

Public Hearing and Special Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, May 15, 2006 in the Town Hall Meeting Chambers.

The meeting was called to order at 8:00 AM by Chair Bruce Gimmy and roll call was answered by the following:

Mark Marsh	Gerald Goray
Ward Northrup	Mauro Walker
Chairman Bruce Gimmy	

### III. APPROVAL OF APRIL 24, 2006 MINUTES

Mr. Northrup moved to adopt the April 24, 2006 minutes, seconded by Mr. Walker.

Motion carried – yea (5).

### IV. DISCUSS SECTION 34-83 – CONSTRUCTION DURING CERTAIN HOURS, SUNDAYS AND FEDERAL HOLIDAYS

Town Clerk Hancsak summarized the memorandum by stating that the Commission directed the P & Z to review this code and make a recommendation on whether any work being completed by other than the homeowner should be permitted, whether noise generated or not, during the above referenced hours. A brief survey of other municipalities was previously distributed.

Atty Spillias commented that research was done on whether the Town can actually limit work during certain times and it was determined that this can be accomplished. He added an issue could be in distinguishing a resident performing the work or an emergency decision.

Mr. Northrup stated that this was tabled at the last meeting because there were only 3 members present.

After a brief discussion and learning that Palm Beach had a similar ordinance, Mr. Walker moved to recommend that work not be permitted on Sundays, Federal Holidays or between 6:00 PM and 8:00 AM. by anyone other than a resident or an emergency situation.

Motion carried – Yea (5)

The Commission agreed to rearrange Agenda Item V and VI.

### VI. DISCUSS POTENTIAL SOLUTIONS FOR PROBLEMS RELATING TO THE BEACH, OLD OCEAN BLVD. AND CROSSOVERS (WITH SPECIAL FOCUS TO BEACHWAY DRIVE)

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Town Clerk Hancsak stated that the Town Commission directed the P & Z to review the issue of shower installations at the beach crossovers and also potential solutions for raised concerns in the beach areas (with special focus to Beachway Drive). The items of concern included trespassing, vagrancy, trash, vandalism, public urination, illegal parking, drinking of alcoholic beverages, crown gatherings, etc.

Steve Coz, 2 Osprey Court, stated that he was representing approximately 40 residents in the area of the Beachway Dr. crossover. He summarized his letter dated April 21, 2006. He thanked the police dept. for the increased presence and also for the signage for the public beaches that will soon be erected at Beachway Drive. He stated that the main goal was to steer the public to the Public Beach areas through signage. He stated that the residents were requesting that 10 MPH and Children at Play signs be erected in the area east of Beachway and SR A1A. Mr. Coz also suggested possibly placing pavers at the intersection of Osprey Dr. and Dolphin Drive. He added that the illegal parking was a definite problem.

Chief Hillery advised that the minimum state standard for speed limits is 25 MPH; however, municipalities can reduce it to 20 MPH with Commission approval. He added that placing a 10 MPH sign would make any speed limit totally unenforceable.

Town Clerk Hancsak mentioned that the police dept. does not erect any more Children at Play or the 10 MPH signs because a liability issue was raised several years ago. Atty Spillias agreed and stated people are given a false sense of protection and there may be liability risks to the Town. He stated that a key to the liability issue may be linking both signs together and he could investigate it more thoroughly.

Michelle Smith, 105 Dolphin Drive, stated that she has an 8 year old and 2 dogs and she would rather have the psychological delusion of having a Children at Play sign and suggested taking a sign from another area and placing it in their vicinity.

Mr. Marsh commented that it appears that the public access signs began the trouble near the beach at Beachway Dr. and suggested revising the signage. He added that he was not a promoter of traffic calming; however, a temporary speed bump may be helpful. Mr. Northrup stated that this Commission has already discussed speed bumps and liability concerns are present. Chief Hillery mentioned that 1,000' would be necessary to consider speed bumps and it would be located between 2 major roads, but he could research it further. Atty Spillias advised that he would need to research whether there was any required signage for public beach access related to the beach renourishment project. He added that he has also researched increasing the parking tickets from \$30 to \$100 and he does not believe it can be done.

