

Special Town Commission Meeting of the Town of Ocean Ridge held on Thursday, March 13, 2003 at 5:01 PM in the Town Hall Meeting Chambers

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

Commissioner Bingham  
Commissioner Pugh

Commissioner Kaleel

Mayor Aaskov

Comm Schulte was absent with notice.

#### Action Items

Ordinance No. 540; Adopting and enacting a new Land Development Code and a new Code of General Ordinances for the Town Commission of the Town of Ocean Ridge, Florida; Providing for the repeal of certain ordinances not included therein and in conflict therewith; providing a penalty for the violation thereof; providing for the manner of amending such code; providing for severability; and providing for an effective date (Second Reading and Adoption)

Town Attorney Spillias stated that this is the final adoption of the proposed new code of ordinances. Attorney Spillias suggested one unsubstantial change to the provisions from the First Reading. He advised that the change is in Section 64-1G, page 50. Attorney Spillias stated that the original language read “the max tie-beam height is not to exceed a length of 10% of the total permitted length for non-habitable architectural features”. Attorney Spillias thought that the Planning and Zoning Commissions recommendation was approved at the First Reading which stated that a calculation of 10% of the FAR be used for determining the maximum tie-beam. Attorney Spillias stated that this was not sensible because the FAR is not a calculable number, it is a percentage. Attorney Spillias suggested that the original language be used of “the max tie-beam height is not to exceed a length of 10% of the total permitted length for non-habitable architectural features”. Attorney Spillias suggested changing the percentage if it is determined that 10% is not enough.

Comm Kaleel questioned the practicality of 10% in the best and worst cases and stated he would like to see the realistic effects. Attorney Spillias suggested going back to the 10% of the total permitted length or to drop it entirely. Comm Kaleel stated he would rather drop it entirely. Mayor Aaskov questioned the disastrous effects. Attorney Spillias stated there would be no disastrous effects and it could be revisited in the future. The Commission concurred to remove the language.

## SPECIAL TOWN COMMISSION MEETING HELD ON MARCH 13, 2003

Attorney Spillias stated that during the First Reading in Section 64-44C, page 79, Hedge Height, was increased from 6' to 10' in the front setback and the side and rear setback areas had remained at 6'. Attorney Spillias clarified that the intent was to allow 10' maximum hedge height in all sections.

Mayor Aaskov questioned if the height was set to 10' because that is what Australian Pines are limited to. Mayor Aaskov commented that she felt there should be no height limitation. Comm Bingham stated there are some beautiful hedges in Town but her concern was with enforcing residents to keep the hedges trimmed and neat. Comm Kaleel stated that the same problem will occur with enforcing hedges to be kept neat no matter what the height restriction. Comm Bingham suggested citing residents who do not keep their hedges trimmed and also that hedges should be kept on their own property. Attorney Spillias advised that the hedges must be kept out of the right-of-way. Attorney Spillias read the definition of a hedge as defined in the code of ordinances.

Comm Pugh also questioned the need to have a height limitation. Comm Bingham stated she was not concerned with height restrictions but was adamant on enforcing hedges to be maintained. Mayor Aaskov suggested taking out the 10' height limitation and reviewing the definition of trimmed and maintenance of hedges in the near future. Town Clerk Hancsak stated that the issue had been before the Planning and Zoning Commission several times in the past and it was their recommendation to take the limitation out as it was too difficult to define. Attorney Spillias stated that another practical difficulty would be to grandfathered hedges over 10'. Attorney Spillias questioned if the Commission would like to remove Section 64-44, page 79, Hedge Height Limitation.

Attorney Spillias suggested that in Section 64-44G, page 80, a minor change made to add the word "cumulative" to the last line before the word "area". Attorney Spillias advised that it will add more area for architectural features. Attorney Spillias stated that at each section discussed there will need to be a separate motion made. The Commission agreed with this change.

### Public Comment

Mr. Hank Green, 101 Bonito Drive, questioned the issue of privacy when determining hedge height. Mr. Green stated that residents have a right to have flowers, hedges, etc., and that he believes too much time is being wasted on the discussion. Mr. Green also commented that the Town is well maintained and that the residents are keeping the hedges trimmed and manicured.

