

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 MONDAY, APRIL 21, 1997, AT 8:00 A.M.

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

Commissioner Northrup	Commissioner Bingham
Commissioner Gimmy	Commissioner Hamilton
Vice Chairman Ford	

III. APPROVAL OF THE MARCH 18, 1997 MINUTES

Betty Bingham moved to approve the March 18, 1997 minutes, seconded by Bruce Gimmy.

Motion Carried - Yea 5.

IV. FINAL REVIEW OF LANDSCAPING CODE DRAFT ORDINANCE

Atty Nicoletti advised that he had made a few changes since the last meeting. He added that he could adjust the language to include a simplified process for single family if the Planning and Zoning Commission still wanted to make that inclusion.

Wade Northrup commented that he felt 50% xeriscape was too burdensome for single family. Vice Chairman Ford questioned if the intent at the last meeting was just to eliminate the excesses for single family to which the Commission agreed that it was. Atty Nicoletti advised that it could be rewritten to reflect that with minimal changes.

Ms. Bingham introduced the subject of gravel driveways and suggested that gravel be specified on pg. 6, #14 of the draft Landscape Ordinance. Atty Nicoletti advised that gravel is a pervious surface which is indicated in the title of the section. Vice Chairman Ford stated that he did not like the wording of the section. Atty Nicoletti suggested that the words "asphalt or concrete" be removed and add gravel, paving blocks, asphalt and concrete at the end. The Commission agreed.

Ms. Bingham questioned if pg. 14, #2 regarding inspections was only for developments. Atty Nicoletti advised that it was although he did not want to write out the applicability to single family and forfeit the right to inspect.

Mr. Gimmy questioned if pg. 20, #1 with the requirement of one tree per 2,500 square feet pertained to the lot size or the footprint. Atty Nicoletti replied that it applied to the total lot area.

Mr. Gimmy commented that he felt there were words missing from pg. 23, #2. Atty Nicoletti stated that after "acceptable to" the words "the building code administrator" should be added.

Atty Nicoletti stated that pg. 19, section d, also needed to be reworded. The last two sentences would be changed to read "The hearing shall not be de novo, and the applicant shall file a written appeal and its basis at least five (5) days prior to the scheduled meeting. The Town Commission

shall approve, approve with conditions or deny the application."

Mr. Gimmy questioned if on pg 2, section A (1) would be changed from "desirable" to "permitted" as it had been done further down on the page. Atty Nicoletti advised that the change would be made.

Mr. Northrup questioned if the list of prohibited trees had been agreed upon. Atty Nicoletti stated that it was agreed upon by the Commission and also said to be complete by Landscape Architect, Bernard Turner. Atty Nicoletti advised that the planting of ficus would also no longer be permitted. He added that the only species that would have to be removed after the passing of this ordinance would be Australian Pine.

Vice Chairman Ford questioned if this ordinance would require a landscape plan for new developments. Town Manager Lanker stated that it did require more work for new developments and added that he felt this should not be required of single family. Vice Chairman Ford agreed stating that he felt it would be sufficient for the architect to illustrate where the landscaping would be on the plans for single family.

Mr. Gimmy commented that he thought this began over concern for water conservation. He questioned if an owner needs to pull a permit to install their own irrigation system. Town Manager Lanker stated that inspections are only done on the electric and the rain sensors for an irrigation system. He added that owners do not always apply for permits and inspections can only be done if one is pulled. Mr. Gimmy commented that the Town would be doing a favor to seasonal residents whose sprinklers are on all year by requiring rain sensors. Town Manager Lanker commented that enforcement is not done on existing properties. Mr. Northrup questioned if enforcement was done during a drought to which Atty Nicoletti replied that it was done with the help of the Department of Public Safety. Vice Chairman Ford stated that he did not want to write an ordinance that would affect current irrigation systems. Atty Nicoletti advised that he would add a rain sensor requirement for new construction.

