



TOWN COMMISSION MEETING

TUESDAY DECEMBER 13, 2022

10:00 A.M.



PUBLIC NOTICE/AGENDA

Tuesday December 13th, 2022 at 10:00 a.m.

Town Commission	Town Staff
Keith Waters, Mayor _____	Linda Stumpf, Town Manager _____
Stewart Satter, Vice Mayor _____	Carmen Mattox, Chief of Police _____
Richard Granara, Mayor Pro Tem _____	Erika Petersen, Town Clerk _____
Hank Siemon, Commissioner _____	Keith W. Davis, Town Attorney _____
Chauncey Johnstone, Commissioner _____	Brent Watson, Waterplant Superintendent _____
John Deese, Commissioner _____	
Aileen Carlucci, Commissioner _____	

CALL TO ORDER & PLEDGE OF ALLEGIANCE

AGENDA ADDITIONS, DELETIONS OR SUBSTITUTIONS MAYOR'S COMMENTS

CONSENT AGENDA:

1. Minutes from November 17, 2022 Town Commission Meeting
2. Police Department Report and Fire/Rescue Response Time Reports for November
3. Paver Agreement 1660 Lands End Road

REGULAR AGENDA: *Quasi-Judicial Hearing

1. ***SE 22-7 – 230 S. Ocean Blvd Unit #205** – Tatyana Nektalova proposed tenant for MSKP Plaza del Mar, LLC, seeks the Town Commission's approval for a special exception use for a dermatology practice pursuant to Section 151.453 (D) and 151.469, Town Code
2. ***VAR 22-6 – 14 Little Pond Road** – 14 Little Pond LLC seeks the Town Commission's approval for a variance to construct a 8'-0" x 16'-0" swimming pool and a 5'-0" x 5'-0" spa inside the existing courtyard setback 0'-8" from the side lot line where Town Zoning Code Sec. 151.344(A) requires a 13'-0" setback
3. Referendum procedures discussion
4. Construction work hours discussion
5. Noise ordinance for music discussion
6. Town Manager's Report

PUBLIC COMMENTS

OTHER BUSINESS

ADJOURNMENT

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Town Commission, Special Magistrate or any other Boards or Commissions of the Town with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings, and for such purpose may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting. IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. Please contact the Town Clerk at (561) 585-9477 - 600 South Ocean Blvd., Manalapan, FL 33462 - townhall@manalapan.org



TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: December 13, 2022

Agenda Item No.: CA.1

Agenda Item Name: November 17, 2022 Town Commission Meeting Minutes

ACTION REQUESTED: Discussion ☐ Approval ☒

ATTACHMENT:

- November 17, 2022 Town Commission Meeting Minutes



Town Commission Meeting
Thursday November 17, 2022, at 10:00 a.m.

IN ATTENDANCE

TOWN COMMISSION		TOWN STAFF	
Keith Waters, Mayor	✓	Linda Stumpf, Town Manager	✓
Stewart Satter, Vice Mayor	✓	Carmen Mattox, Chief of Police	✓
Richard Granara, Mayor Pro Tem	X	Erika Petersen, Town Clerk	✓
Hank Siemon, Commissioner	✓	Keith Davis, Town Attorney	X
Chauncey Johnstone, Commissioner	✓	Brent Watson, Water Plant Superintendent	X
John Deese, Commissioner	✓		
Aileen Carlucci, Commissioner	Phone		

This meeting was rescheduled from 11/10/2022 due to Hurricane Ian

PUBLIC: Robert & Kristin Rosen (55 Spoonbill Road) and Larry Barszweski (Coastal Star)

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Town Commission called to order at 10:02 a.m.

CONSENT AGENDA:

- 1. Minutes September 27, 2022 Town Commission Meeting, September 27, 2022 Budget Hearing & October Septic to Sewer Workshop**
- 2. Police Department Report and Fire/Rescue Response Time Report for September & October**
- 3. RES 07-2022 Budget Amendment**

Commissioner Deese made a motion to **approve** the Consent Agenda. Commissioner Siemon seconded the motion which prevailed by the following vote:

YES: Vice Mayor Satter, Commissioner Siemon, Commissioner Johnstone, Commissioner Deese and Commissioner Carlucci

REGULAR AGENDA:

RA.1 POSTPONED

RA.2 Mock Roos CSA for 30% Construction Drawings for Septic to Sewer Project

The Town Commission has held several workshops to discuss the potential conversion from a septic system to a municipal sewer system. At the October 5, 2022 workshop it was the consensus of the Commission that in order to explore funding options, they would need to have at a minimum 30% of the system designed. The engineering firm Mock Roos was asked to submit a proposal for this portion of the design.

Mayor Waters asked for a motion to approve the CSA #103 in the amount of \$84,520.

Vice Mayor Satter made a motion to **approve** Mock Roos' proposal for the CSA #103 in the amount of \$84,520 for 30% of the initial study. Commissioner Siemon seconded the motion which prevailed by the following vote:

YES: Vice Mayor Satter, Commissioner Siemon, Commissioner Johnstone, Commissioner Deese and Commissioner Carlucci

RA.3 December TCOM meeting date change:

The Town Commission has traditionally rescheduled the December meeting date to avoid scheduling conflicts with the holiday season. Staff is proposing moving the meeting to Tuesday, December 13th at 10:00 am.

Commissioner Deese made a motion to **approve** the meeting date change. Commissioner Johnstone seconded the motion which prevailed by the following vote:

YES: Vice Mayor Satter, Commissioner Siemon, Commissioner Johnstone, Commissioner Deese and Commissioner Carlucci

RA. 4 Town Manager Stumpf's Report

Code Enforcement: Town Manager Stumpf explained we continue to be active with code enforcement in Town. The Mayor commended code enforcement officer, Manny Palacio, for his good work notifying residents and job sites about cleaning and securing in the lead up to Hurricane Ian.

Reading for the Record: Town Manager Stumpf announced to the Commission that we had the largest ever turn out for our annual Reading for the Record event held on 10/27/2022 with 14 children and 16 adults.

Intracoastal Crossing Update: Town Manager Stumpf informed the Commission that the contractors have indicated the week of November 28th would be the expected delivery of last materials.

Guard at Gatehouse Update: She stated the new guards seem to be very visible and staff is pleased with their performance so far. Mayor Waters suggested getting the guard a taller chair for them to be even more visible and give them a better vantage point.

Hurricane Ian: Town Manager Stumpf announced the Town fared very well during the storm with no damage to any of the facilities. She said there was water on A1A especially by the Eau. Chief Mattox reached out to FDOT to do something about the standing water and they sent out a contractor to vacuum four drains and jetted in six directions to clear out the pipes.

There was discussion among the commissioners about the flooding on A1A and the height of the road in that area.

Staffing: Town Manager Stumpf stated we continue to lose employees especially in the police force. She informed the commission we are considering an Entry Step Plan like some of the other municipalities utilize to encourage applicants with experience to apply. This would create a tiered approach. Another program they are considering is a Shift Differential to compensate officers when it is their turn in rotation to take less desirable shifts. She also stated the PBA will be starting their negotiations in the next couple months.

Town Manager Stumpf congratulated the four new commissioners who ran unopposed and will begin their terms March of 2023.

Town Manager Stumpf informed the commission that Town Clerk Petersen has been working on drafting some architectural design criteria guidelines. She has been researching other municipalities' programs and putting together something in order to give ARCOM more "teeth." Town Manager Stumpf indicated once the draft is complete, it will be brought to the commission for review.

PUBLIC COMMENTS

There was none.

OTHER BUSINESS

The Mayor discussed wanting to ensure the Water Plant cannot be sold or privatized by future commissions, and therefore would like to explore a ballot referendum. Town Manager Stumpf advised it is too late to get an item on the March 2023 ballot, however the commission should discuss this process with Town Attorney Davis when he returns next meeting and work on the desired language for the 2024 ballot.

Meeting adjourned at 10:47 a.m.

**These minutes were presented to the Town Commission
on Tuesday December 13, 2022 for approval.**

Keith Waters, Mayor

Date Signed

Erika Petersen, Town Clerk

Date Signed



TOWN OF MANALAPAN

AGENDA ITEM SUMMARY

Meeting Date: December 13, 2022

Agenda Item No.: CA.2

Agenda Item Name: Police Department Chief's Report and Palm Beach County Fire Rescue Response Times for November

ACTION REQUESTED: Discussion ☐ Action ☒

ATTACHMENT:

- The Police Department Chief's Report for November including Monthly Stats
- Palm Beach County Fire/Rescue response times for November

TO: Mayor and Town Commissioners
Linda Stumpf, Town Manager

FROM: Chief Mattox

SUBJECT: Monthly Report for November

DATE: December 1, 2022

Staffing

The department currently has four vacant full-time positions currently. I am currently processing one applicant.

Zone Coverage

We are staffing as manpower allows. Due to staffing shortages vacations requests are not always approved.

Fleet

All services and repairs are up to date

Training

All officers completed Novembers computer-based training.

Miscellaneous

Unfortunately, we did have an attempted vehicle theft in November. Fortunately, the theft was discovered by a resident while in progress. The PD responded immediately and pursued the suspect vehicle into Lantana when it was broken off. The tag readers captured the vehicle information. We contacted the owner. It turned out the vehicle was a rental the owner was able to locate the vehicle on a GPS in Broward County. The local police department was notified, and the vehicle was returned to the owner and suspect information was obtained.

Due to complaints regarding loose dogs on the beach we have begun assigning an officer on the beach for a short period of time in the morning to monitor the area. Four ordinance citations were issued in November for violation of the leash ordinance.

The fuel pump was replaced in November. We also received fleet fuel cards. We will use these cards in the event there is a fuel tank failure or if a vehicle is used out of town.

Manalapan was very fortunate that we were minimally affected by Hurricane Nicole. Flooding on A1A was the biggest problem for the Town. The EAU hotel and Publix remained open during the storm. I would like to bring it to everyone's attention that although this was a Category 1 Storm, and we were in the quadrant with the least strong hurricane force winds. FBC Fire Rescue vacated the island during the storm. I would recommend that we start looking at vehicles

that can cross the flooded area on A1A in the event we have to transport someone over the bridge if Fire Rescue will not respond.

To address the flooding issue, I contacted FDOT. They responded and have cleared all the drains on A1A. The following days the road continued to flood due to high tide. I contacted them again in reference to the problem. I was then directed to the District Drainage Engineer – District 4. A conference call was set up by FDOT that included both the Town Manager and me. I volunteered to send photos of flooding when it occurs so they will have better understanding. They have agreed to investigate the matter and determine what the best actions are to take. I will continue to keep in contact with them.

We have begun planning for the remodel of the police squad room and offices. The construction should begin after Easter once season is over. Like everything else, the cost we budgeted has increased. The cost increases will be covered by the Chiefs Discretionary fund.

The EAU hotel provided a very nice Thanksgiving dinner for all the police and fire rescue employees who worked the Thanksgiving holiday.

We are in the process of trading in all the handguns and upgrading to the GEN 5 Glock for all police officers. The money for this purchase comes from the Chiefs Discretionary fund.



Manalapan Police Department
Monthly Stats
November 2022



CALLS FOR SERVICE

Call Type	Total	Zone 1 Point	Zone 2 A1A	Zone 4 Out of Town	Zone 5 N. Inlet	Zone 6 Beach	Zone 7 Bird Island	Zone 8 Plaza & The EAU	Zone ORP
9-1-1 Abandoned	7								
9-1-1 Received	33								
9-1-1 Transfer	6								
Alarms	6	1	3					2	
Animal Complaints	6	5	1						
ATV Completed	130					130			
ATV Cancelled	59					59			
Assault	0								
Battery	0								
Boat/Marine Patrol	0								
Burglary A / B / R / V	1	1							
Child Abuse	0								
Construction Site Checks	205	125	80						
Dark House Checks	361	135	143					83	
Distressed Swimmer	0								
Disturbance	3	1						2	
Domestic	0								
Drones	0								
Driving Under Influence	0								
Drug Law Violation	0								
Grand Theft Auto	0								
Lewd Acts	0								
Fire	0								
Fire Alarm	5	1	4						
Fraud	1							1	
Information	12	3	4		1	1		3	
Obscene Harrassing Calls	0								
Mental	0								
Medical	6	1	1					4	
Mutual Aid	1	1							
Open Door	0								
Ordinance Violations	14	2				11		1	
Plaza Walk and Talk	140								
Parking Enforcement	124	62	15		3			44	
Possession of Alcohol	0								
Property Damage	1	1							
Property Found	0								
Property Lost	0								
Service Calls	32	17	10	3				1	1
Suspicious Incident	3	2	1						
Suspicious Person	3		2					1	
Suspicious Vehicle	3	1	2						
Stolen Vehicle Alerts-LPR	0								
Theft	2	1						1	
Traffic Crash	2		1					1	
Traffic Stops	83	10	71					1	1
Traffic Citations	31								
Trespass	6		6						
Vessel Stop	0								

Manalapan Police Department

Warrant Arrest	0							
Welfare Check	0			Monthly Stats				
Work Hours	2	1	1	November 2022				





Manalapan Police Department
Monthly Stats
November 2022



INCIDENT REPORTS

Case #	Incident Type	Zone	Note	Case #	Incident Type	Zone	Note
22-0258	Info	8		22-0268	Vandalism	8	
22-0259	Theft	8		22-0269	Ordinance	6	
22-0260	Fraud	8		22-0270	Crash	2	
22-0261	Theft	1		22-0271	Traffic Stop	2	
22-0262	Hit and Run	8		22-0272	ATV Injury	6	
22-0263	Susp Incident	2		22-0273	Susp Incident	1	
22-0264	Traffic Stop	2		22-0274	Auto Burglary	1	
22-0265	Traffic Stop	2		22-0275	Disturbance	8	
22-0266	Ordinance	6					
22-0267	Ordinance	6					

MONTHLY TRAINING		MONTHLY DISPATCH CALLS			
In Service PLI - Landlord Tenant laws			911	33	
			Non-Emergency	749	
			Total	782	

Manalapan Police Department

Extended Tour Of Duty Report

From 11/01/2022 00:01 through 11/30/2022 23:59 for Unit ALL Agency ALL Signal WORK

Date	Recd	Disp	Arrd	CIRD	Unit	Signal	Event Number	Case Number
11/17/2022	07:24:10	07:24:10	07:24:10	07:25:24	310	WORK: WORK HOUR VIOLATION	220102793	
Location: 70 SPOONBILL RD		Zone: 1		Dispo: NR		Ofc. Notes		
Address: 70 SPOONBILL RD				City: MANALAPAN				
		11/17/2022 07:25		457		NEW LANDSCAPING CREW, THEY HAVE BEEN ADV REF TO WORK HOURS AND ALL WORK CEASED		
11/24/2022	07:57:07	07:57:07	07:57:07	07:57:51	305	WORK: WORK HOUR VIOLATION	220103266	
Location: 1560 S OCEAN BLVD				Zone: 2		Dispo: VW		Ofc. Notes
Address: 1560 S OCEAN BLVD				City: MANALAPAN				
		11/24/2022 07:57		457		LANDSCAPERS ON SITE		
		11/24/2022 07:57		457		CONTACT MADE AND ADV NO WORK ON HOLIDAY AND THEY ARE PACKING UP AND LEAVING		

