



## TOWN OF MANALAPAN AGENDA ITEM SUMMARY

**Meeting Date:** June 26, 2015

**Agenda Item No.:** PH 3

**Agenda Item Name: Ordinance #335-  
(Second Reading)** Amending Chapter 151 in order to decrease the front setback of beach houses in R1-B from 35 to 15 feet.

**ACTION REQUESTED:** Discussion  Approval

### **BACKGROUND:**

At the February 24, 2015 Town Commission meeting a variance was granted for a beach house located in R1-B. The variance was for the front setback from State Road A1A. The Town Commission was concerned with how many beach houses would require variances for those yet to be built. Another issue is the number of beach houses that are currently non-conforming and would require variances in order to be rebuilt. The Commission referred the discussion to the Zoning Commission to see if the current code was satisfactory. Staff provided a chart that showed that of the nine current beach houses built in R1-B, only one was in compliance with the 35' setback. The Zoning Commission discussed beach house front setbacks. Staff explained the previous front setback for beach houses was 50', however when residents applied to FDEP, their beach houses were denied since the FDEP was more concerned with preserving the dunes. In 2011 ZCOM discussed the issue and recommended changing the front setback to 35 feet. It was changed by ordinance. The Zoning Commission discussed the issue at the April 9, 2015 meeting. After discussion the Zoning Commission recommended to the Town Commission that in the R1-B District that the front setback from State Road A1A be reduced to 15 feet by a vote of 4-1. The Town Commission on April 21, 2015 asked Town Attorney Davis to draft an ordinance for first reading to change the beach house front setback in R1-B from 35 feet to 15 feet. Ordinance #335 passed on first reading May 26, 2015.

### **ATTACHMENT:**

- Ordinance #335

**ORDINANCE NO. 335**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 151. ZONING, SECTION 151.094 TO DECREASE THE FRONT SETBACK OF BEACH HOUSES IN THE R1-B ZONING DISTRICT FROM THIRTY-FIVE FEET TO FIFTEEN FEET FROM THE EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY A1A; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 151. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Chapter 151, Section 151.094, of the Town of Manalapan Zoning Code provides that the front setback for beach houses in the R1-B Zoning District will not be less than thirty-five feet from the easterly right-of-way line of Highway A1A;

**WHEREAS**, the Town Commission has received a recommendation from the Zoning Commission to amend the Code of Ordinances to decrease the front setback for beach houses in the R1-B zoning district from thirty-five feet to fifteen feet as measured from the easterly right-of-way line of Highway A1A; and

**WHEREAS**, the Town Commission desires to adopt the Zoning Commission's recommendations and reduce beach house set-back requirements as set forth in this ordinance; and

**WHEREAS**, the Town Commission believes this amendment to the Code of Ordinances is in the best interest of the citizens of the Town of Manalapan;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA THAT**

**Section 1.** The facts and recitations contained in the preamble of this ordinance are adopted and incorporated by reference as if set forth in this section.

**Section 2.** Sec. 151.094 of the Code of Ordinances of the Town of Manalapan is hereby amended to reduce the front setback requirement for beach houses in the R1-B Zoning District from thirty-five to fifteen feet; providing that Section 151.094 shall hereafter read as follows:

§ 151.094 SUPPLEMENTARY LOT REGULATIONS.

The following supplementary lot regulations shall be applied in the R1-B Zoning District:

(A) No structure shall be located, erected, constructed, added on to, repaired, reconstructed or altered and no construction of any kind, nature or description shall occur on land lying east of Highway A1A except as follows:

- (1) Walls, fences, screens and plantings allowed by other provisions of this chapter;
- (2) One (1) beach house or beach shelter. Such structure shall not exceed sixteen (16) feet in overall height and seven hundred fifty (750) square feet in area, and may have accessory thereto one (1) deck that shall not exceed five hundred (500) square feet in total area whether attached to the beach house or detached. If the deck is attached and immediately adjacent to the beach house, an awning may cover up to two hundred fifty (250) square feet of the deck; however, the deck may not be enclosed in any manner, whatsoever. The maximum dimension of a beach house in the north-south orientation shall not exceed thirty-seven and one half (37.5) feet. The maximum dimension of a beach house in the east-west orientation shall be controlled by the maximum permitted square footage, applicable setbacks and DEP regulations, which limit maximum easterly construction. A stand alone detached deck, not to exceed one thousand (1,000) square feet in total area, may be permitted without a beach house, but is not allowed to have an awning, a roof or the like and shall not be visible from the beach, the adjacent neighboring properties or from the road right-of-way. Beach houses in the R1B Zoning District shall have a side setback from the side lot lines of no less than twenty (20) feet, a front setback of no less than ~~thirty-five (35)~~ fifteen (15) feet from the easterly right-of-way line of Highway A1A and a rear setback of no less than one hundred (100) feet from the mean high water line of the Atlantic Ocean if no seawall is present or zero (0) feet from the seawall if a seawall is present. All decks and beach houses must be entirely built within the required setbacks for beach houses and must be heavily screened from view from the road right-of-way and from adjacent neighboring properties; and must be landscaped on the beach side. Additionally, an environmentally sensitive (limiting and minimizing damage and potential damage to the shore, beach, dunes and native or desirable beach/system vegetation) walkway at ground level, no more than four (4) feet in width is also permitted as an accessory to a beach house;

*(B) – (F) shall remain the same as previously adopted.*

**Section 3.** All other sections and subsections of Chapter 151. Zoning. shall remain in full force and effect as previously adopted.

**Section 4.** All ordinances and parts of ordinances in conflict with this amendment are repealed.

**Section 5.** Should any section or portion of this ordinance be declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remainder of this ordinance.

**Section 6.** Specific authority is granted to codify and incorporate this ordinance into the existing code of ordinances.

**Section 7.** This ordinance shall take effect immediately upon adoption.

FIRST READING this 26th day of May, 2015.

SECOND AND FINAL READING this \_\_\_ day of June, 2015.

TOWN OF MANALAPAN

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DAVID CHEIFETZ, MAYOR

ATTEST:

(SEAL)

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LISA PETERSEN, TOWN CLERK