Ms. Bingham moved to send the ordinance with amendments to the Town Commission for first reading, seconded by Mr. Gimmy.

Motion Carried - Yea 5.

Vice Chairman Ford suggested to discuss the Telecommunication Ordinance next.

V. PROPOSED TELECOMMUNICATION ORDINANCE

Atty Nicoletti explained that the draft distributed was similar to Palm Beach's although in fitting it to Ocean Ridge it became more restrictive. He added that the ordinance states the Town's

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preference for an antennae or tower to be installed on public areas, Conservation areas, or residential high density areas in that order.

Vice Chairman Ford asked if there was a County moratorium on telecommunication towers and antennas. Atty Nicoletti stated that there was a Town moratorium that would expire in June. Mr. Northrup stated that he also heard of a County moratorium.

Vice Chairman Ford stated that the only change that he could see would be on pg. 5, #11, inserting "requires" for "encourages." Atty Nicoletti advised that the change could be made in the wording although it would be unenforceable. Vice Chairman Ford stated that when the fee schedule is completed it could be used to encourage multiple users on a single site by charging much more for a single tower with a single use. Atty Nicoletti stated that the ordinance does encourage multiple use and the fee schedule will further encourage that use. Mr. Northrup also made the suggestion of changing the wording to "requires." Richard Lucibella, 5 Beachway N and alternate member of the Planning and Zoning Commission, commented that intentionally including language that the Commission knows to be unenforceable is a bit overzealous. He suggested that the Commission think this issue over. Vice Chairman Ford suggested that the language remain the same, but the intent of the Planning and Zoning Commission be conveyed to the Town Commission.

Mr. Gimmy questioned the recipient of the rental fees if the tower was erected on a condo. Atty Nicoletti stated that the building permit fee going to the Town would remain the same and the rental fee which would fluctuate dependent upon the use would go to the property owner.

Vice Chairman Ford asked if the 5,000 ft range restriction was the Town's or the County's restriction. He cited the example of a tower going in the County owned Inlet property asking if the Town would have jurisdiction over that. Atty Nicoletti replied that it would be most likely that a tower in that location would only have a 1,500 ft range and not effect the Town.

Atty Nicoletti stated that the Commission would have to decide how they wanted to forward this to the Town Commission. He suggested that the language not be changed as he believed it would damage the credibility of the Town.

Mr. Northrup moved to approve the draft ordinance as written to be forwarded to the Town Commission conveying the intent to compose the fee structure as an incentive for collocation, seconded by Neil Hamilton.

Motion Carried - Yea 5.

VI. CONTINUE DISCUSSION ON DUNE CROSSOVERS AND RELATED MATTERS

Atty Nicoletti summarized the feelings of the Planning and Zoning Commission as expressed in the previous meeting. He stated that they wanted either collocation of the crossovers or to mandate making the crossovers public. Atty Nicoletti advised that the Relief from Burdens on Real Property Rights allows for an award to a property owner if his or her property rights are so damaged that they burden the property owner.

Atty Nicoletti suggested bringing the issue in front of the Town Commission for opinions and comments and then bring it before the Planning and Zoning Commission for review. He added that the Planning and Zoning Commission's suggestions would restrict property owner's rights as it is difficult to tell someone that they are not allowed to go to the beach using their own property.

Atty Nicoletti advised that he is aware of the feelings of the Town Commission on this issue and feels that the Town could be more restrictive than State legislation. Vice Chairman Ford questioned the severity of the ordinance when it is put in draft form. Atty Nicoletti advised that it would be as strict as possible.

The Commission requested that the Planning and Zoning Commission reorganization be placed on the next agenda.

VII. ADJOURNMENT

The meeting was adjourned at 9:05 A.M.

Vice Chairman Ford

Betty Bingham

Bruce Gimmy

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Attest By:

Town Clerk

Neil Hamilton

Wade Northrup