Number Of Events Listed: 2



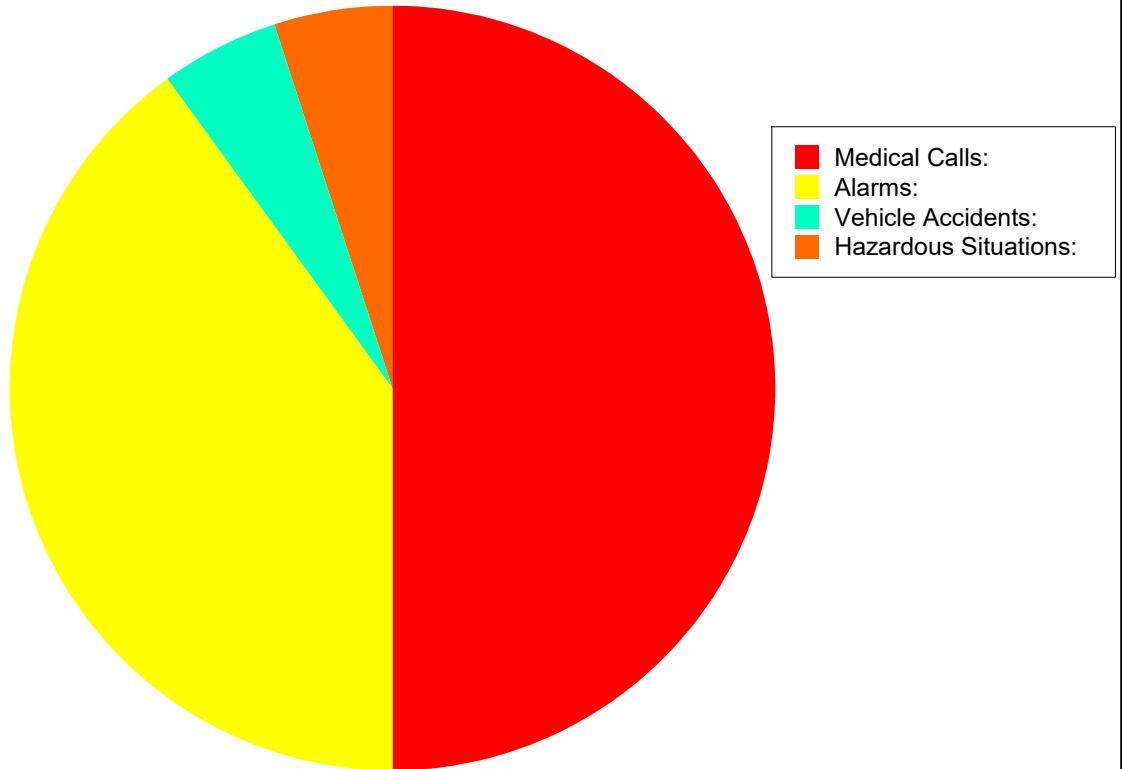
Palm Beach County Fire Rescue

Manalapan - # of Calls by Type

20221101 to 20221130

<u>Type - Situation Dispatched</u>	<u># of Incidents</u>
Medical Calls:	10
Alarms:	8
Vehicle Accidents:	1
Hazardous Situations:	1
Total number of Events:	20

Calls by Situation Dispatched





12/6/2022

Palm Beach County Fire Rescue

Manalapan Response Time Report

20221101 to 20221130

Event #	Station	Sit Disp	Location of Event	Date	Received	Entered	Dispatch	Enroute	Onscene	Close	Disp Hand	Turnout	Travel	Resp Time*
Emergency Calls:														
F22206932	38	HazMat	CHURCHILL WAY MN	11/04/2022	12:09:51	12:10:32	12:11:09	12:11:20	12:18:11	12:35:40	0:01:18	0:00:11	0:06:51	0:08:20
F22213155	38	Medical	S OCEAN BLVD MN	11/13/2022	14:59:27	14:59:52	14:59:58	15:01:13	15:02:50	15:37:46	0:00:31	0:01:15	0:01:37	0:03:23
F22214410	38	Medical	S OCEAN BLVD MN	11/15/2022	12:27:40	12:27:52	12:28:09	12:29:39	12:30:19	13:11:13	0:00:29	0:01:30	0:00:40	0:02:39
F22219614	38	Medical	S OCEAN BLVD MN	11/23/2022	12:02:41	12:03:00	12:04:03	12:04:57	12:07:28	12:42:50	0:01:22	0:00:54	0:02:31	0:04:47
F22220595	38	Medical	S OCEAN BLVD MN	11/24/2022		20:27:49	20:27:58	20:29:15	20:29:19	21:01:54	0:00:34	0:01:17	0:00:04	0:01:55
F22221113	38	Medical	S OCEAN BLVD MN	11/25/2022	16:04:05	16:04:51	16:04:59	16:05:38	16:11:51	16:28:36	0:00:54	0:00:39	0:06:13	0:07:46
F22221193	38	Medical	S OCEAN BLVD MN	11/25/2022		18:42:32	18:42:38	18:43:55	18:54:42	19:53:03	0:00:31	0:01:17	0:10:47	0:12:35
F22222487	38	Medical	S OCEAN BLVD MN	11/27/2022		19:13:58	19:14:10	19:14:53	19:16:09	19:51:17	0:00:37	0:00:43	0:01:16	0:02:36
F22224246	38	Medical	LOGGERHEAD LN MN	11/30/2022		13:10:58	13:11:06	13:12:28	13:17:29	14:28:34	0:00:33	0:01:22	0:05:01	0:06:56
Average Response Times:											0:00:45	0:01:01	0:03:53	0:05:39

Non Emergency Calls:

F22210368	38	Fire Alarm	S OCEAN BLVD MN	11/09/2022		15:26:42	15:26:58	15:27:45	15:39:10	15:39:15	0:00:41	0:00:47	0:11:25	0:12:53
F22212488	38	CO2 Alarm	CURLEW RD MN	11/12/2022		14:20:53	14:21:00	14:22:32	14:29:59	14:40:39	0:00:32	0:01:32	0:07:27	0:09:31
F22213070	38	Fire Alarm	S OCEAN BLVD MN	11/13/2022		12:30:17	12:30:26	12:31:18	12:36:08	12:43:06	0:00:34	0:00:52	0:04:50	0:06:16
F22216880	38	Fire Alarm	S OCEAN BLVD MN	11/19/2022		03:03:45	03:03:54	03:06:30	03:09:45	03:14:23	0:00:34	0:02:36	0:03:15	0:06:25
F22217277	38	Fire Alarm	S OCEAN BLVD MN	11/19/2022		18:22:04	18:22:13	18:23:32	18:27:34	18:30:27	0:00:34	0:01:19	0:04:02	0:05:55
F22220894	38	Fire Alarm	PASLAY PL MN	11/25/2022		09:45:28	09:45:37	09:46:39	09:53:56	09:58:30	0:00:34	0:01:02	0:07:17	0:08:53

Corrupt Data:

F22205919	38	Medical	S OCEAN BLVD MN	11/02/2022		20:30:02	20:30:08		20:30:08	20:45:45	Empty Time Fields			
F22209948	38	Medical	S OCEAN BLVD MN	11/08/2022		23:29:49	23:29:55	23:31:47		23:32:55	Empty Time Fields			
F22209952	38	Medical	S OCEAN BLVD MN	11/08/2022		23:39:29	23:39:35	23:41:28		23:43:02	Empty Time Fields			
F22210379	38	Fire Alarm	S OCEAN BLVD MN	11/09/2022		15:44:03	15:44:07		15:44:10	15:52:05	Empty Time Fields			
F22216892	38	Fire Alarm	S OCEAN BLVD MN	11/19/2022		03:39:43	03:39:52			03:41:23	Empty Time Fields			



12/6/2022

Palm Beach County Fire Rescue

Manalapan Response Time Report

20221101 to 20221130

Event #	Station	Sit Disp	Location of Event	Date	Received	Entered	Dispatch	Enroute	Onscene	Close	Disp Hand	Turnout	Travel	Resp Time*
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Total number of Events: 20

*Represents call received to arrival. If there is no received time, the County annual average call received to call entered time is used.

TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: December 13, 2022

Agenda Item No.: CA.3

Agenda Item Name: Paver Agreement – 1660 Lands End Road

ACTION REQUESTED: Discussion ☐ Approval ☒

BACKGROUND:

In accordance with the Town Code of Ordinances, residents are required to enter into a limited agreement for construction (“paver agreement”) with the Town of Manalapan in order to obtain permission to install decorative driveway approaches in the Town’s right-of-way. Hank & Junko Siemon, the owners of the residence at 1660 Lands End Road are requesting approval to install such a decorative driveway approach within the Town’s right-of-way. The subject “paver agreement” contains terms and conditions regarding installation, maintenance, and access to the decorative driveway approach within the right-of-way that shall be binding upon the Applicant his successors and assigns.

ATTACHMENTS:

- Limited Agreement for Construction in Road Right-of-Way
- Hardscape plan of driveway and application.



TOWN OF MANALAPAN
600 South Ocean Boulevard, Manalapan, FL 33462
(561) 585-9477, Fax (561) 585-9498
townhall@manalapan.org www.manalapan.org

DEVELOPMENT APPLICATION

Submittal Date: 7/8/2022

Property Control # _____

PROPERTY OWNER(S)	AUTHORIZED AGENT(Required if owner not presenting)
Name: <u>Henry Simon</u>	Name:
Address: <u>1600 LANDS END</u>	Address:
Phone: <u>305 318 4479</u>	Phone:
E-mail: <u>HANK.SIMON@ME.COM</u>	E-mail:

ARCHITECT/LANDSCAPE ARCHITECT	DEVELOPER/CONTRACTOR:
Name:	Name:
Company Name:	Company Name:
Address:	Address:
Phone: Cell:	Phone: Cell:
E-mail:	E-mail:

APPLICANT'S CERTIFICATION

- (I) I (owner or authorized agent) affirm and certify that I understand and will comply with all provisions and regulations of the Town of Manalapan, Florida. I certify that all drawings and specifications for buildings or structures either larger than 500 sq. ft. or costing more than \$3,000 must be drawn or verified by a state registered architect or engineer and his seal of office imprinted thereon. Additionally, I certify that the drawings and specifications show full compliance and do fully comply with the Zoning Code. I understand that if any drawings or specifications are not in full compliance, the application will be rejected. If approved by the Town, the aforementioned real property described herein will be considered, in every respect, to be a part of the Town of Manalapan and will be subjected to all applicable laws, regulations, taxes and police powers of the Town including the Comprehensive Plan and Zoning Code. I further certify that all statements and diagrams submitted herewith are true

Updated 02/10/2022

and accurate to the best of my knowledge and belief. Further, I understand that this Application and attachments become part of the Official Records of the Town of Manalapan, Florida, and are not returnable.

Signature-Owner or Authorized Agent

Print Name

STATE OF FLORIDA, COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 11th day of, July 2022.

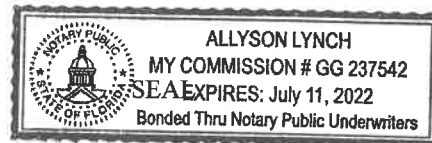
by Henry Siemon as the Owner for 1660 Lands End

Personally known X or Produced Identification

Type of Identification

Notary Signature

Print Notary Name



CHECK BELOW WHERE APPLICABLE

(Payable by check only)

ARCHITECTURAL REVIEW – Level 1 \$100		PUD or PUD AMENDMENT \$750	
ARCHITECTURAL REVIEW – Level 2 \$250		SITE PLAN REVIEW \$750	
ARCHITECTURAL REVIEW – Level 3 \$500		SPECIAL EXCEPTION USE \$750	
ARCHITECTURAL REVIEW – Level 4 \$1,000		VARIANCE \$750	
PAVER AGREEMENT \$500	✓	ZONING TEXT/MAP OR COMP PLAN AMENDMENT \$1500	

(See page 7 for definitions of Levels)

The owner, architect or other authorized agents are urged to attend the meeting. Each applicant must familiarize themselves with the Architectural Commission criteria and procedure. If all required information is not presented with this application, the project will not be placed on the agenda for review and consideration. PLEASE NOTE: Although an application meets minimum zoning requirements the Architectural Commission may approve, approve with conditions, or disapprove a request not found to meet Architectural Review criteria as found in Town Code, Section 152.23. All residents are notified of applicant's request by mail.

**ALL APPLICATIONS MUST BE COMPLETE, SIGNED,
NOTARIZED AND SUBMITTED BY THE DEADLINE DATE**

1. This Application (pages 3-6)
2. Agent's Authorization Letter (Required if owner not presenting)
3. Application fee (see page 7)
4. Model, if applicable (see page 8)
5. 11 set of Plans; 2 Signed and Sealed -
We require two full-size sets signed and sealed and the other nine can be 11"x17" in size
6. Narrative letter describing the project
7. Samples, renderings, pdfs, jpegs and Power Point photos are due 14 days prior to meeting.

Updated 02/10/2022

Expt:-



This instrument prepared by,
And return to:
Keith W. Davis, Esq.
Davis & Associates, P.A.
701 Northpoint Parkway, Suite 205
West Palm Beach, FL 33407

**LIMITED AGREEMENT FOR CONSTRUCTION IN ROAD RIGHT-OF-WAY
TOWN OF MANALAPAN**

THIS AGREEMENT, made and entered into this 13th day of December 2022, between Henry & Junko Siemon, hereinafter called the "Owner"; and the Town of Manalapan, a municipal corporation organized and existing in accordance with the laws of the State of Florida with its principal office at 600 South Ocean Boulevard, Manalapan, Florida 33462, hereinafter called the "Town".

W I T N E S S E T H :

WHEREAS, Owner is the owner and titleholder of the real property situated at 1660 Lands End Road in the Town of Manalapan, Palm Beach County, Florida, more particularly described as follows:

LOT 30, OF PLAT NO. 9 POINT MANALAPAN, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 34, PAGE 195, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

PCN: 42-43-45-10-14-000-0300

WHEREAS, the Owner has requested permission to construct a decorative driveway surface, which will or does encroach upon the public right of way reserved and designated on the plat of the POINT MANALAPAN PL 9 LOT 30 subdivision; and

WHEREAS, the Town is willing to permit the construction of said decorative driveway surface, provided the same is in accordance with and upon the following terms and conditions.

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties do hereby agree as follows:

Section I. The Town hereby permits the construction and/or maintenance of said decorative driveway surface as shown on Exhibit A attached hereto and made a part hereof, provided and only so long as the Owner complies with the following terms and conditions:

1. If the Town or any utility desires to have access to said public right of way for the purpose of the installation and/or maintenance of any utility transmission line or conduit located or to be located therein or for any other proper purpose, or if the Town desires in its absolute discretion

to have said decorative driveway surface removed from the public right-of-way, the Owner agrees, upon two (2) weeks' notice, or earlier as required, to remove said decorative driveway surface at the Owner's sole cost and expense.

2. In the event the Owner fails to remove said decorative driveway surface as set forth herein above within the time prescribed, the Town or any such utility involved, may cause said decorative driveway surface to be removed and the cost thereof assessed against the above described real property, which cost shall become a lien upon said real property, and which said lien, including all costs and reasonable attorney's fees, may be enforced against said real property by foreclosure or such other remedy as may be available at law.

3. Once all or any portion of said decorative driveway surface has been removed from the public right-of-way, the same shall not be reconstructed except upon prior written agreement and authorization of the Town made or granted in its absolute discretion. No alteration of said decorative driveway surface is permitted or shall occur by the Owner except to remove or diminish such encroachment.

4. The Owner hereby grants the Town and any utility servicing property in the Town full and complete access to said public right of way over, under, upon, around and through said decorative driveway surface.

5. If the Town or any utility work on the public right of way may be accomplished by a means whereby all or a portion of the decorative driveway surface need not be removed, which means may be more expensive than after the same has been removed, then the Town, in its absolute discretion, may grant the Owner the option that such work be accomplished by such more expensive means provided the Owner prepays all costs and expenses in connection therewith.

6. Notwithstanding the foregoing, the Town and any utility serving the Town may take all necessary or appropriate action concerning the decorative driveway surface when there is not sufficient time for notice to the Owner or when the Owner cannot be reached at the above-described premises.

Section II. This Agreement shall be binding upon the Owner, its heirs, personal representatives, successors, and assigns.

Section III. This Agreement shall be recorded in the public records of Palm Beach County.

Page 3 of 3



TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: December 13, 2022

Agenda Item No.: RA 1

Agenda Item Name: **Special Exception SE 22-7** 230 S. Ocean Blvd, Unit #205, Tatyana Nektalova proposed tenant at MSKP Plaza Del Mar, LLC

ACTION REQUESTED: Discussion ☒ Approval ☐

BACKGROUND:

Special Exception-SE-22-7. Tatyana Nektalova, proposed tenant at MSKP Plaza Del Mar, LLC, seeks the Town Commission's approval for a special exception use for a dermatology practice pursuant to Section 151.453 (D) and 151.469, Town Code.

ATTACHMENTS:

- Special Exception Application
- Special Exception Questions
- Tatyana Nektalova resume
- Development Drawings



TOWN OF MANALAPAN
 600 South Ocean Boulevard, Manalapan, FL 33462
 (561) 585-9477, Fax (561) 585-9498
 townhall@manalapan.org www.manalapan.org

DEVELOPMENT APPLICATION

Submittal Date: 11/28/2022

Property Control # 42-43-45-02-00-001-002

PROPERTY OWNER(S)	AUTHORIZED AGENT (Required if owner not presenting)
Name: <u>MSKP Kitson & Partners</u>	Name: <u>Tatyana Nektalova</u>
Address: <u>MSKP Plaza del Mar</u> <u>4500 PGA Blvd. Ste. #400</u> <u>PBGA, Florida 33410</u>	Address: <u>230 S. Ocean Blvd. # 205</u> <u>Manalapan, FL 33462</u>
Phone: <u>561-252-8881</u>	Phone: <u>(347) 891-7890</u>
E-mail:	E-mail: <u>dermatologypb@gmail.com</u>

ARCHITECT/LANDSCAPE ARCHITECT	DEVELOPER/CONTRACTOR:
Name: <u>TBD</u>	Name: <u>TBD</u>
Company Name:	Company Name:
Address:	Address:
Phone: Cell:	Phone: Cell:
E-mail:	E-mail:

APPLICANT'S CERTIFICATION

- (I) _____ (owner or authorized agent) affirm and certify that I understand and will comply with all provisions and regulations of the Town of Manalapan, Florida. I certify that all drawings and specifications for buildings or structures either larger than 500 sq. ft. or costing more than \$3,000 must be drawn or verified by a state registered architect or engineer and his seal of office imprinted thereon. Additionally, I certify that the drawings and specifications show full compliance and do fully comply with the Zoning Code. I understand that if any drawings or specifications are not in full compliance, the application will be rejected. If approved by the Town, the aforementioned real property described herein will be considered, in every respect, to be a part of the Town of Manalapan and will be subjected to all applicable laws, regulations, taxes and police powers of the Town including the Comprehensive Plan and Zoning Code. I further certify that all statements and diagrams submitted herewith are true

and accurate to the best of my knowledge and belief. Further, I understand that this Application and attachments become part of the Official Records of the Town of Manalapan, Florida, and are not returnable.

