

Ocean Colony Palm Beach COA

129 Hammon Ave, Unit 5, Palm Beach, Florida 33480

July 20, 2020

**Mayor and Town Council
Town of Palm Beach
By EMAIL**

Dear Mayor and Members of the Town Council,

OBJECTIONS TO CHANGE OF USE – EAST SIDE GARDEN – THE COLONY HOTEL

I write to you as a resident and The Board President of The Ocean Colony Palm Beach Condo Association (129 Hammon Ave, Palm Beach). The objections outlined in this letter are those of the Board of the Association (representing all 5 residents).

Ocean Colony Condominiums are located next to The Colony Hotel on Hammon Ave in Palm Beach. The hotel has recently established a new garden area on the east side of the hotel, adjacent to the ballroom. Prior to the conversion to a garden space, the area had a tandem car parking space, and a grassed area with a pathway leading from Hammon Ave to The Esplanade. To give the Council some perspective, this new garden area is separated from our property by only a Fichus hedge and directly abuts our property line and homes. There is no solid barrier between the two properties. (see photographs attached). Events held in this space have no noise barrier to subdue the sounds from The Hotel Garden to our properties.

Having established the new garden area, the hotel has started to use it for outside events. Two events (both weddings) have taken place in the new garden in the month of Jun. At both of these events, the hotel used amplified sound systems to provide music, singing, a live band and speeches associated with the ceremonies. On the first occasion, the noise from the speakers, which were positioned adjacent to the property line exceed 98DBA after 7 pm in the evening. The second events amplified sound averaged 65DBA but was again after 7pm in the evening. The use of this adjacent area so close to our property line for events with amplified sound systems, singing and live music is not conducive with a residential area. Notwithstanding the area is both commercial and residential, this new / change of use was done without any consultation or reference to the adjacent properties.

Following the 2 events held in the East Garden we complained to the Town of Palm Beach Zoning Manager about this use; we have been advised that such use has not been approved and that The Colony Hotel is in breach of its current Special Exception. We understand that the hotel is now appealing the decision and is seeking agreement from the town council to have the East Garden approved for outside events.

The Board of Ocean Colony Palm Beach Condo Association and all 5 residents, want to formally lodge our objections to this proposed new use. We firmly believe that if the hotel is allowed to use the East Garden for outside events and have amplified sound, bands, live music or singing it will significantly detract from the residential aspect of our homes. We also are of the view that any of these activities would be contrary to Section 42-196 the Town of Palm Beach Ordinance on Prohibited noise:

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.

Any amplified sound, music, singing, speeches, live bands, so close to our property line would breach this ordinance as it would be impacting 5 residents in different properties.

The hotel has ample outside space which it has always used for outside events and weddings. We see no justification to permit an extension of this Special Exception to include the East Garden Area. As one of original owners and founders of the Association has indicated, the hotel has never used this space for outside events and she has owned at the Ocean Colony since 2013; so this proposed use of this area is NEW and any change of use needs to consider the impact on the nearby residents, who will be significantly disturbed by the proposal. All of the residents believe this will impact their health, peace, comfort and repose and should be prohibited.

If the Town should feel that the area should be permitted for outside use, and the area of the Special Exception for the Hotel is extended, then we believe, at a minimum, the compromise must be that a restriction is placed on the use that prohibits at all times the use of amplified sounds, live music, singing, bands, musical instruments and speeches; all of which would be disturbing to the residents adjacent and beyond.

Kind Regards

Electronically Signed Paul Wood

Paul Wood

President Ocean Colony (Palm Beach) COA