's comments and grammatical changes and to edit out pg 12, section K.

Ms. Bingham questioned if the prohibitive trees are specified. Atty Nicoletti stated that they are and among them are Melaluca, Australian Pine, and Brazilian Pepper. Atty Nicoletti asked Mr. Turner if he felt that Ficus should be prohibited. Mr. Turner explained that Ficus is currently used more as a hedge and tends to do more harm than good.

Bruce Gimmy stated that in regards to pg 23, he felt that 1 tree per 2,500 sq. ft seemed sparse. Mr. Turner replied that it is difficult to decide on a figure, but advised that he would rethink the issue. He added that a possible alternative would be to require both interior and perimeter trees. Mr. Lucibella stated that he felt this would be difficult to enforce and suggested only requiring the absolute minimums. Vice Chairman Ford explained that the focus is to prohibit a big home going up without sufficient landscaping.

Ms. Bingham advised that she would like some thought to go to the issue of hedges as she disagrees with a hedge being on the property line where half is on someone else's property. Town Manager Lanker mentioned that walls are required to be 18" from the property line.

Mr. Lucibella asked if all permits would be required to go before the Commission to which Atty Nicoletti replied that the approval would be handled administratively and appeals would go before the Town Commission.

Atty Nicoletti asked Mr. Turner if he felt the list of prohibitive trees was complete to which Mr. Turner replied that he believed it to be complete.

The Board thanked Mr. Turner for his time and for his presence at the meeting.

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V. DISCUSS DUNE CROSSOVERS AND RELATED MATTERS

Town Manager Lanker summarized the memo that he submitted to the Planning and Zoning Commission stating the Town Commission's desire to have a policy regarding dune crossovers. He explained the problem of controlling the crossovers on private property. He further explained that if a crossover is 5' wide or over, it must be approved by the State who has the authority to change the design at that point.

He added that the CCCL will be moving further west and the State may make changes as a result of that move.

Bruce Gimmy stated that he felt that if the State already has control, the Town making a plan would not be effective. Atty Nicoletti stated that the Town could make a plan more stringent than the State. Mr. Gimmy stated that he felt the Town Commission wanted to control the number of dune crossovers for individual property owners.

Town Manager Lanker explained where the new CCCL will be.

Betty Bingham explained that she believed the Town Commission's concern to be the potential damage to the dune.

Town Manager Lanker advised that although there are few applications for crossovers, most of the recent applications have been for private use. Richard Lucibella questioned the possibility of requiring public use of a crossover.

Betty Bingham inquired if criteria could be made that would limit the number of feet in a crossover and the inclusion of a platform.

Richard Lucibella advised that although there is a public crossover 1/2 block from his home, most people continue to walk over the dune.

Ms. Bingham suggested that crossovers be limited to a width of less than 5', allowed no platforms, and forced to maintain a certain amount of vegetation. Mr. Lucibella questioned again the possibility of requiring public use. Atty Nicoletti suggested that the property owner be given the option between having the crossover 5' in width or less with no platform and vegetation maintenance or making it public.

Town Manager Lanker explained that it is better to have the crossover as low as possible as the dune vegetation will not grow in the shade provided by the crossover.

Vice Chairman Ford questioned if the materials used could be controlled to which Atty Nicoletti replied that they could. Mr. Ford explained

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that Boynton Beach uses a material that looks like wood which is totally inert and indestructible.

Mr. Ford inquired if crossovers require pilings to which Town Manager Lanker explained that there is no option but to construct a crossover with pilings. Town Manager Lanker further explained that the plastic material used by Boynton Beach could be used for the rails, decking, and planks, but not as strength pieces.

Atty Nicoletti advised that he would research the possibility of requiring a crossover of 5' and over to be dedicated to the public and will update the Commission at the next meeting.

VI. DISCUSS PROPOSED TELECOMMUNICATION ORDINANCE

Atty Nicoletti advised that the Town Commission has currently adopted a moratorium on the erection of towers within the Town of Ocean Ridge. He explained that under Federal Law, the Town can regulate, but not prohibit the towers.

Betty Bingham questioned the possibility of prohibiting the placement of the tower. Atty Nicoletti stated that it could be requested that the antennae be placed on a tower on public property which could provide rental revenue to the Town, be placed on preservation areas, or be placed on the tops of buildings. He added that Boynton Beach has a tower that may be high enough to service this area. Mr. Lucibella explained that the antennae are circular in nature and that one put in Ocean Ridge would be useless once it circulated over the Ocean.

Atty Nicoletti advised that he would prepare a draft ordinance and discuss implementation at the next meeting.

The Commission scheduled Monday, April 21, at 8:00 A.M. for the next meeting.

VII. ADJOURNMENT

The meeting was adjourned at approximately 10:25 A.M..

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Vice Chairman Ford

Commissioner Bingham

Attest By:

Commissioner Gimmy

Town Clerk

Commissioner Lucibella