Signature-Owner or Authorized Agent Tatyana Nektalova

Print Name Tatyana Nektalova

STATE OF FLORIDA, COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 24th day of, November 2022

by Tatyana Nektalova as Agent for Development Application

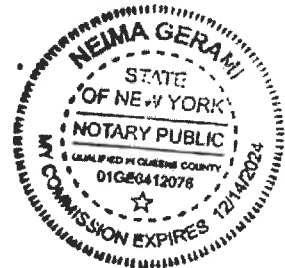
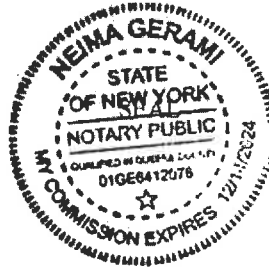
Personally known _____ or Produced Identification ✓

Type of Identification NYS DL

Notary Signature

Print Notary Name

NEIMA GERAMI



CHECK BELOW WHERE APPLICABLE
(Payable by check only)

ARCHITECTURAL REVIEW – Level 1 \$100	PUD or PUD AMENDMENT \$750	
ARCHITECTURAL REVIEW – Level 2 \$250	SITE PLAN REVIEW \$750	
ARCHITECTURAL REVIEW – Level 3 \$500	SPECIAL EXCEPTION USE \$750	<u>✓</u>
ARCHITECTURAL REVIEW – Level 4 \$1,000	VARIANCE \$750	
PAVER AGREEMENT \$500	ZONING TEXT/MAP OR COMP PLAN AMENDMENT \$1500	

(See page 7 for definitions of Levels)

The owner, architect or other authorized agents are urged to attend the meeting. Each applicant must familiarize themselves with the Architectural Commission criteria and procedure. If all required information is not presented with this application, the project will not be placed on the agenda for review and consideration. PLEASE NOTE: Although an application meets minimum zoning requirements the Architectural Commission may approve, approve with conditions, or disapprove a request not found to meet Architectural Review criteria as found in Town Code, Section 152.23. All residents are notified of applicant's request by mail.

**ALL APPLICATIONS MUST BE COMPLETE, SIGNED,
NOTARIZED AND SUBMITTED BY THE DEADLINE DATE**

1. This Application (pages 3-6)
2. Agent's Authorization Letter (Required if owner not presenting)
3. Application fee (see page 7)
4. Model, if applicable (see page 8)
5. 11 set of Plans; 2 Signed and Sealed -
We require two full-size sets signed and sealed and the other nine can be 11"x17" in size
6. Narrative letter describing the project
7. Samples, renderings, pdfs, jpegs and Power Point photos are due 14 days prior to meeting.

Updated 02/10/2022

SECTION 151.568(A) SPECIAL EXCEPTION USES

Special exception uses specifically listed in the applicable zoning district and their related accessory uses or any expansion, enlargement or modification of an existing special exception use shall be permitted only upon authorization by the Town Commission.

Special Exception Uses Criteria-

(1) That the use is a permitted special exception use as set forth in the schedule of use regulations in Chapter 151.568.

Response: Yes

(2) That the use is so designed, located and proposed to be operated that the public health, safety, morals, and general welfare will be protected.

Response: Yes

(3) That the use will not cause substantial injury to the values of the other property in the neighborhood where it is to be located.

Response: Yes

(4) That the use will be compatible with adjoining development and the intended purpose of the district in which it is to be located and will not impair an adequate supply of light and air to adjoining property.

Response: Yes

(5) That adequate landscaping and screening is provided.

Response: Yes

(6) That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.

Response: Yes

(7) That the use conforms with all applicable regulations governing the district where located, except as may otherwise be permitted for planned unit developments.

Response: Yes

(8) That the use not result in substantial economic, noise, glare or odor impacts on adjoining properties generally in the district.

Response: Yes

Laser & Skin Center of Palm Beach, LLC is a dermatology practice providing **comprehensive medical, cosmetic, and surgical care** in Palm Beach, Florida. At Laser & Skin Center of Palm Beach we take pride in taking care of a combination of skin health and aesthetic needs. Our dedicated team offers personalized assessments and cutting-edge treatments. Our goal is to enhance natural beauty, so every decade can be our patients most beautiful yet. At the forefront of our business philosophy, is our dedication to maintaining the highest standards of safety.

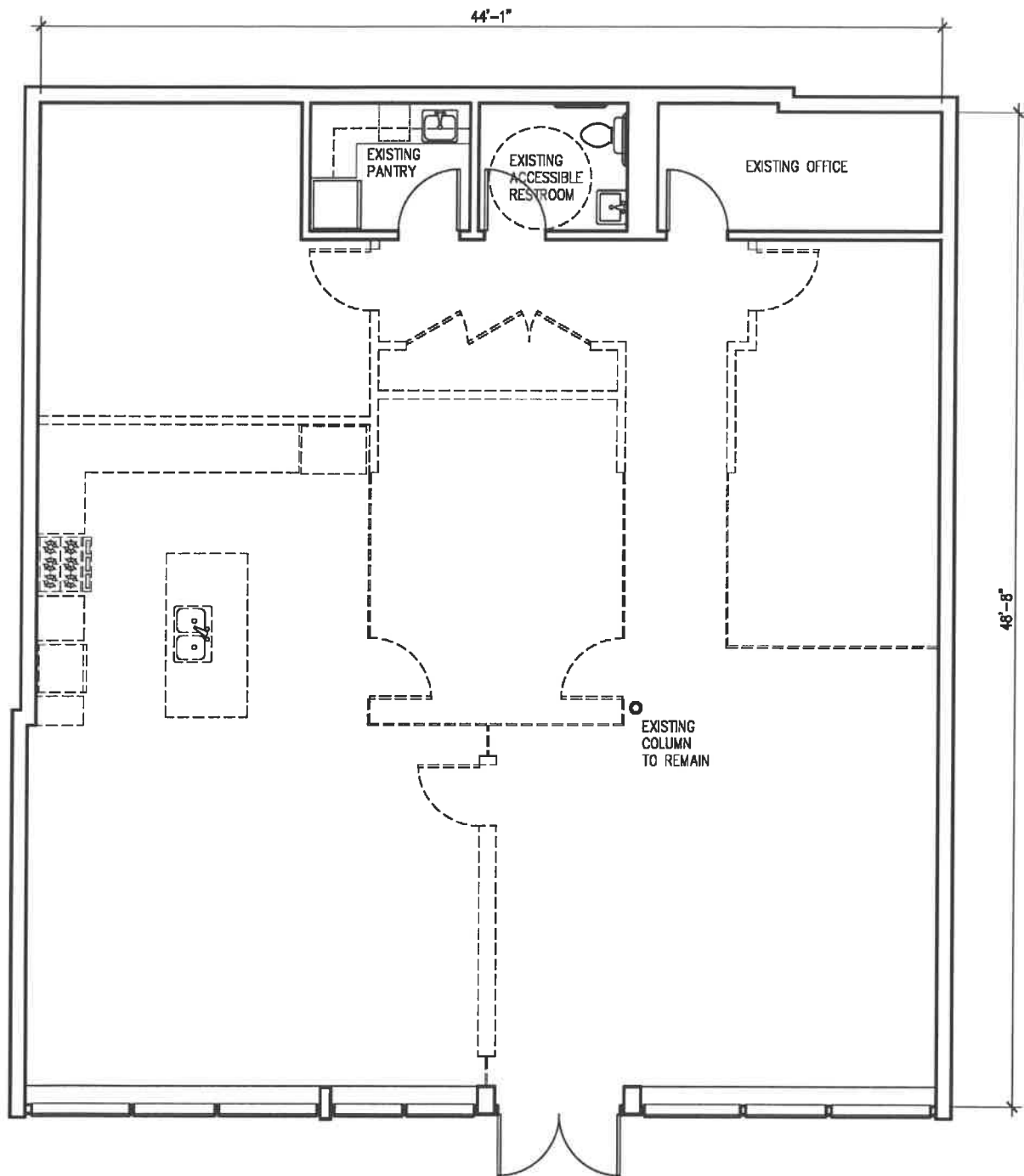
Whether a patient is due for an annual skin cancer screening, is suffering from a skin condition or wants to enhance their skin's appearance, the experts at Laser & Skin Center of Palm Beach will work with them to formulate a treatment plan.

Tatyana Nektalova, M.D. FAAD, the Founder of Laser & Skin Center of Palm Beach, is a well-respected, board-certified dermatologist with eight years of medical, practice management and academic experience. Dr. Nektalova graduated from the Sophie Davis School of Biomedical Education, an accelerated 7-year combined Bachelor of Science-Doctor of Medicine Program. She obtained her Doctor of Medicine degree from SUNY Downstate College of Medicine, where she was admitted to the prestigious Alpha Omega Alpha Honor Medical Society. She completed her dermatology training at the Icahn School of Medicine at Mount Sinai, where she served as chief resident during her final year. Dr. Nektalova has been serving as a Clinical Instructor in the Department of Dermatology at the Icahn School of Medicine at Mount Sinai and has been recognized by her peers as one of New York's Super Doctors in 2019, 2020, 2021 and 2022.



Dr. Nektalova has helped countless patients achieve clear and healthy skin. She curated a premier practice in the Upper East Side and Tribeca neighborhoods of Manhattan. She is sought after for her cosmetic treatments including neurotoxins, chemical peels, dermal fillers, microneedling and laser treatments. She is the coauthor of numerous peer-reviewed journal articles and is an active member of the American Medical Association, The American Academy of Dermatology, and the Women's Dermatologic Society.

Her following is characterized by patients who are seeking out a conservative and balanced aesthetic that emphasizes natural results. Integral to her cosmetic patient care, is the implementation of medical-grade skincare, which she curates for each patient at each consultation and then updates methodically over time. Elevating this holistic approach to skin and beauty with unparalleled, high-touch service is the crux of Dr. Nektalova's philosophy.



EXISTING 1st FLOOR INTERIOR DEMOLITION PLAN

LEGEND

- EXISTING WALL TO REMAIN
 EXISTING WALL TO BE REMOVED

CHERICO KING ARCHITECT, P.C.

Architectural Design & Planning

36-06 37th Street, 2nd floor, LIC, NY 11101

Tel: (718) 392-0078

E-mail: cherico@ckingarch.com

PROJECT:

230 S. Ocean Blvd. Unit 205, Manalapan, FL 33462

DWG. TITLE:

Existing floor plan

All drawings and written materials appearing herein constitute original and unpublished work of this professional office and may not be duplicated, used or disclosed without written consent from this office.

Date:

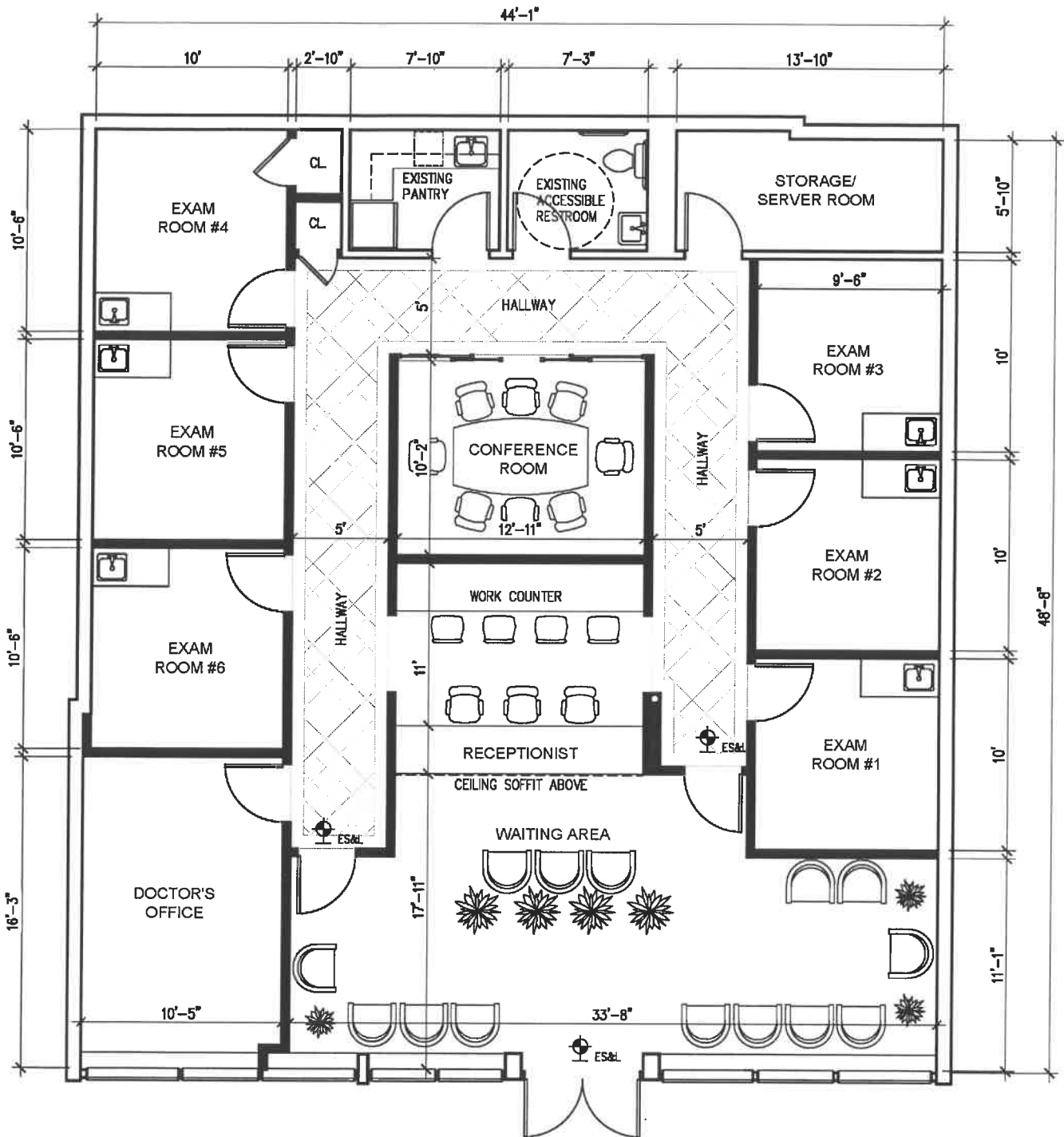
11/02/2022

Scale:

1/8" = 1'-0"

DWG. No.

SK-01



PROPOSED 1st FLOOR CONSTRUCTION PLAN

LEGEND

- EXISTING WALL TO REMAIN
- NEW INTERIOR WALL
- ES&L

 EXIT SIGN & LIGHT

CHERICO KING ARCHITECT, P.C.

Architectural Design & Planning

36-06 37th Street, 2nd floor, LIC, NY 11101

Tel: (718) 392-0078

E-mail: cherico@ckingarch.com

PROJECT:

230 S. Ocean Blvd. Unit 205, Manalapan, FL 33462

DWG. TITLE:

Proposed floor plan

All drawings and written materials appearing herein constitute original and unpublished work of this professional office and may not be duplicated, used or disclosed without written consent from this office.

Date:

11/02/2022

Scale:

1/8" = 1'-0"

DWG. No.

SK-02



TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: December 13, 2022

Agenda Item No.: RA 2

Agenda Item Name: **Variance VAR 22-6** 14 Little Pond LLC, 14 Little Pond Road

ACTION REQUESTED: Discussion ☒ Approval ☐

BACKGROUND:

14 Little Pond Road – 14 Little Pond LLC seeks the Town Commission's approval for a variance from the provisions of the Manalapan Zoning Code to construct a swimming pool and spa inside the existing courtyard setback 0'-8" from the side lot line where the Town Zoning Code Sec. 151.344(A) requires swimming pools and spas to be setback 13'-0" from the side lot lines.

