

SPECIAL MEETING HELD BY THE PLANNING AND ZONING COMMISSION FOR THE TOWN OF OCEAN RIDGE, FLORIDA, TO BE HELD IN THE TOWN HALL ON THURSDAY, OCTOBER 9, 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 Commissioner Northrup  
Vice Chairman Ford

III. DISCUSS TOWN CODE CONCERNING THE COASTAL CONSTRUCTION CONTROL LINE (CCCL)

Town Clerk Hancsak read Town Manager Lanker's memorandum which stated that effective Aug. 22, 1997 the State formally established a new CCCL line approximately 150-200 feet west of the former line in Ocean Ridge. The memo stated that the Town Code currently forbids any construction 10 feet westward of the CCCL unless a variance is obtained from the Town Commission. The memo further stated that State Code 161.55 allows for minor structures seaward of the CCCL. He advised that he felt permitting should be given to minor structures built between the new CCCL and the Dune without specific Commission approval given that a State permit is required anyway. He suggested that anything requiring a State Local Permit as defined by the State would not need to go before the Commission as long as it is located west of the previous CCCL and anything requiring a State Major Permit as defined by the State must take Commission action for approval.

Vice Chairman Ford stated he felt the current code would make permitting awfully cumbersome. Mrs. Bingham was concerned that the Town would lose control of the permitting and neighbors would not be properly notified of potential construction. Vice Chair Ford advised that a permit would still be required.

Mr. Lucibella advised that the new CCCL now affected his property and questioned what the State considered to be a minor structure. Town Manager Lanker stated he was not totally sure, however, a dune crossover 4' of less in width is considered minor.

Town Clerk Hancsak commented that the code currently requires a public hearing with advertising and noticing the residents for any construction 10' west of the CCCL. Town Manager Lanker stated that he felt the original intent of the ordinance was to protect the dune and he did not feel that each permit should require a public hearing.

Vice Chairman Ford asked for an opinion from the Town Attorney. Atty Nicoletti stated he did not feel the town should encumber more than necessary and the code could be made less stringent.

Mr. Gimmy moved to recommend utilizing the area between the old CCCL and the new CCCL to grant permits administratively, seconded by Mrs. Bingham.

Motion Carried - Yea 5.

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Town Manager Lanker mentioned that due to the beach replenishment project it has been determined that the sea turtle ordinance needs to be reviewed. He added that the current ordinance requests voluntary compliance whereas the new ordinance would mandate compliance.

Vice Chairman Ford requested that the Town Attorney draft the new ordinance and present it back to the P & Z for review.

Mr. Lucibella questioned the Atty on whether he could accurately define the old CCCL line to which he advised that he would reference the old line based on the location of the new CCCL. Mr. Northrup stated that if the description of the new CCCL was in meets and bounds then it would not be referenced as a line. Atty Nicoletti advised that he and the Town Manager would review the most accurate means to describe the line.

V. DISCUSS PREVIOUSLY REVIEWED LANDSCAPE CODE

The members requested to discuss this item prior to the ROW issue.

Atty Nicoletti advised that at the last regular meeting the Town Commission directed that the landscape ordinance go back to the P & Z for further review.

Vice Chairman Ford questioned why the Commission rejected the ordinance to which Atty Nicoletti advised that the Commission reviewed the ordinance and a comment was made by Comm O'Hare, who is a Landscape Architect, who stated that he felt it would add too much to the cost of house and therefore he would not be in favor of it for single family homes.

Atty Nicoletti advised that he redrafted the ordinance last night by attempting to clarify and soften it. He added that upon reviewing the ordinance again he did locate areas that could be simplified or stripped out due to duplication. He stated that the tree permit section still required a permit to remove a historic tree.

In reviewing the newly drafted ordinance Atty Nicoletti referred to Page 2 B citing that he included the language Major Site Plan Approval.

Mr. Northrup asked again why this ordinance was referred back to this board and he was advised that the Town Commission felt it was too involved for single family homes. Mr. Northrup disagreed stating that even after the 15 single family development was finished there would be major renovations where homes are gutted and made larger.

Mr. Gimmy agreed with Mr. Northrup.

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Atty Nicoletti suggested adopting this ordinance and possibly amending it later if necessary.