Mr. Walker moved to recommend that 20 MPH signs be erected on Beachway Dr. and no parking signs be erected by Osprey Dr. and Beachway Drive. Mr. Goray seconded the motion.

Motion carried – Yea (5)

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Mr. Coz stated that they were also requesting that a sign be erected on Beachway Dr. that reads "Private Neighborhood, Residents Only". He stated that he believed that this could be accomplished because "residents" is not defined. Atty Spillias advised that he did not believe this could be accomplished, but he would research it and whether other Towns enforce something similar through restrictive language.

Mr. Goray questioned possibly removing the public access signs at the crossovers thereby reducing the invitation to utilize it. Mr. Northrup mentioned that the crossover was built to save the dune from people walking through the vegetation. Town Clerk Hancsak mentioned that when the Environmental Resource Advisory Board was formed in 1998/99 they requested and the Commission approved the new signs at Old Ocean Blvd. because it actually reduced the signage while still providing the necessary information to allow for any law enforcement of infractions.

Mr. Goray moved to recommend that the Public Beach Access signage be removed from the beach areas with the condition that the other laws remain in effect subject to the legal opinion from the attorney, adding that if new signs are necessary they should be approved and replace the old signs, seconded by Mr. Walker.

Motion carried – Yea (5)

Mr. Walker moved to recommend that signage that reads Ocean Ridge Residents Only be investigated for the crossovers subject to a legal opinion. Mr. Marsh seconded the motion.

Mr. Ken Schenck, Interim Town Manager, introduced himself to the members and stated that the Residents Only signs may be unenforceable. Atty Spillias stated that issues may arise with guests of residents or part time residents that may present a definitional issue later. Chief Hillery stated that there would have to be an ordinance in order for the police dept. to enforce the signage.

Motion carried – Yea (5)

Mr. Coz mentioned the possibility of closing down the crossovers. Mr. Coz also suggested abandoning the crossovers to which he was advised that the Town Commission would have to approve such a request. Atty Spillias stated that an environmental issue may be raised with people traversing the dune or then possibility trespassing over private property.

Chief Hillery commented that he would install No Parking or Tow Away signs at Osprey and Dolphin because does not require Commission approval.

Regarding the Shower Installation, there was unanimous opposition to any showers at any of the crossovers. Some of the comments included: inviting new problems when they just tried to address how to alleviate some of the other problems, residents are close

enough to walk home to shower, maintenance problems may arise, and a waste of valuable water.

Mr. Walker moved to recommend that no showers be installed at the beach crossovers.

Mr. Marsh seconded motion.

Motion carried – Yea (5)

V. DISCUSS NOISE ORDINANCE AS IT RELATES TO GENERATORS

Mr. Walker reiterated that he requested that the Commission be provided with the noise ordinance so that it can be reviewed as it relates to the placement of permanent generators. He stated that he felt there should be conditions similar to air conditioning units for maximum DBA's for generators. He felt the only area that should be enforced is how it affects the neighbor window noise.

Atty Spillias commented that Section 34-76 was amended a couple of years ago because the Town does not have a decibel reader and the amendment allows for non-decibel enforcement. He stated that the decibel requirements were kept in the code for the air conditioning units because it can be enforced if the Town requested assistance from another municipality for a reader. He added that the permanent generators can have a similar enforcement mechanism as Mr. Walker was suggesting.

After a brief discussion Mr. Walker moved to recommend creating an ordinance for permanent generators to limit the maximum DBA on the neighbor's property line to 58 at night and 64 during the day.

Motion carried – Yea (5)

On an unrelated issue, Mr. Marsh mentioned that it was recently discovered that in the definition of *substantial improvement* it refers to exceeding 50% of the market value of the structure and the market value is determined by the county property appraiser as the appraised value. He commented that in most instances this amount varies greatly from the actual market value. He stated that other municipalities require one or two different appraisals and suggested amending the code to either reflect the market value from an independent appraisers or the appraised value from the county property appraiser.

The consensus was to discuss this in further detail on the next P & Z Agenda.

VII. ADJOURNMENT

The meeting was adjourned at approximately 9:45 AM

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Chairman Gimmy

Attest:

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Town Clerk