ATTACHMENTS:

- Variance Application
- Development Drawings
- Little Pond Park Residences Condominium Association Letter



TOWN OF MANALAPAN
600 South Ocean Boulevard, Manalapan, FL 33462
(561) 585-9477, Fax (561) 585-9498
townhall@manalapan.org www.manalapan.org

DEVELOPMENT APPLICATION

Submittal Date: October 25, 2022

Property Control # _____

PROPERTY OWNER(S)	AUTHORIZED AGENT(Required if owner not presenting)
Name: 14 Little Pond, LLC	Name: Thomas Benedict
Address: 777 S. Flagler Dr #500 E West Palm Beach, FL 33401	Address: 1525 NW 3rd Street, Suite 1 Deerfield Beach, FL 33442
Phone: 917 623-9696	Phone: 954 570-9500
E-mail: marc.kramer@avcpartners.com	E-mail: tom@tbbg.net

ARCHITECT/LANDSCAPE ARCHITECT	DEVELOPER/CONTRACTOR:
Name: Tom Benedict	Name: Thomas O'Reilly
Company Name: The Benedict Bullock Group, LLC	Company Name: Island Home Designs
Address: 1525 NW 3rd Street, Suite 1 Deerfield Beach, FL 33442	Address: 7093 Taylorwood Drive Lake Worth, FL 33467
Phone: 954 570-9500 Cell: 954 415-3316	Phone: Cell: 561 662-4334
E-mail: tom@tbbg.net	E-mail: tom@islandhomedesigns.com

APPLICANT'S CERTIFICATION

Tom Benedict
(I) _____ (~~owner~~ or authorized agent) affirm and certify that I understand and will comply with all provisions and regulations of the Town of Manalapan, Florida. I certify that all drawings and specifications for buildings or structures either larger than 500 sq. ft. or costing more than \$3,000 must be drawn or verified by a state registered architect or engineer and his seal of office imprinted thereon. Additionally, I certify that the drawings and specifications show full compliance and do fully comply with the Zoning Code. I understand that if any drawings or specifications are not in full compliance, the application will be rejected. If approved by the Town, the aforementioned real property described herein will be considered, in every respect, to be a part of the Town of Manalapan and will be subjected to all applicable laws, regulations, taxes and police powers of the Town including the Comprehensive Plan and Zoning Code. I further certify that all statements and diagrams submitted herewith are true

Updated 02/10/2022

and accurate to the best of my knowledge and belief. Further, I understand that this Application and attachments become part of the Official Records of the Town of Manalapan, Florida, and are not returnable.

Signature-Owner or Authorized Agent

Print Name Tom Benedict

STATE OF FLORIDA, COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 11 day of October 20 22

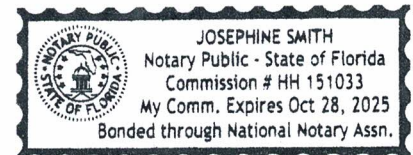
by Thomas K. Benedict as agent for 14 Little Pond LLC

Personally known _____ or Produced Identification FL DL B532 83143 4620

Type of Identification FL DL

Notary Signature Josephine Smith

SEAL



Print Notary Name Josephine Smith

CHECK BELOW WHERE APPLICABLE

(Payable by check only)

ARCHITECTURAL REVIEW – Level 1 \$100	PUD or PUD AMENDMENT \$750	
ARCHITECTURAL REVIEW – Level 2 \$250	SITE PLAN REVIEW \$750	
ARCHITECTURAL REVIEW – Level 3 \$500	SPECIAL EXCEPTION USE \$750	
ARCHITECTURAL REVIEW – Level 4 \$1,000	VARIANCE \$750	X
PAVER AGREEMENT \$500	ZONING TEXT/MAP OR COMP PLAN AMENDMENT \$1500	

(See page 7 for definitions of Levels)

The owner, architect or other authorized agents are urged to attend the meeting. Each applicant must familiarize themselves with the Architectural Commission criteria and procedure. If all required information is not presented with this application, the project will not be placed on the agenda for review and consideration. PLEASE NOTE: Although an application meets minimum zoning requirements the Architectural Commission may approve, approve with conditions, or disapprove a request not found to meet Architectural Review criteria as found in Town Code, Section 152.23. All residents are notified of applicant's request by mail.

ALL APPLICATIONS MUST BE COMPLETE, SIGNED, NOTARIZED AND SUBMITTED BY THE DEADLINE DATE

1. This Application (pages 3-6)
2. Agent's Authorization Letter (Required if owner not presenting)
3. Application fee (see page 7)
4. Model, if applicable (see page 8)
5. 11 set of Plans; 2 Signed and Sealed -
We require two full-size sets signed and sealed and the other nine can be 11"x17" in size
6. Narrative letter describing the project
7. Samples, renderings, pdfs, jpegs and Power Point photos are due 14 days prior to meeting.

Updated 02/10/2022

October 7, 2022

Town Commission
Town of Manalapan
600 South Ocean Blvd.
Manalapan, Florida 33462-3398

Subject: Variance Request
14 Little Pond Rd.
Manalapan, Florida

Dear Town Commission members,

The subject property is located on the southeast corner of the Little Pond development within the R3-A zoning district and is being remodeled. The scope of the changes will include both interior and exterior revisions.

INTERIOR

The entire floor plan is proposed to be upgraded with a new kitchen, remodeling of the 2 existing bathrooms, new flooring and ceiling treatments. Unit area remains the same at 1,660 SF air conditioned space. The one car garage will also remain, with the addition of air conditioning and a laundry space (318 SF) within the original 25' length. Total area of interior and garage space is 1,978 SF.

EXTERIOR

All exterior doors and windows will be replaced with impact rated product preserving the current design intent. Two non front facing windows will be lengthened to enhance courtyard views. Plan revisions include a new small (8' x 16') swimming pool and (5' x 5") spa inside the existing front courtyard gates. Relocation of the air conditioning compressor, adding pool equipment and generator are requested. The existing screened patio enclosure will be replaced due to deterioration, no footprint enlargement. A BBQ, counter and undercounter refrigerator is being requested within the screen enclosure.

Landscape planting will be improved to include removal of existing stumps and neglected planting and replacement with fresh landscape material consistent with prior community design.

The proposed pool and spa are within the existing side courtyard and hidden behind privacy walls. Existing pools within this community have similar setbacks and are less well screened than our proposed location.

Code requirements for pool setbacks (Section 151.344(A), 13' from side lot line) within this zone exceed the space available within this private courtyard. This was true for the existing pools within this community but they were granted based on PUD review and approval.

As the PUD did not provide for future pool location requests, we are asking for permission to build this private pool using the same criteria granted under the original PUD.

Responses to criteria Section 151.672(C)(1-6) are attached.

Plans have been reviewed by the Condo Association and we have their approval.

THE BENEDICT BULLOCK GROUP, PA
1525 NW 3rd Street, Suite 1

Architecture - Planning
Deerfield Beach, FL 33442

tom@tbbg.net
(954) 570-9500 Fax (954) 570-9550
Lic. # AA26003089

SECTION 151.672 (C)(1-6), VARIANCES

The following criteria must be answered by each applicant and included with the letter of application for Variance Review:

(C) Variances. The Town Commission shall authorize on appeal such variance from the terms of the chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary and undue hardship. In order to authorize **ANY** variance from the terms of the zoning chapter, the Town Commission **MUST** and **SHALL** find:

(If additional space is required in order to fully respond, please number your responses and attach any additional pages.)

(1) That special conditions and circumstances exist which are peculiar to the land or building involved and which are not applicable to other lands or buildings in the same zoning district.

Response: This residence is within an approved PUD in the R3-A zone. It is one of 9 units within a condominium association and is not a typical residence as it is under the jurisdiction of this condominium association.

(2) That the special conditions and circumstances do not result from the actions of the applicant or his predecessor in interest.

Response: The special conditions are a result of the approved PUD / Condominium association.

(3) That granting the variances requested will not confer on the applicant any special privilege that is denied by this chapter to other land or structures in this same zoning district.

Response: Due to the location of this project site and its courtyard layout, granting the requested variance will not confer special privilege to other land or structures in this same zoning district.

(4) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardships on the applicant.

Response: Other residences within this development with similar plan layout have approved pool and deck facilities, including required pool equipment.

(5) That the variance granted is the minimum variance that will make possible the reasonable use of the land or structure, or both.

Response: The variance request is within the scope of other approvals within this community, done at the original submission for PUD approval.

(6) That the grant of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Response: Approval of this variance will be consistent with the existing community and have no detrimental impact. The requested pool is within the existing courtyard enclosure and not seen from public approach.

Please refer to the following sections in the Town of Manalapan Zoning Code:

Section 151.671 SPECIAL EXCEPTIONS AND VARIANCES; PUBLIC HEARING AND PROCEDURES

Section 151.673 EXERCISE OF POWERS

**Should you have any questions regarding this application,
please contact the Building Official or Town Clerk at (561) 585-9477.**

(E) Accessory equipment (as defined in Section 151.003) shall be setback from the side lot lines not less than five (5) feet and be completely screened from public view and from the view of neighboring properties.

('81 Code, § 5.40) (Ord. 97, passed 4-26-76; Am. Ord. 110, passed 5-31-78; Am. Ord. 122, passed 5-30-81; Am. Ord. 142, passed 4-28-86; Am. Ord. 161, passed 3-26-91; Am. Ord. 212, passed 2-25-03; Am. Ord. 286, passed 5-26-09)

Cross reference—Penalty, see Section 151.681

§ - 151.344 SWIMMING POOL/SPA REGULATIONS.

Swimming pools, pool patios and/or decks, spas (including jacuzzis and whirlpools) and anything permanently attached to any of the above structures, are deemed to be accessory structures and may only be constructed and/or used when a principal structure exists on the same lot. Accordingly, the following regulations shall control the construction requirements of same:

- (A) Swimming pools and spas shall be constructed no less than thirteen (13) feet from any side lot lines and no less than eighteen (18) feet from the rear lot line, bulkhead or seawall, measured from the "wet edge" of the swimming pool or spa, so long as the construction thereof shall not or cannot reasonably be anticipated to adversely affect the structural integrity, life or maintenance of any bulkhead, seawall or other structures as certified by either a marine, structural or mechanical engineer who is properly licensed in the State of Florida;
- (B) Any swimming pool or spa that is enclosed by a screen enclosure, whether partially or fully, shall be setback from the side and rear lot lines no less than the minimum required side and/or setbacks for this zoning District and shall be setback from the rear lot line, bulkhead or seawall no less than twenty-five (25) feet; and
- (C) Maximum vertical elevation for a swimming pool deck shall be one point five (1.5) feet above grade;
- (D) Maximum vertical elevation for spas and decorative items such as planters, balustrades, railings, fountains, hand rails, ladders, diving boards, slides and the like shall be three point five (3.5) feet above the pool deck upon which it is constructed; and
- (E) Open gazebos and roofs for swim-up pool bars or spas may be constructed on the swimming pool/spa deck so long as each gazebo and/or pool bar/spa roof is setback from the side and rear lot lines no less than the minimum required side and/or rear setback for accessory structures for this zoning District.

('81 Code, § 5.76) (Ord. 97, passed 4-26-76; Am. Ord. 131, passed 4-19-83; Am. Ord. 212, passed 2-25-03; Am. Ord. 275, passed 10-23-07)

Cross reference—Penalty, see Section 151.681

October 10, 2022

Town Commission
Town of Manalapan
600 South Ocean Boulevard
Manalapan, FL 33462

RE: VARIANCE REQUEST FOR LITTLE POND PARK RESIDENCE CONDOMINIUM UNIT 7; PARCEL ID #42-43-45-10-13-000-0070; 14 LITTLE POND ROAD, MANALAPAN, FL 33462

Dear Town Commission Members:

It has come to our attention that owners of the subject property listed above are applying for a variance request as part of their whole unit interior and exterior improvement renovation, specifically including the applicant's request for the pool/spa; extension of the exterior masonry wall and relocation/addition of HVAC, generator and pool equipment.

This letter is to confirm that consistent with the Little Pond Park Residence Condominium governing documents, this Board has shared the complete plans for the subject residence with the owners at the Little Pond Park Residence Condominium Association and received the approval from 8 of the 9 resident owners including the two adjacent property owners to the West and North of the subject property (the ninth resident was unable to be reached) which exceeds our majority requirement for our Association's support of this application. As such, this Board issued a Certificate of Approval on August 27th, 2022 (attached for reference).

The requested variance being considered is consistent with the prior approval provided by the Little Pond Park Residence Condominium Association's support of the application and as such has both the Board's and resident's support.

Sincerely,

DocuSigned by:

David Larue

David Larue

President

Little Pond Park Residences Condominium Association

LITTLE POND PARK RESIDENCES CONDOMINIUM ASSOCIATION

CERTIFICATE OF APPROVAL

The Board has shared the 14 Little Pond Road Architectural Plans dated August 23, 2022 to all the owners at the Little Pond Park Residence Condominium Association. It was a majority vote in favour of these plans. This is to confirm Association Board and Owner Approval to 14 Little Pond LLC, on the proposed new plans.

Real property identified below,

**LITTLE POND PARK RESIDENCE CONDOMINIUM UNIT 7 PARCEL ID #
42-43-45-10-13-000-0070 14 LITTLE POND ROAD, MANALAPAN, FL 33462**

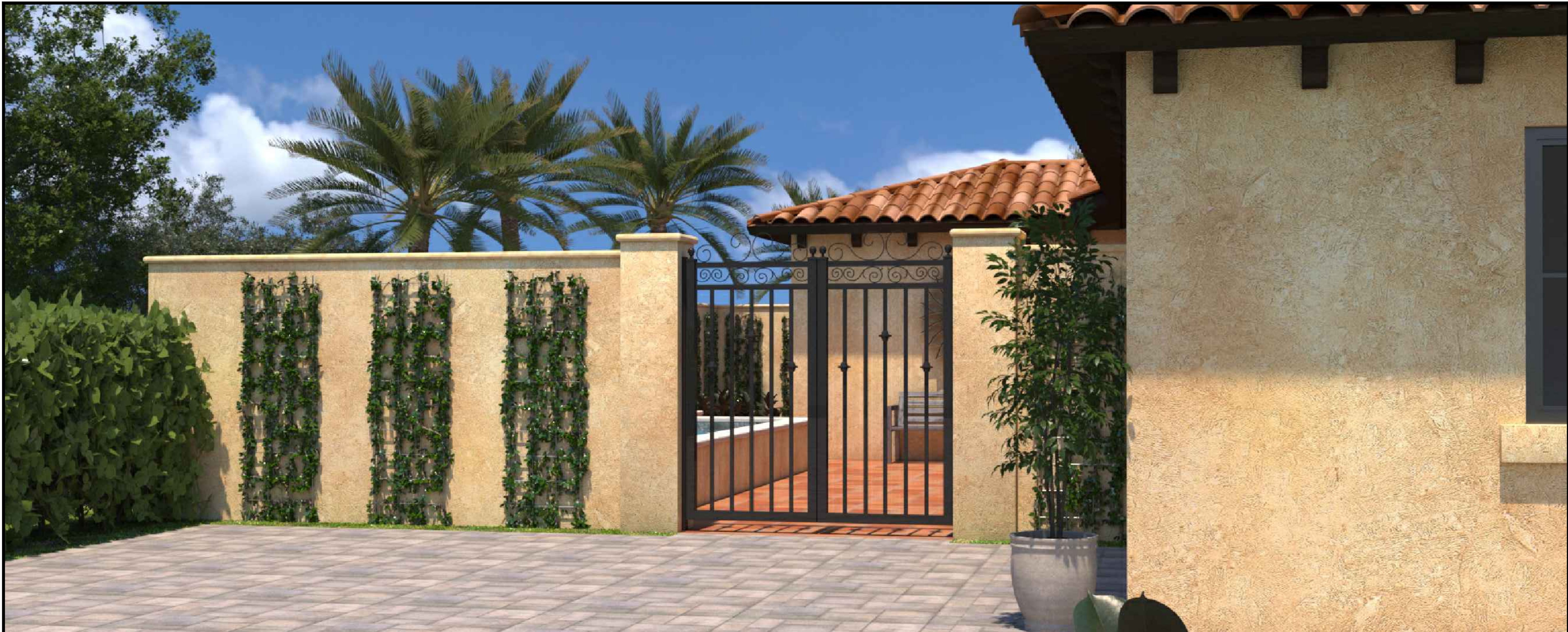
Such approval has been given pursuant to the provision of the declaration of Paragraph 11, Section 11.2

Dated this 27th day of AUGUST, 2022

**LITTLE POND PARK RESIDENCES
CONDOMINIUM ASSOCIATION**

DocuSigned by:

DAVID LARUE, PRESIDENT



KRAMER RESIDENCE REMODEL

14 LITTLE POND ROAD, MANALAPAN, FLORIDA 33462

GENERAL CONSTRUCTION NOTES

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL CODES, RULES, REGULATIONS AND RESTRICTIONS HAVING JURISDICTION ON THIS PROJECT.
2. WORK SHALL INCLUDE ALL ITEMS (BUILDING AND SITE) INDICATED ON THESE DRAWINGS, UNLESS OTHERWISE NOTED.
3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. THE BENEDICT GROUP (TBG) SHALL BE NOTIFIED OF ANY DEVIATION FROM THE PLANS PRIOR TO CONSTRUCTION. DRAWINGS SHALL NOT BE SCALED AND WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED.
4. SHOP DRAWINGS SHALL BE SUBMITTED TO THE BENEDICT GROUP FOR GENERAL REVIEW AND DESIGN COMPLIANCE (THREE (3) COPIES OF EACH CHECKED ITEM BELOW).
 - TRUSS LAYOUT/ENG.
 - HVAC DUCT LAYOUT
 - DOORS PRODUCT APPROVAL
 - WINDOWS PRODUCT APPROVAL
5. DEPOSITS AND FEES: DEPOSITS FOR UTILITIES INCLUDING WATER METER, TELEPHONE AND ELECTRICAL SERVICE SHALL BE MADE BY THE G.C. PERMIT FEES, AS REQUIRED, SHALL BE PAID BY THE OWNER FOR THAT PORTION OF THE WORK. SOIL TEST BORINGS SHALL BE ORDERED AND PAID FOR BY THE CONTRACTOR AND REPORTS SHALL BE SUBMITTED TO THE G.C. TO INSURE PROPER STRUCTURAL DESIGN.
6. CONTRACTOR SHALL MAINTAIN TEMPORARY ELECTRICAL, WATER, AND SANITARY FACILITIES FOR THE DURATION OF THE CONSTRUCTION.
7. CONTRACTOR SHALL REMOVE ALL CONSTRUCTION DEBRIS FROM THE JOBSITE AND LEAVE THE BUILDING BROOM CLEAN. ALL GLASS SHALL BE THOROUGHLY CLEANED AT THE COMPLETION OF CONSTRUCTION. ALL PAINT SPECKS AND ANY OTHER CONSTRUCTION MARKS SHALL BE REMOVED BY THE CONTRACTOR.
8. THE CONTRACTOR SHALL ACQUAINT THEMSELVES WITH THE SITE AND SHALL VERIFY ALL FIELD CONDITIONS PRIOR TO ACTUAL CONSTRUCTION. ANY DEVIATION FROM THE CONSTRUCTION DOCUMENTS DISCOVERED AT THE TIME SHALL BE REPORTED BY THE CONTRACTOR IMMEDIATELY TO THE BENEDICT GROUP.
9. ALL WORKMANSHIP SHALL BE NEAT, CLEAN, TRUE AND CORRECT.
10. ALL OPERATING WINDOWS AND SLIDING GLASS DOORS SHALL BE PROVIDED WITH VINYL INSECT SCREENS. GLAZING TO BE GREY TINTED GLASS -45% TRANSMISSION. ALL SLIDING GLASS DOORS, OPERABLE AND FIXED GLASS 18" AND LESS ABOVE FINISH FLOOR SHALL BE TEMPERED SAFETY GLASS.
11. FIXED GLASS, GLASS DOORS AND ALL GLASS AT THE TUB OR SHOWER SHALL BE TEMPERED SAFETY GLASS.

HARDWARE NOTES

1. ALL LOCKS ON EXTERIOR DOORS SHALL RESIST A FORCE OF 300 LBS APPLIED IN ANY MOVEABLE DIRECTION.
2. ALL EXTERIOR LOCKS SHALL BE SINGLE CYLINDER WITH 1" THROW INTO MORTICE FOR 1 3/4" SOLID CORE DOOR.
3. ALL SINGLE EXTERIOR SWING DOORS SHALL HAVE A KEY OPERATED LOCK OPERABLE FROM EXTERIOR WITH A MINIMUM 6000 POSSIBLE KEY CHANGES. KEY IN KNOB LOCKS SHALL HAVE AN AUXILIARY DEAD BOLT WITH HARDENED BOLT OR WITH INSERT.
4. EXTERIOR SWING DOORS SHALL BE SOLID CORE NOT LESS THAN 1 3/4" THICK.
5. FRONT MAIN ENTRANCE DOORS SHALL BE PROVIDED WITH VISION SCOPE OR VISION PANEL.
6. HINGES ON OUT SWINGING EXTERIOR DOORS SHALL HAVE NON-EXPOSED SCREWS AND NON-REMOVABLE PINS.
7. SINGLE SWING EXTERIOR DOORS CONNECTING LIVING AREAS WITH GARAGE AREAS SHALL BE SOLID CORE 1 3/4" THICK AND SHALL BE SECURED WITH A LATCH AND SINGLE BOLT WITH ONE INCH MIN. THROW OR A COMBINATION OF DEAD BOLT AND DEAD LATCH SETS AND AN AUTOMATIC DOOR CLOSER.
8. ALL GLASS IN EXTERIOR DOORS SHALL COMPLY WITH ANSI Z79.1
9. ALL OPERABLE WINDOWS SHALL WITHSTAND A FORCE OF 150 LBS. IN ANY OPERABLE DIRECTION.
10. SLIDING GLASS DOORS AND WINDOWS SHALL BE INSTALLED AND CONSTRUCTED SO THAT NO PANEL CAN BE LIFTED FROM TRACKS WHEN IN THE CLOSED POSITION AND SHALL COMPLY WITH THE A.A.M.A. STANDARDS FOR FORCED ENTRY RESISTANCE, A.A.M.A. 1303-3.
11. SLIDING GLASS DOORS SHALL HAVE DEAD BOLT OR PIN SYSTEM NOT REMOVABLE FROM THE OUTSIDE AT THE JAMB AND SILL.

PROJECT NOTES

GENERAL NOTES:

1. CARE SHALL BE MADE TO CONTAIN AND MINIMIZE CONSTRUCTION DEBRIS AND DUST. PRIOR TO DEMOLITION, ALL HVAC DUCTWORK LOCATED IN DESIGNATED WORK AREA SHALL BE TEMPORARILY SEALED TO MINIMIZE DAMAGE TO HVAC SYSTEM AND INDOOR AIR QUALITY. TRACK OFF MATS AT LEAST 2' WIDE AND 4' IN LENGTH SHALL BE PLACED IN FRONT OF WORK AREAS AND CLEANED REGULARLY TO MINIMIZE DUST CONTAMINATION. CONTRACTOR SHALL MAINTAIN A PLASTIC DUST BARRIER THROUGHOUT CONSTRUCTION.
2. ALL NEW PAINTS, ADHESIVES, SEALANTS, GLUES AND SHELLACS SHALL BE "LOW VOC" ONLY.
3. THE SHOWN WORK AREAS ARE DESIGNATED NON-SMOKING AREAS AT ALL TIMES.
4. WORK SHALL BE PERFORMED ONLY DURING TIMES WHICH ARE NOT RESTRICTED BY LOCAL ORDINANCE OR OWNER. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO BECOME FAMILIAR WITH ANY RESTRICTIONS IN PLACE BY SUCH AS TO WORK HOURS, LOADING AND DELIVERY OF MATERIALS, USE OF VERTICAL CIRCULATION SYSTEMS, AND OTHER RESTRICTIONS THAT MAY BE IN PLACE. COORDINATE ALL WORK WITH BUILDING MANAGEMENT.
5. CONTRACTOR SHALL BE FAMILIAR WITH ALL SITE CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
6. CONTRACTOR SHALL NOTIFY ARCHITECT AND OWNER OF ANY DISCREPANCIES BETWEEN FIELD CONDITIONS AND DESIGN DRAWINGS.
7. GC SHALL PROVIDE SOUND ATTENUATION BLANKETS AT ALL NEW INTERIOR PARTITIONS. (TYP.)
8. FINISH FLOOR SHALL BE INSTALLED SO THAT TOP SURFACE IS LEVEL. GC SHALL BE RESPONSIBLE FOR COORDINATION OF FLOOR MATERIAL HEIGHTS SO THAT FINISH FLOOR IS LEVEL.
9. GC AND ALL SUB-CONTRACTORS SHALL MAINTAIN AS-BUILT DRAWINGS THROUGHOUT THE PROGRESS OF THE PROJECT. ANY DEVIATIONS FROM THE PLANS SHALL BE CLEARLY MARKED IN RED ON THE AS-BUILT DRAWINGS AND SUBMITTED TO THE ARCHITECT FOR REVIEW PRIOR TO FINAL INSPECTION. THIS SET OF MARKED UP AS-BUILT DRAWINGS SHALL BE REVIEWED AND SIGNED BY THE GC AND THEN RETURNED TO THE ARCHITECT FOR FINAL RECORD DRAWING COMPLETION. THE RECORD DRAWINGS SHALL BE ISSUED TO THE OWNER PRIOR TO SUBSTANTIAL COMPLETION OR ISSUANCE OF CERTIFICATE OF OCCUPANCY.
10. NO FLOOR OR CEILING PENETRATIONS SHALL BE MADE AS A PART OF THE SCOPE OF WORK FOR THIS PROJECT. SHOULD NEW PENETRATIONS BE REQUIRED, CONTRACTOR SHALL PRESENT FINDINGS TO ARCHITECT PRIOR TO DRILLING, CUTTING OR CHIPPING AND SHALL COORDINATE WITH CONDO ASSOCIATION MANAGER AND NEIGHBORING DWELLING UNITS (ABOVE, BESIDE, OR BELOW) PRIOR TO COMMENCEMENT OF ANY WORK. THE EXISTING BUILDING IS A POST-TENSION BUILDING. PROPOSED LOCATIONS FOR NEW PENETRATIONS SHALL BE MARKED IN THE FIELD AND FULLY SHOT WITH X-RAY CAMERAS TO PREVENT ANY PENETRATIONS AT LOCATIONS OF STRUCTURAL POST-TENSION CABLES, REBAR, CONDUITS OR OTHER BUILDING SYSTEMS.
11. ALL FLOORING SHALL RECEIVE "PROFLEX 90 MSC" 70MM SUPER SOUND CONTROL RUBBERIZED MEMBRANE, OR CONDO ASSOCIATION APPROVED EQUAL. PROVIDE ARCHITECT SOUND AND WATERPROOFING SUBMITTALS FOR REVIEW PRIOR TO BUYOUT/INSTALL.
12. ALL PARTY WALLS, FLOORS AND CEILINGS SHALL ACHIEVE A MINIMUM IMPACT TRANSMISSION CLASS (ITC) OF 50 AND A MINIMUM SOUND TRANSMISSION CLASS (STC) OF 50 - SEE FBC 1207
13. ALL WALLS AND CEILINGS WITH DRYWALL FINISHES SHALL BE MINIMUM LEVEL 5 FINISH.
14. NO WORK ON BUILDING EXTERIOR WITHOUT CONDO BOARD APPROVALS.
15. NO WORK ON COMMON AREAS OR BUILDING COMMON ELEMENTS WITHOUT PRIOR CONDO BOARD APPROVALS.

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PROJECT DATA

OCCUPANCY: R2 CONSTRUCTION: TYPE V
LEVEL OF CONSTRUCTION: ALTERATION - LEVEL 2









CODES AND REFERENCES:

THE FLORIDA BUILDING CODE 2020 EDITION
NATIONAL ELECTRIC CODE 2017 EDITION

AREA CALCULATIONS

EXISTING & PROPOSED	
FLOOR PLAN A/C	1,660 SQ FT
GARAGE	318 SQ FT
COVERED PATIO	456 SQ FT
TOTAL	2,434 SQ FT

SYMBOLS

NOTE REFERENCE		← REFERENCE NUMBER
DOOR REFERENCE		← DOOR NUMBER
WINDOW REFERENCE		← WINDOW LETTER
REVISION REFERENCE		← REVISION NUMBER
INTERIOR ELEVATION REFERENCE		← INTERIOR WALL LETTER (KEY TO ELEVATION OF ROOM FINISH SCHEDULE SHEET NUMBER)
DETAIL REFERENCE		← DETAIL NUMBER ← SHEET NUMBER
BUILDING SECTION REFERENCE		← SECTION NUMBER ← SHEET NUMBER
FOUNDATION REFERENCE		← FOUNDATION LETTER-NUMBER

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The
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ARCHITECT'S SEAL

BRIAN BULLOCK, ARCHITECT
AR 95754

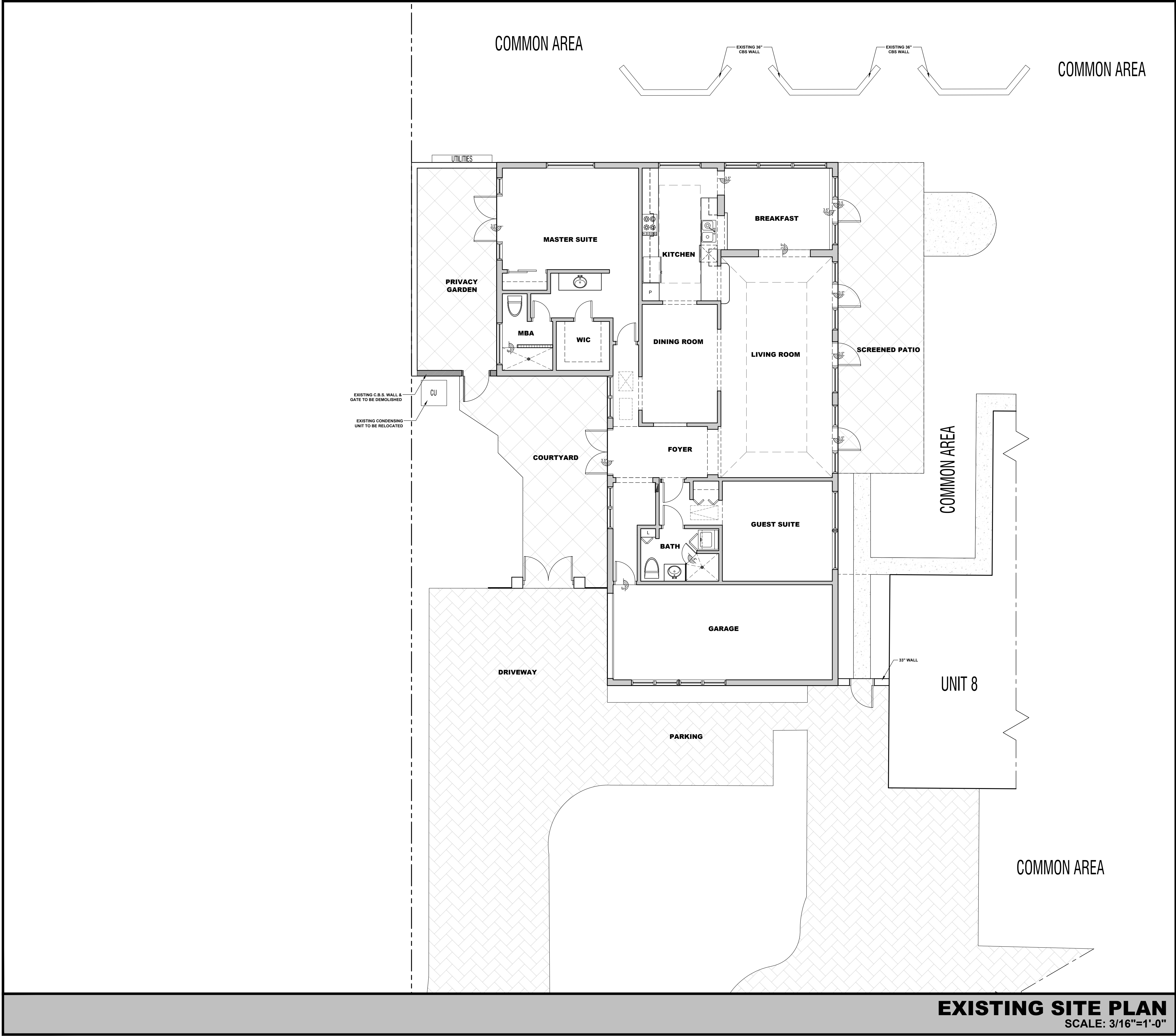
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PROJECT NO	BK0000