Mr. James McAndrew, 131 Island Drive, stated he agrees with Mr. Green and that hedge height should not be limited. Mr. McAndrew also questioned if the Town's records are accurate and managed well enough to determine what could be rebuilt if a home is destroyed by a natural disaster. Mayor Aaskov advised that the permitted plans are microfilmed and many original plans from several years ago are also on microfiche.

SPECIAL TOWN COMMISSION MEETING HELD ON MARCH 13, 2003

Mr. Earl Jones, 14 Sailfish Lane, stated he felt the code as written is doing what it was intended to do. Mr. Jones mentioned that the 36% FAR may not be perfect but it has been in effect for a long time and should remain the way it is. Mr. Jones commented that residents argue over the investment value of their houses but he feels he lives in a home and not an investment.

Mr. Gerry Goray, 130 Island Drive, suggested that the Commission get an expert opinion from an architect who has worked in Town for the practical effect of calculating maximum tie-beam. Mr. Goray stated having the input from an architect would provide a better base for a decision in the future. Mr. Goray also disagreed with Mr. Jones and feels that a house is a combination of a home as well as an investment. Mr. Goray stated that they both have an impact on the community and are both important. Mr. Goray suggested that the market determine what can be built.

Attorney Carl Casio, on behalf on Mr. James McAndrew, stated that the 10% tie-beam is still a question and there has not been enough study to determine what the practical impact is going to be. Attorney Casio suggested that in the meantime the Commission put a provision in the code that allows for flexibility without a variance.

Mrs. Carol Harris, 127 Marlin Drive, stated she did not agree with Mr. Jones but did agree with Mr. Goray's comments. Mrs. Harris mentioned that she felt the Commission has had a knee jerk reaction and should not keep coming up with ordinances to prevent residents from building the homes they want.

Mr. Steve Green, owner of 5907 N Ocean Blvd., asked the Commission to consider an ordinance to increase the square footage percentage allowed on a lot.

Comm Kaleel moved to eliminate the sentence in Section 64-1G, page 50, regarding maximum tie-beam as suggested by Attorney Spillias, seconded by Comm Pugh.

Motion carried – yea 4.

Comm Kaleel moved to remove hedge height restrictions exclusive of Australian Pines in Section 64-44C, page 79, seconded by Comm Pugh.

Attorney Spillias clarified that the change will be made to the 10' hedge height restriction and there will not be a change to where a hedge will be measured from because the Australian Pines will still have a height limitation.

Motion carried – yea 4

Comm Kaleel moved to change the language in Section 64-44G, page 80, to add the word "cumulative" to the last line before the word "area" as recommended by Attorney Spillias, seconded by Comm Pugh.

Motion carried – yea 4

SPECIAL TOWN COMMISSION MEETING HELD ON MARCH 13, 2003

Comm Kaleel moved to adopt Ordinance No. 540, Adopting and enacting a new Land Development Code and a new Code of General Ordinances as amended, seconded by Comm Pugh

Motion carried – yea 4

Town Manager Dailey advised that Public Safety Director Hillery was informed by the Palm Beach County Law Enforcement Anti-Terrorism Committee that if “level red” is reached regionally or nationally, that the Mayor and the Commissioners should be able to be reached at all times by the Staff for emergency purposes and requested that they notify Staff if they leave town.

Town Manager Dailey stated that the Palm Beach County League of Cities Nominating Committee has asked that she serve on the Board of Directors. Town Manager Dailey asked for the consent from the Commission to accept the appointment. The Commission gave their consent and approval.

Comm Kaleel moved to adjourn, seconded by Comm Bingham

Meeting adjourned at 5:55 PM

Attest By:

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Mayor Aaskov

\_\_\_\_\_  
Commissioner Bingham

\_\_\_\_\_  
Commissioner Kaleel

\_\_\_\_\_  
Commissioner Pugh

\_\_\_\_\_  
Commissioner Schulte