Mr. Lucibella stated he did not understand Comm O'Hare's objection to additional funds citing that environmental resources was a very important issue and most larger homes hire a landscape architect anyway. He also stated that he felt the ordinance should be applicable to all site plans.

Mrs. Bingham stated that she found the section of the ordinance pertaining to inspections by the police dept. offensive to which Atty Nicoletti advised that that language was removed from the new draft.

Mr. Gimmy suggested removing the word **Major** from B on Page two.

Mr. Lucibella questioned if any type of an addition to a residence would require a total landscape plan. Atty Nicoletti advised that the landscaping was based on percentages and then Mr. Lucibella replied that he would not be opposed to the landscape portion of the ordinance.

Mrs. Bingham suggested providing the Town Commission with some sort of visual to make it easier to understand the intent of the ordinance.

Atty Nicoletti stated the major objection voiced by Comm O'Hare was the required funding by the resident not necessarily the percentages. Mr. Northrup did not feel the cost was prohibitive.

Mr. Gimmy stated that he felt strongly that this ordinance was important especially concerning the xeriscape and felt the Commission should review and discuss the ordinance again. He stated that he was at the regular meeting and felt the Commission may have rushed through this item due to the time.

Vice Chairman Ford clarified that the members felt **Major** and #3 in the same section should be removed.

Regarding the eight principles listed under D on Page eight, Atty Nicoletti advised that he simplified the language. He then stated that #3 on Page six relating to soil analysis seemed to be a concern for the Commission due to the costs involved.

Mrs. Bingham suggested that the town provide the names of places to have these tests completed. Mr. Northrup advised that there are kits for this type of testing. Mr. Lucibella mentioned that core samples are required for building anyway.

Atty Nicoletti commented that the language was inserted to prevent too much discession on the administrator. Town Manager Lanker stated

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that he would prefer a mandatory clause rather than the **"may be required"**.

Mr. Lucibella questioned the maximum area of 50% for high water use to which Atty Nicoletti advised that a credit is given if turf grass is used.

Mr. Lucibella then questioned whether the 15% as noted on 2d on Page six was too small when considering a pool with a deck. Atty Nicoletti agreed. Mr. Lucibella then stated he did not want to strap the residents into poor design.

Mr. Gimmy suggested to change the 15% to 20%. Mr. Lanker advised he thought 20% would probably sufficient. Atty Nicoletti suggested language with 15% or 20% with pool or spa. Mr. Lucibella then questioned Mr. Lanker on whether he was comfortable with all the calculations to which he was advised that it could be confusing because he currently does not do calculations.

Town Manager Lanker suggested implementing a maximum impervious area instead such as 40% or 50% with sandbase for driveways. Atty Nicoletti suggested possibly removing d and e on page six.

Atty Nicoletti advised that #8 on Page eight required a Certification from a Landscape Architect. Vice Chairman Ford stated he felt this section should apply to major site plans only. The other members concurred and also agreed to retain the certification requirement.

It was decided that the revised landscape ordinance should be brought back to this Commission for final review prior to submittal to the Town Commission. The members all agreed to hold the next meeting on Oct. 30, 1997 at 8 AM.

Mrs. Bingham moved that the Town Commission be advised that the Planning & Zoning Commission determined that the Xeriscape Ordinance should be applicable to single family homes and has requested the Atty to amend Ordinance #502 with the proper revisions, seconded by Mr. Northrup.

Motion Carried - Yea 5.

Regarding the Tree Permit section of the Ordinance, Atty Nicoletti advised that this section pertains to all types of homes.

Mr. Lucibella questioned the phrase scale no greater than one inch equals 50' on Page twelve and felt it would be better if worded as no less than one inch equals 30'. The members all felt this phrase

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would be more suited to the ordinance.

Mr. Gimmy left at approximately 9:50 AM.

Vice Chairman Ford suggested addressing the ROW agenda item at the Oct. 30, 1997 meeting.

Atty Nicoletti requested that the members read the tree permit section of the ordinance carefully to determine if any other changes would be necessary.

Regarding the Xeriscape portion of the ordinance, Mr. Lucibella suggested that Atty Nicoletti carefully examine if B1 on Page two contradicts with the revisions made today.

VI. ADJOURNMENT

The meeting was adjourned at approximately 9:55 A.M..

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Vice Chairman Ford

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Commissioner Bingham

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Commissioner Gimmy

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Commissioner Lucibella

Attest By:

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Town Clerk