TITLE SHEET

T-1

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EXISTING SITE PLAN

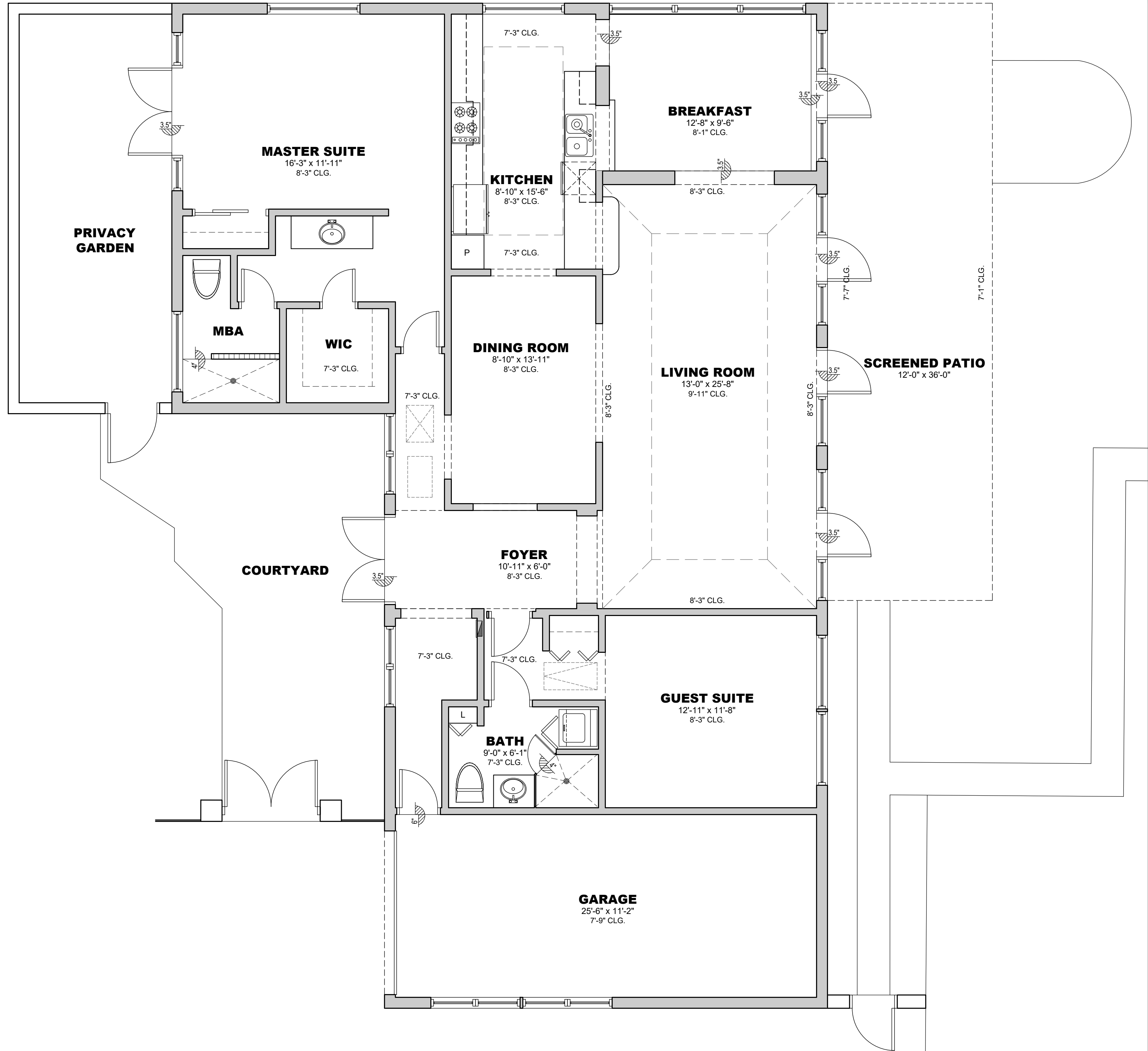
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PROJECT NO.	BK2223
PROPOSED SITE PLAN	
SP-2	

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EXISTING FLOOR PLAN

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
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EXISTING FLOOR PLAN

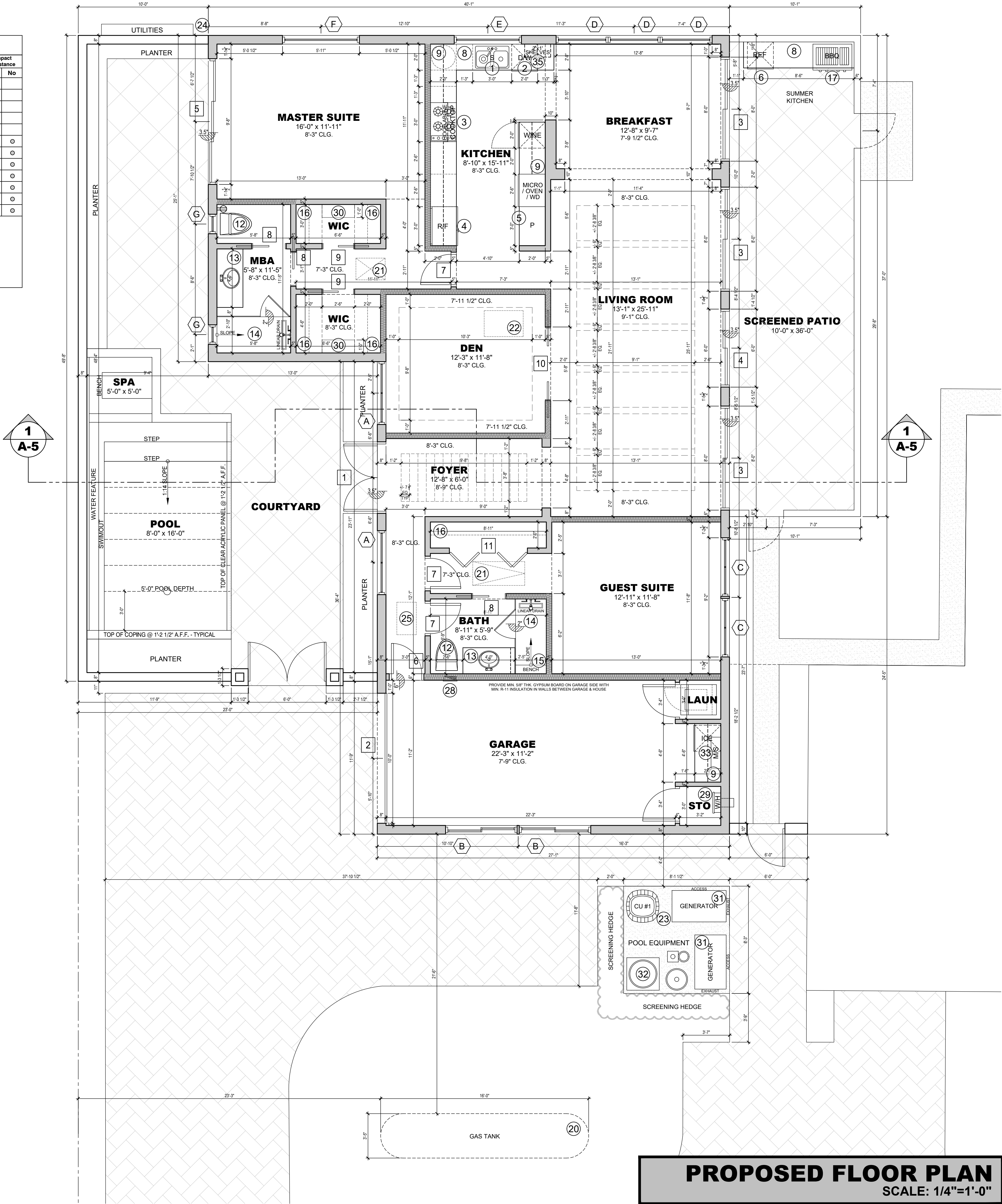
A-1

PERMIT SET 10-11-2022

DOOR SCHEDULE							Egress Requirements		Impact Resistance	
	SIZE	ROUGH OPENING	THK	FIN	REMARKS		Yes	No	Yes	No
1	5-0 x 6-8	5-3 x 6-9.5	1 3/4"	PAINTED	PAIR OF 2'-6" FRENCH DOORS		○		○	
2	10-0 x 7-0	10-0 x 7-0	-----	PAINTED	ALUM INSULATED ROLL-UP AUTOMATIC GARAGE DOOR			○	○	
3	8-0 x 6-8	8-3 x 6-9.5	1 3/4"	PAINTED	2-PANEL SLIDING GLASS FRENCH DOOR			○	○	
4	6-0 x 6-8	6-3 x 6-9.5	1 3/4"	PAINTED	2-PANEL SLIDING GLASS FRENCH DOOR			○	○	
5	9-4 x 6-8	9-7 x 6-9.5	1 3/4"	PAINTED	3-PANEL SLIDING GLASS FRENCH DOOR		○		○	
6	2-8 x 6-8	2-11 x 6-9.5	1 3/4"	PAINTED	SELF-CLOSING 'C' LABEL FIRE RATED DOOR			○		○
7	2-8 x 6-8	2-11 x 6-9.5	1 3/4"	PAINTED	SOLID CORE PANEL DOOR			○	○	
8	2-8 x 6-8	2-11 x 6-9.5	1 3/4"	PAINTED	SOLID CORE POCKET DOOR			○		○
9	2-6 x 6-8	2-9 x 6-9.5	1 3/4"	PAINTED	SOLID CORE POCKET DOOR			○	○	
10	5-6 x 6-8	5-9 x 6-9.5	1 3/4"	PAINTED	SOLID CORE DOUBLE POCKET DOOR			○		○
11	6-0 x 6-8	6-3 x 6-9.5	1 3/4"	PAINTED	DOUBLE BI-FOLD DOOR			○		○
12	2-6 x 6-8	2-9 x 6-9.5	1 3/4"	PAINTED	LOUVERED SOLID CORE PANEL DOOR			○		○
NOTES	1. ALL HINGED DOORS TO EXTERIOR AND GARAGE SHALL HAVE WEATHER STRIPPING & THRESHOLD.									
	2. ALL GLAZING AT HAZARDOUS LOCATIONS SUCH AS FRENCH DOORS, DOOR SIDELITES, ETC., SHALL COMPLY WITH SECTIONS R308 AND R311 OF THE FLORIDA BUILDING CODE.									
	3. ALL DOORS SHALL COMPLY WITH CHAPTER R44 OF THE FLORIDA BUILDING CODE.									
	4. EXTERIOR DOORS SHALL BE MISSILE IMPACT RATED.									
	5. PROVIDE 1 1/2" MASONRY OPENING ON TOP AND SIDES OF ALL EXTERIOR DOOR OPENINGS.									
	6. SLIDING GLASS DOOR PANELS SHALL BE FIXED OR OPERABLE PER ELEVATIONS.									

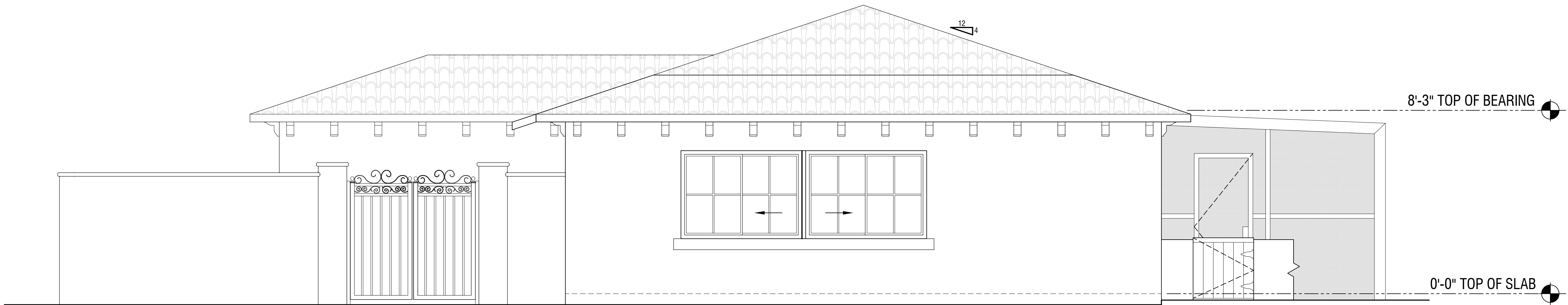
WINDOW SCHEDULE									
<div></div> NOTES	SIZE	ROUGH OPENING	TYPE	Egress		Impact Resistance			
				Yes	No	Yes	No		
	A	4-6 x 4-0	4-9 x 4-1.5	DOUBLE CASEMENT WINDOW	○		○		
	B	5-4 x 4-0	5-7 x 4-1.5	SLIDING WINDOW	○		○		
	C	4-4 x 4-0	4-7 x 4-1.5	DOUBLE CASEMENT WINDOW	○		○		
	D	3-9 x 3-0	4-0 x 3-1.5	CASEMENT WINDOW	○		○		
	E	4-11 x 3-0	5-2 x 3-1.5	FIXED GLASS WINDOW			○	○	
	F	5-8 x 2-0	5-11 x 2-1.5	FIXED GLASS WINDOW			○	○	
	G	1-3 x 2-8	1-6 x 2-9.5	CASEMENT WINDOW W/ PRIVACY TINT			○	○	
1. WINDOWS SHALL HAVE BRONZE COLOR FRAMES AND TINTED GLASS.									
2. GLAZING AT HAZARDOUS WINDOW LOCATIONS SHALL COMPLY WITH SECTIONS R308 OF THE FLORIDA BUILDING CODE.									
3. GLAZING SHALL HAVE DIVIDED LITES AS PER ELEVATIONS.									
4. ALL WINDOWS SHALL BE MISSILE IMPACT RATED.									
5. PROVIDE 1 1/2" MASONRY OPENING ON TOP AND SIDES OF ALL WINDOW OPENINGS.									

FLOOR PLAN LEGEND	
SYM	DESCRIPTION
1.	DOUBLE KITCHEN SINK WITH DISPOSAL
2.	DISHWASHER
3.	INDUCTION COOKTOP WITH HOOD ABOVE
4.	36" REFRIGERATOR / FREEZER - PROVIDE COLD WATER STUB-OUT
5.	36" PANTRY WITH CUSTOM DESIGNED CABINETRY
6.	24" UNDERCOUNTER DOUBLE-DRAWER REFRIGERATOR
7.	NOT USED
8.	36" TALL COUNTERTOP WITH LOWER CABINETS
9.	36" TALL COUNTERTOP WITH UPPER AND LOWER CABINETS
10.	WASHER / DRYER STACK
11.	UNDERCOUNTER ICE MACHINE
12.	1.6 ELONGATED WATER CLOSET (PROVIDE T.P. HOLDER AT WALL OR NEAREST CABINET)
13.	CUSTOM VANITY TOP WITH SINK(S) & MIRROR ABOVE
14.	SHOWER ENCLOSURE - GLAZING SHALL BE CATEGORY II SAFETY TEMP. GLASS FRAMELESS UNIT PER R308.4.5 & R4410.2.6.2 FBC. SHOWER HEAD HEIGHT @ 7'-0". SCHLUTER® LINEAR DRAIN.
15.	SHOWER BENCH @ 30" AFF
16.	POLE & SHELF @ 6'-0" A.F.F.
17.	GAS BBQ GRILLE
18.	NOT USED
19.	UNDERCOUNTER WINE COOLER
20.	UNDERGROUND 1000 GALLON PROPANE GAS TANK
21.	ATTIC ACCESS
22.	APPROX. LOCATION OF EXISTING AIR HANDLING UNIT IN ATTIC
23.	CONDENSER W/ HARD START KIT & RAIN TIGHT DISCONNECT SWITCH
24.	ELECTRIC METER AND DISCONNECT SWITCH
25.	RETURN AIR GRILLE
26.	HOSE BIBB
27.	HOSE BIBB WITH SHUT OFF VALVE
28.	ELECTRIC PANEL
29.	NAVIEN GAS TANKLESS WATER HEATER
30.	SHELF STACK
31.	GAS GENERATOR
32.	POOL EQUIPMENT
33.	MINI-SPLIT A/C COMPRESSOR
34.	MICROWAVE / WALL OVEN / WARMING DRAWER STACK
35.	(2) 24"x12" FLOATING SHELVES
NOTES	1. FLOOR AND BASE IN ALL BATHROOMS AND POWDER ROOMS SHALL BE NONABSORBENT MATERIALS PER R307.2 FBC
	2. TUB / SHOWER VALVES SHALL BE ANTI-SCALD W/ INTEGRAL STOPS.
	3. TUB / SHOWER SHALL HAVE WALLS UP TO 6'-0" FROM FINISH FLOOR OF NONABSORBENT SURFACE FINISH PER R307.2 FBC
	4. STEEL STUDS SUPPORTING WALL HUNG FIXTURES AND CABINETS SHALL BE DOUBLED OR OF 20 GA. PER R4411.4.5.1 FBC
	5. A HORIZONTAL MEMBER FASTENED TO NO LESS THAN 2 STUDS SHALL BE PROVIDED

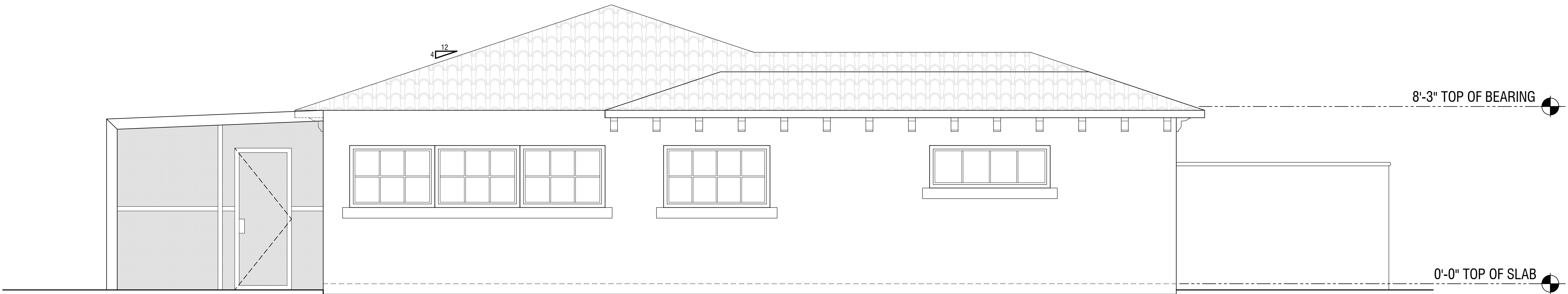


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BRIAN BULLOCK, ARCHITECT AR 95754	
DATE	09-13-2022
DRAWN BY	AA
PROJECT NO.	BK2223
PROPOSED FLOOR PLAN	
A-2	
PERMIT SET 10-11-2022	



FRONT ELEVATION
SCALE: 3/8"=1'-0"



REAR ELEVATION
SCALE: 3/8"=1'-0"

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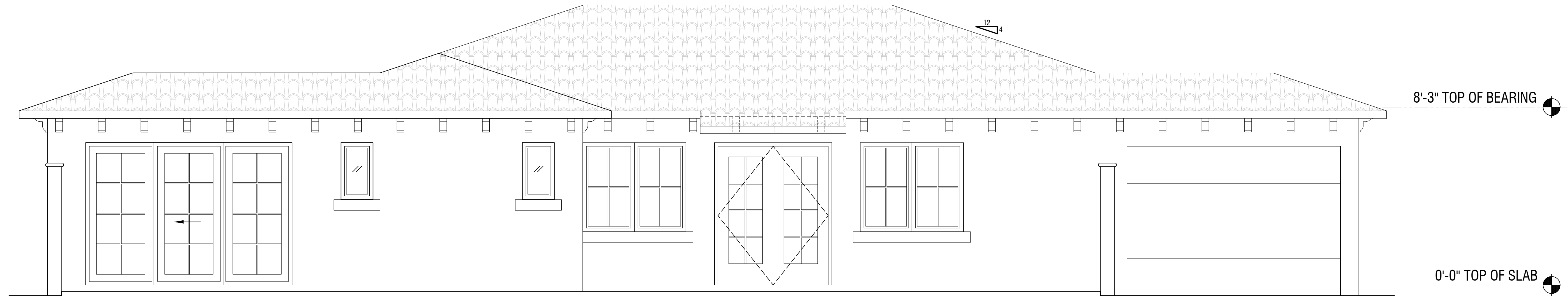
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AR 95754

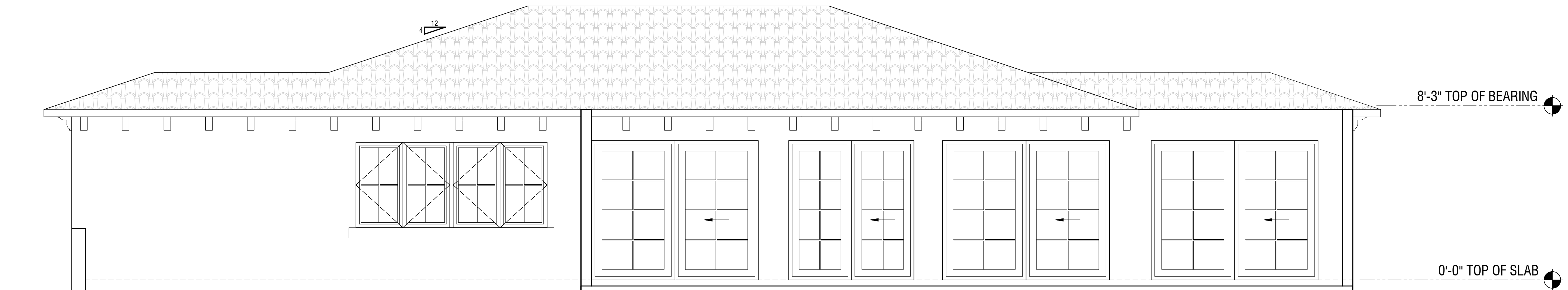
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PROJECT NO.	BK2223

ELEVATIONS

A-3



LEFT ELEVATION
SCALE: 3/8"=1'-0"



RIGHT ELEVATION
SCALE: 3/8"=1'-0"

REVISIONS						BY	DATE
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D							
I							
P							

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Bullock**
Group, PA

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KRAMER RESIDENCE - REMODEL
14 LITTLE POND ROAD, MANALAPAN, FLORIDA 33462

ARCHITECT'S SEAL

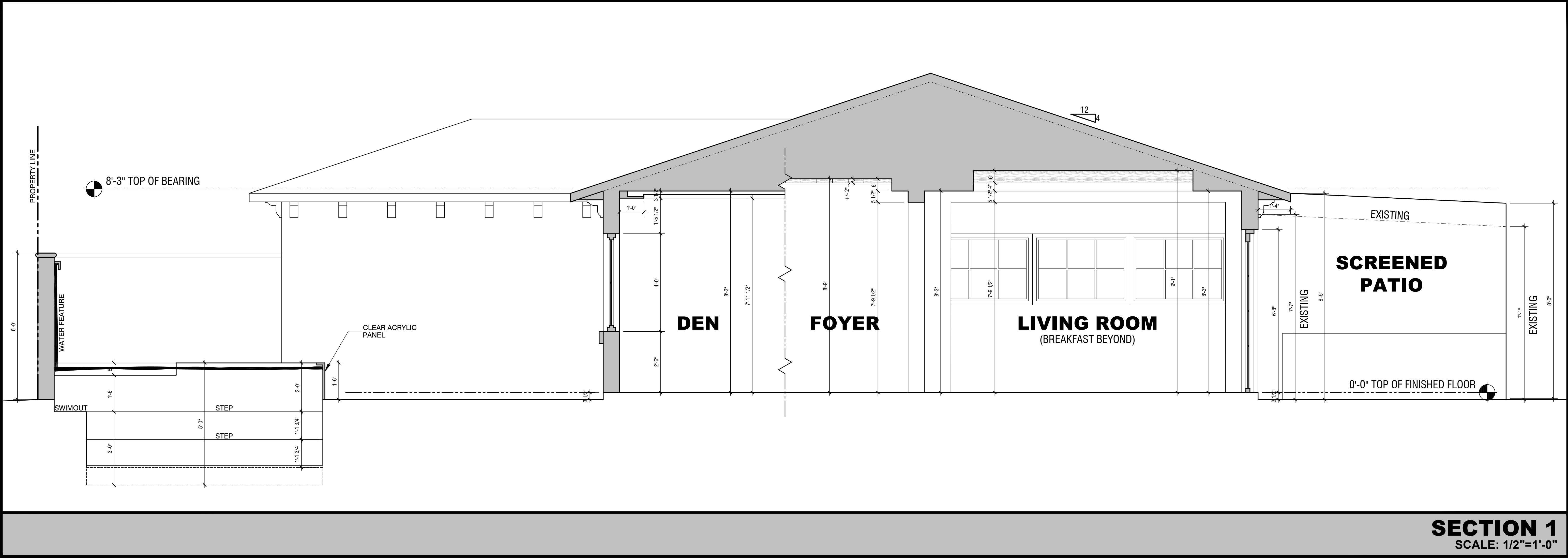
RIAN BULLOCK, ARCHITECT
AR 95754

DATE	09-13-2022
DRAWN BY	AA
PROJECT NO.	BK2223

ELEVATIONS

A-4

PERMIT SET 10-11-2022



ALL IDEAS, DESIGNS, ARRANGEMENTS, & PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY, & THE PROPERTY OF THE ARCHITECT & WERE CREATED, EVOLVED, & DEVELOPED FOR USE ON, & IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS, OR PLANS SHALL BE USED BY, OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF BRIAN BULLOCK, ARCHITECT. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY & BE RESPONSIBLE FOR ALL DIMENSIONS & CONDITIONS ON THE JOB. THE ARCHITECT MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS. SHOP DETAILS OF ADEQUATE SCALE MUST BE SUBMITTED TO THE ARCHITECT FOR APPROVAL BEFORE PROCEEDING WITH FABRICATION ON ITEMS SO NOTED.

REV		REVISIONS		BY	DATE

The Benedict Bullock Group, PA

ARCHITECTURE • PLANNING

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ARCHITECT'S SEAL

BRIAN BULLOCK, ARCHITECT
AR 95754

DATE	09-13-2022
DRAWN BY	AA
PROJECT NO.	BK2223

SECTION

A-5

PERMIT SET 10-11-2022



TYPICAL WALL SECTION

SCALE: NTS

A-7

PERMIT SET 10-11-2022

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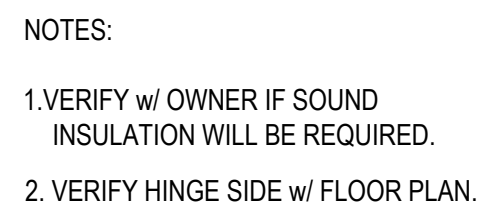
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PERMIT SET 10-11-2022



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A-9



TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: December 13, 2022

Agenda Item No.: RA 3

Agenda Item Name: Referendum Procedures Discussion

ACTION REQUESTED: Discussion ☒ Approval ☐

BACKGROUND:

The Town Commission requested information regarding the procedures and processes for a Town-wide referendum.



TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: December 13, 2022

Agenda Item No.: RA 4

Agenda Item Name: Construction Work Hours Discussion

ACTION REQUESTED: Discussion ☒ Approval ☐

BACKGROUND:

The Mayor would like there to be a discussion regarding construction work hours and days in the Town of Manalapan

ATTACHMENTS:

- Manalapan Town Code Section 94.22 – Machinery, Equipment and Other Devices
- Construction work hours for the Towns of Palm Beach, Gulf Stream and Ocean Ridge

§ 94.22 RESTRICTED TO CERTAIN PERIODS AND HOURS.

- (A) Construction activities, lawn and landscape maintenance or landscaping activities, and other similar activities shall not commence or be carried on except during the inclusive period of time from 8:00 a.m. up to the following 6:30 p.m., six (6) days per week, Mondays through Saturdays.
- (B) Construction activities, lawn and landscape maintenance or landscaping activities, and other similar activities shall not commence or be carried on at any time during the twenty-four (24) hours of official Town holidays except for the following Town holidays during which such activities are allowed:
 - (1) Martin Luther King, Jr. Day;
 - (2) Presidents' Day;
 - (3) Veterans' Day; and
 - (4) The Friday after Thanksgiving Day.

('81 Code, § 14-23) (Ord. 66, passed 5-29-68; Am. Ord. 88, passed 6-8-73; Am. Ord. 186, passed 2-23-99; Am. Ord. 215, passed 2-18-03)

Cross reference(s)—Penalty, see Section 10.99



CONSTRUCTION WORKING HOURS

WORTH AVENUE HOURS - May 1 thru October 31 only

- **Monday thru Saturday** - Work allowed 8:00AM to 8:00PM ONLY.
- **Weekdays** - Workers are prohibited from arriving at construction and lawn maintenance sites prior to 7:30AM and are restricted from conducting any kind of site activity prior to 8:00AM during weekdays.
- **Saturdays** - Workers are prohibited from arriving at construction and lawn maintenance sites prior to 8:30AM and are restricted from conducting any kind of site activity prior to 9:00AM on Saturdays, when limited work is permitted from May 1 through the Monday preceding Thanksgiving.
- **Sundays and legal holidays** - **WORK NOT PERMITTED! ALL construction work is prohibited!**

SUMMER HOURS - May 1 until the Monday preceding Thanksgiving

- **Monday thru Friday** - Work allowed 8:00AM to 6:00PM. Heavy equipment or other outdoor construction-related and lawn maintenance noise shall not be permitted before 9:00AM.
- **Weekdays** - Workers are prohibited from arriving at construction and lawn maintenance sites prior to 7:30AM and are restricted from conducting any kind of site activity prior to 8:00AM during weekdays.
- **Saturdays** - 9:00AM to 5:00PM. Quiet interior work only & quiet lawn maintenance and tree trimming. Workers are prohibited from arriving at construction and lawn maintenance sites prior to **8:30AM** and are restricted from conducting any kind of site activity prior to 9:00AM on Saturdays, when limited work is permitted from May 1 through the Monday preceding Thanksgiving.
- **Saturdays** - The following activities are **prohibited**:
 - Material deliveries
 - Concrete pours/Concrete sawing
 - Demolition/Razing of buildings (except non-mechanized cleanup)
 - The operation of any heavy equipment or machinery
- **Sundays and legal holidays and Town-observed holidays** - **WORK NOT PERMITTED! ALL construction work is prohibited!**

WINTER HOURS - Beginning the Monday preceding Thanksgiving thru April 30

- **Monday thru Friday** - 8:00AM to 5:00PM. With quiet interior work only from 8:00AM To 9:00AM. NO heavy equipment or other outdoor construction-related and lawn maintenance noise is permitted before 9:00AM.
- Workers are prohibited from arriving at construction and lawn maintenance sites prior to 7:30AM and are restricted from conducting any kind of site activity prior to 8:00AM during weekdays.
- **Saturdays, Sundays, legal holidays and Town-observed holidays, beginning at noon on the day before Thanksgiving and the day after Thanksgiving** - **WORK NOT PERMITTED! ALL construction work is prohibited!**
- **For multi-family properties, south of Sloan's Curve which are not located on Ibis Isle**, that have an association board that approves of **Saturday** work hours, and a copy of the letter indicating the Saturday work hours have been approved by the association board is on record with the Town. Saturdays - QUIET INTERIOR WORK between 9:00AM to 5:00PM.

2021 Construction Hours

Per the Town's Code of Ordinances Section 12-6, Hours of construction, construction is prohibited on weekdays before 8:00 a.m. and after 6:00 p.m., on Saturdays before 9:00 a.m. or after 3:00 p.m., on Sundays and the following holidays:

New Year's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

Construction activities on Saturdays that are not a holiday listed above are subject to each of the following restrictions:

(1) The construction activity shall not involve the use or operation of tools or equipment, in any fashion, that creates a noise disturbance across the property line of the permitted job site. For the purposes of this subsection, "noise disturbance" shall be defined as any noise, sound, vibration or signal which unreasonably disturbs the comfort, peace or repose of any person.

(2) The following activities are strictly prohibited:

1. The placement and/ or cleaning or removal of dumpsters or portable restrooms;
2. The large- scale delivery of construction materials requiring unloading by a forklift or similar mechanical equipment;
3. Concrete deliveries and concrete pumping;
4. The use of dump trucks, backhoes, bulldozers, cranes and similar equipment;
5. The use of compressors, generators, nail guns and similar equipment;
6. Jack-hammering and hammer-drilling into concrete or a similar surface; and
7. Any other construction activity creating a noise disturbance.

INFORMATION BULLETIN

NEW CONSTRUCTION/ COMMERCIAL BUSINESS AND LANDSCAPER HOURS OF ALLOWED OPERATION

The Town of Ocean Ridge has adopted Ordinance #625 which went into effect on Tuesday September 26, 2017. This ordinance clearly modifies the allowed work hours for both General Construction and Commercial or Vendor Conducted Landscape Operations.

As of September 26, 2017, construction and commercial operations of any nature, except actual emergencies, shall be allowed only from 8:00 am until 6:00 pm on Monday thru Friday and from 8:00 am until 1:00 pm on Saturdays. No Construction, Commercial operations or vendor based landscaper work is allowed on Sundays or federal holidays.

The Town of Ocean Ridge Police Department, as part of the Town's Code Enforcement responsibilities, will begin education and enforcement of this ordinance immediately. This education campaign will continue for a period of 30 days, at which time strict enforcement will commence.

FOR ADDITIONAL INFORMATION PLEASE CONTACT TOWN HALL AT (561) 732-2635 DURING REGULAR BUSINESS HOURS OR VISIT WWW.OCEANRIDGEFLORIDA.COM



TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: December 13, 2022

Agenda Item No.: RA 5

Agenda Item Name: Noise Ordinances for Music Discussion

ACTION REQUESTED: Discussion ☒ Approval ☐

BACKGROUND:

The Mayor would like to have a discussion regarding the current noise ordinance pertaining to music in the Town of Manalapan

ATTACHMENTS:

- Manalapan Town Code Chapter 95 – Noise Regulations
- Noise ordinance for music from the Town of Palm Beach

CHAPTER 95: NOISE REGULATIONS

§ 95.01 PURPOSE.

This chapter is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the citizens of the Town of Manalapan through the reduction, control, and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety; or causes public inconvenience, annoyance or alarm to reasonable persons of ordinary sensitivity. It is not the intent of this chapter to interfere unduly with freedom of speech or religion.

(Ord. 341, passed 10-27-15)

§ 95.02 FINDINGS.

The Town Commission of the Town of Manalapan finds that:

- (A) Loud and raucous noise degrades the environment of the Town to a degree that:
 - (1) Is harmful to the health, safety, and welfare of its residents and visitors;
 - (2) Interferes with the comfortable enjoyment of life and property;
 - (3) Interferes with the well-being, tranquility, and privacy of the home; and
 - (4) Both causes and aggravates health problems.
- (B) Both the effective control of noise through decibel based restrictions and the elimination of loud and raucous noise are essential to the health and welfare of the Town's residents and visitors, and to the conduct of the normal pursuits of life, including recreation, work, and communication.
- (C) The use of sound amplification equipment can create loud and raucous noise that may, in a particular manner and at a particular time and place, substantially and unreasonably invade the privacy, peace, and freedom of residents of, and visitors to the Town.
- (D) Certain short-term easing of noise restrictions are essential to allow the construction and maintenance of structures, infrastructure, and other elements necessary for the physical and commercial vitality of the Town.
- (E) The obligation to draft regulations that regulate noise is a government interest and obligation as set-out in Article II, section 7, of the Florida Constitution.
- (F) The obligation to draft regulations that regulate speech in a content-neutral fashion is of paramount importance to protect the freedom of expression guaranteed by Article I, section 4 of the Florida Constitution and the First Amendment of the United States Constitution. This chapter provides narrowly drawn, content-neutral regulations that are to be interpreted as such so as not to infringe upon constitutionally protected rights.

(Ord. 341, passed 10-27-15)

§ 95.03 SCOPE.

This chapter applies to the control of all sound originating within the jurisdictional limits of the Town.

(Ord. 341, passed 10-27-15)

§ 95.04 DEFINITIONS.

For the purpose of this chapter, certain terms and words are hereby defined. Where indicated, or reasonably appropriate, words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; and the word "shall" is mandatory and not Directory; the definitions being as follows:

EMERGENCY means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

EMERGENCY WORK means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.

NOISE SENSITIVE AREA includes, but is not limited to, real property normally used for sleeping, or normally used as a school, church, hospital or public library.

PLAINLY AUDIBLE means any sound that can be detected by a reasonable person of ordinary sensitivities using his or her unaided hearing faculties.

PUBLIC RIGHT-OF-WAY means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a government entity.

RESIDENTIAL AREA means any real property which contains a structure or building in which one or more persons reside, provided that the structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the Town's zoning ordinance.

TOWN MANAGER means the Town Manager of Manalapan or the Town Manager's designee.

(Ord. 341, passed 10-27-15)

§ 95.05 GENERAL PROHIBITIONS.

(A) No person shall make, continue, or cause to be made or continued:

- (1) Any unreasonably loud or raucous noise; or
- (2) Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the Town; or
- (3) Any noise which is so harsh, prolonged, or unnatural in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business;
- (4) Any noise that exceeds the decibel limits set-out at Section 95.07.

(B) Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:

- (1) The proximity of the sound to sleeping facilities, whether residential or commercial;
- (2) The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;

-
- (3) The time of day or night the sound occurs;
 - (4) The duration of the sound;
 - (5) Whether the sound is recurrent, intermittent, or constant
 - (6) Whether the sound exceeds the decibel limits set-out at Section 95.07.

(Ord. 341, passed 10-27-15)

§ 95.06 NOISES PROHIBITED.

The following noises, as well as similarly created and/or situated noises which may not be specifically listed below, are declared to be violations of this chapter.

- (A) *Non-Emergency Signaling Devices:* Sounding or permitting the sounding of any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than ten (10) consecutive seconds in any hourly period.
- (B) *Emergency Signaling Devices:* The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in subsections (1) and (2), below.
 - (1) Testing of an emergency signaling device shall occur between 8:00 a.m. and 6:30 p.m., Mondays through Saturdays. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five (5) minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.
 - (2) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within fifteen (15) minutes of activation unless an emergency exists.
- (C) *Radios, Televisions, Boomboxes, Phonographs, Stereos, Musical Instruments and Similar Devices:* The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passers-by, or is plainly audible at a distance of fifty (50) feet from any person in a commercial, or public place. The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet, and comfort of neighbors in residential or noise sensitive areas, including multi-family or single-family dwellings.
- (D) *Loudspeakers, Amplifiers, Public Address Systems, and Similar Devices:* The unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound between the hours of 10:00 p.m. and 10:00 a.m. the following day in the following areas:
 - (1) Within or adjacent to residential or noise-sensitive areas;
 - (2) Within a public place if the sound is plainly audible across the real property line of the public place from which the sound emanates, and is unreasonably loud and raucous. This shall not apply to any public performance, gathering, parade, special event for which a permit has been obtained from the Town.

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- (E) *Yelling, Shouting, and Similar Activities*: Yelling, shouting, hooting, whistling, or singing in residential or noise sensitive areas or in public places, between the hours of 6:30 p.m. and 8:00 a.m. the next day, or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities. This section is to be applied only to those situations where the disturbance is not a result of the content of the communication but due to the volume, duration, location, timing or other factors not based on content.
- (F) *Animals and Birds*: Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird.
- (G) *Loading or Unloading Merchandise, Materials, Equipment*: The creation of unreasonably loud, raucous, and excessive noise in connection with the loading or unloading of any vehicle at a place of business or residence. The loading and unloading of supplies for construction activities, lawn and landscape maintenance, landscape activities and other similar activities is regulated at Section 94.22.
- (H) *Construction or Repair of Buildings, Excavation of Streets and Highways*: The construction, demolition, alteration or repair of any building located on the property from which the noise is created, or the excavation of streets and highways other than between the hours of 8:00 a.m. and 6:30 p.m., on Mondays through Saturdays. In cases of emergency, construction or repair noises are exempt from this provision. In non-emergency situations, the Town Manager may issue a permit, upon application, if the Town Manager determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings or excavation of streets and highways between the hours of 6:30 p.m. and 8:00 a.m., the following day on Mondays through Saturdays, will not be impaired, and if the Town Manager further determines that loss or inconvenience would otherwise result. The permit shall grant permission in non-emergency cases for a period of not more than three (3) days. The permit may be renewed once for a period of three (3) days or less. In no event may any such non-emergency permit include Sundays.
- (I) *Noise Sensitive Areas - Schools, Courts, Churches, Hospitals, and Similar Institutions*: The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area while it is in use, which unreasonably interferes with the workings of the institution or which disturbs the persons in these institutions; provided that conspicuous signs delineating the boundaries of the noise sensitive area are displayed in the streets surrounding the noise sensitive area.
- (J) *Blowers, Power tools, and Similar Devices*: In residential or noise sensitive areas, between the hours of 6:30 p.m. and 8:00 a.m. the following day, Monday through Saturday and all day Sunday, the operation of any noise-creating blower, power tool, power fan, or any electric motor or internal combustion engine, the operation of which causes noise due to its operation, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates.
- (K) *Commercial Establishments Adjacent to Residential Property*: Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 6:30 p.m. and 8:00 a.m. the following day, which is plainly audible at a distance of five (5) feet from any residential property.

(Ord. 341, passed 10-27-15; Ord. No. 349 , § 1, 3-28-17)

§ 95.07 SOUND ZONES.

Except as specifically provided for elsewhere in this chapter, no person shall cause or permit sound to intrude into the property of another person that exceeds the decibel limits set forth below.

Receiving Land Use Category	Time	Sound Level Limit (dBA)
R1-A; R1-B; R1-C; R1-D; R1-E; R1-F	8 a.m. EST until 6:29 p.m. EST	65
	6:30 p.m. EST until 7:59 a.m. EST	55
R2-A; R3-A; R3-B	8 a.m. EST until 6:29 p.m. EST	65
	6:30 p.m. EST until 7:59 a.m. EST	55
R1-C1; R-C2	8 a.m. EST until 6:29 p.m. EST	65
	6:30 p.m. EST until 7:59 a.m. EST	55
C3	At all times	65
WS	At all times	55

Nonconforming use: The maximum permissible sound level that may be emitted from any lot containing a nonconforming use shall be the same as that permitted for the most restrictive zone in which the use would be conforming.

(Ord. 341, passed 10-27-15)

§ 95.08 MEASUREMENT OF SOUND.

The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute (ANSI), *S1.4 American National Standard Specifications for Sound Level Meters*. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create an unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used at all times.

- (A) The slow meter response of the sound level meter shall be used in order to best determine the average amplitude. An average measurement between ten (10) and twenty (20) seconds shall be recorded.
- (B) All sound measurements shall be documented on a form, which is approved by the Town.
- (C) Where the measurement taken is dependent on the source of the noise complaint:
 - (1) In case of measurements where the sound source is a private residence or property that has not obtained a special permit pursuant to this chapter, the measurement shall be made as close to the source as possible. The measurement shall be made at the property line of the source if the Town official has permission and access to the property line of the source. If measurement is not possible at the property line of the source, measurement shall be taken at the property line of the complainant (or on the property into which the sound is being transmitted) closest to the source. All measurements shall be made at least three (3) feet away from any ground, wall, floor, ceiling, roof and other plane surface. No measurement shall be taken outdoors while it is raining. Indoor measurements may be taken only if the sound or source is on or within the same property as receiving property as in the case of multi-use or multi-dwelling unit building or property as described below.
 - (2) In case of measurements where the sound source is from a multi-use or multi-dwelling unit property, or when there is a common wall between the receiving property and the source property, the measurement may be made at any point inside the premises to which any complainant has a legal right of private occupancy; provided that the measurement is made within three (3) feet of any ground, wall, floor, ceiling, roof or other plane surface.

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- (3) In case of measurements where the sound source is from a source that holds a Town permit or an outdoor source to which the public has access (decks, pools, outdoor parties and festivals, outdoor concerts, etc.), the enforcement officer will take a decibel sound measurement at the property line closest to the source of the noise (speakers, amplifiers, etc.). If the sound level at the source is not loud and raucous noise and determined to be within allowable limits for that District as set by this chapter, then no violation citation will be issued.
 - (D) All measurements of sound provided for in this chapter will be performed by Town police officers, or the Town Manager.

(Ord. 341, passed 10-27-15)

§ 95.09 EXEMPTIONS.

The following noises are exempt from the regulations set out in this chapter:

- (A) Motor vehicles on streets and roads traffic in the Town, provided that the motor vehicles are sounding a horn or other signaling device for traffic safety or emergency purposes.
- (B) Repairs of utility structures that pose a clear and immediate danger to life, health, or significant loss of property.
- (C) Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, provided that the prohibition contained in Section 95.06(B) continues to apply.
- (D) The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
- (E) Repairs or excavations of bridges, streets or highways by or on behalf of the Town, the State, or the federal government, between the hours of 6:30 p.m. and 8:00 a.m. the next day, when public welfare and convenience renders it impractical to perform the work between 8:00 a.m. and 6:30 p.m.
- (F) *Other Outdoor Events.* Outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.

(Ord. 341, passed 10-27-15)

§ 95.10 ENFORCEMENT.

The following individuals shall enforce the regulations contained in this chapter: The Town Manager, Police Chief, Police Officers, and Town Code Enforcement Officers. Nothing in this chapter shall prevent the Town Manager or Police Chief from obtaining voluntary compliance by way of warning, notice or education.

(Ord. 341, passed 10-27-15)

§ 95.11 PENALTIES.

- (A) Violations of this chapter shall be subject to the Town code enforcement procedures adopted pursuant to F.S. ch. 162 and codified at Chapter 32 of the Town Code of Ordinances, including notice, hearing, and penalty provisions therein.
- (B) Violations of this chapter shall be considered to irreparable and irreversible violations for enforcement purposes.

ARTICLE V. NOISE¹

DIVISION 1. GENERALLY

Sec. 42-196. Prohibited noise.

It shall be unlawful for any person to make, continue, or cause to be made or continued:

- (1) Any loud or raucous noise;
- (2) Any noise that tends to annoy the community or injure the health of the citizens in general; or
- (3) Any noise that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any considerable number of persons. A considerable number of persons, for this section, shall mean three or more unrelated persons in separate households.

(Code 1982, § 12-48; Ord. No. 23-09, § 1, 1-12-10)

Sec. 42-197. Specific acts prohibited.

The following acts shall be unlawful whether or not such acts constitute a violation of section 42-196:

- (1) *Keeping of animals.* The keeping of any animal or bird that causes loud and raucous noise, or frequent noise audible within any receiving dwelling, hotel or other type of residence.
- (2) *Playing of radio, television, phonograph, similar device.* The playing of any radio, television, phonograph, compact disc player, tape player, musical instrument, or other sound-making device audible within any receiving dwelling, hotel or other type of residence between the hours of 12:00 midnight and 9:00 a.m. or at any such time so that the sound created by such device violates the standards set forth in section 42-196.
- (3) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting the playing, using or operating of any radio or television receiving sets, musical instrument, phonograph, compact disc player, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- (4) *Noises near churches, schools.* The creation of any noise on any street or other public way adjacent to any church, school or institution while the same is in session that unreasonably interferes with the workings of such institution.
- (5) *Loading and unloading operations.* The creation at any time of loud and raucous noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, crates or containers.

¹Cross reference(s)—Sounding horn unnecessarily, § 118-7.

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- (6) *Noises to attract attention.* The use of any drum, pan, pail, bell, horn, trumpet, loudspeaker or other instrument or sound-making device for the purpose of attracting attention to any performance, show, sale, display or merchandise.
 - (7) *Yelling, shouting, similar noises.* Yelling, shouting, hooting, whistling or singing on the public streets between the hours of 12:00 midnight and 9:00 a.m., or at any time or place in a manner violating the standards set forth in section 42-196.
 - (8) *Blowers.* The operation of any noise-creating blower or power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
 - (9) *Operation of car radios.* The operation of radios or other mechanical sound making devices or instruments in vehicles as hereby regulated and controlled by F.S. § 316.3045.
 - (10) *Operation of sound making devices in public areas.* The operation of radios or tapeplayers or other mechanical sound making devices or instruments in or upon a public street, highway, building, sidewalk, park, thoroughfare or other public area or located in or upon a public access area, such as a parking lot, etc., if such sound can be heard from more than 50 feet, measured in a straight line from its source.
 - (11) *Commercial loading and unloading operations, certain times prohibited for locations in or adjacent to residentially zoned areas.* The commercial loading and unloading of any vehicle, or the opening, destruction and/or disposal of bales, crates, containers, or any other item for businesses located in or adjacent to residentially zoned areas, shall be prohibited between the hours of 8:00 p.m. and 8:00 a.m.
 - (12) *Gasoline powered leaf blowers.*
 - (a) Definition. Leaf blowers shall mean any air blowing machine that uses a concentrated stream of air to push, propel or blow dirt, dust, leaves, grass clippings, trimmings, cuttings, refuse or debris.
 - (b) The use of gasoline powered leaf blowers is prohibited on any property within the town, which is less than one acre in size. Effective May 1, 2022, gasoline powered leaf blowers shall be prohibited on any size property within the town.

(Code 1982, § 12-49; Ord. No. 8-00, § 1, 6-13-00; Ord. No. 11-2017, § 1, 4-13-17; Ord. No. 29-2021, § 1, 1-11-22)

Sec. 42-198. Operation of certain machinery during winter, Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving.

- (a) *Prohibited.* During the period of the year commencing on the Monday prior to Thanksgiving of each year and ending April 30, no person shall operate or cause to be operated the following machinery or equipment within the town:
 - (1) Dredges, whether used in making hydraulic fills, dry fills, piledriving or any other purpose.
 - (2) Hammer-driven piledrivers, whether operated from water or land, or from motor truck or tractor, and whether stationary or moveable.
 - (3) Gasoline, diesel and/or steam engines, operated in such a manner as to emit odors or noises offensive or disagreeable to the inhabitants of the town.
 - (4) Dry sandblasting machines and jackhammers.
 - (5) Any other class of machinery or appliance that in its operation would render the enjoyment of property within the town less agreeable than if such appliances or machinery were not operated.



TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: December 13, 2022

Agenda Item No.: RA 6

Agenda Item Name: Town Manager Stumpf's Report

ACTION REQUESTED: Discussion ☐ Action ☐

BACKGROUND:

- Code Enforcement
- COVID-19 update
- Intracoastal Crossing update