

ORDINANCE NO. 385

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 151. ZONING. SECTION 151.003. DEFINITIONS. TO REVISE THE DEFINITION FOR “SUB-BASEMENT (SUB-CELLAR)” TO REDUCE THE HEIGHT REQUIREMENT FOR UNDERGROUND PARKING FACILITIES AS NECESSARY; FURTHER AMENDING CHAPTER 151 AT SECTION 151.565. UTILIZATION OF YARDS. TO REVISE THOSE ALLOWABLE ROOF MATERIALS FOR UNDERGROUND PARKING FACILITIES WITHIN THE TOWN; 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 of the Code of Ordinances of the Town of Manalapan (“Town”) establishes the Town’s zoning code; and

WHEREAS, underground parking facilities are permitted within certain Town zoning districts as a ‘sub-basement’; and

WHEREAS, the term ‘sub-basement,’ as defined within Section 151.003, Town Code, currently contains a height requirement for underground parking facilities that is overly-restrictive and not necessary to achieve the Town’s interest in ensuring that such underground facilities are not visible from the adjacent public street or sidewalk; and

WHEREAS, Section 151.565, Town Code similarly contains requirements for roof materials of underground parking facilities that are overly-restrictive and not necessary to achieve the Town’s interests in regulating such underground facilities; and

WHEREAS, the Town Commission desires to amend the Town’s zoning code to revise the definition for ‘sub-basement’ (Section 151.003) and revise the requirements for allowable roof materials (Section 151.565) for those underground parking facilities within the Town; and

WHEREAS, the Town Commission has determined that these revisions to its zoning code are in the best interests 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 herein.

Section 2. The Code of Ordinances of the Town of Manalapan, Florida, is hereby amended at Chapter 151. Zoning. Section 151.003 Definitions. to revise the definition for "Sub-Basement (Sub-Cellar)" to reduce the height requirement for underground parking facilities as necessary; providing that Section 151.003 shall hereafter read as follows:

§ - 151.003 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; the words "used for" shall include the meaning "designed for"; words or phrases identified parenthetically or referenced in these definitions shall be synonymous with the preceding word or phrase or referenced word or phrase; and the word "shall" is mandatory and not directory; the definitions being as follows:

BASEMENT, SUB-(CELLAR, SUB-). A facility which is located underground and ~~does not exceed in height the lowest point of the sidewalk abutting the property, or the street, if there is no sidewalk; provided the facilities are located~~ within the projected confines of the outer walls of the main building properly located above ground level, except for supplemental parking or underground parking facilities which may be located under required yards if allowed and approved as a Special Exception Use (see Section 151.565).

Section 3. The Code of Ordinances of the Town of Manalapan, Florida, is hereby amended at Chapter 151. Zoning. Section 151.565 Utilization of Yards. to revise those allowable roof materials for underground parking facilities within the Town; providing that Section 151.565 shall hereafter read as follows:

§ - 151.565 UTILIZATION OF YARDS.

(A) Providing the ground level at the lowest point of the public sidewalk abutting the lot or lot of record or the public street if there is no public sidewalk, is

maintained, required or supplemental off-street parking facilities may be located in a sub-basement under required yards by special exception if listed as a special exception use in the applicable zoning District. Roofs of such sub-basements shall be sodded, landscaped, or covered with pavers or other hardscape surface material, and shall be maintained ~~and there shall be~~ with no visible evidence of such underground use from a public street or sidewalk. No such underground facilities shall be constructed closer than five (5) feet to any property line.

(B) Required and supplemental off-street parking may be permitted in any setback area or yard; provided, however, in Districts R1-A, R1-B and R1-C, required and supplemental off-street parking may be permitted only in so much of the setback area or yard where parking is not prohibited as provided in Section 151.564(D). Supplemental off-street parking not located within a structure, shall be effectively screened by hedges and/or walls placed between the off-street parking and any street and/or interior lot lines.

Section 4. Each and every other section and subsection of Chapter 151. Zoning. of the Town of Manalapan Code of Ordinances shall remain in full force and effect as previously adopted.

Section 5. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 6. If any section or provision of this ordinance, any paragraph, sentence or word is declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the remainder of this ordinance.

Section 7. Specific authority is hereby given to codify this ordinance into the Code of Ordinances of the Town of Manalapan.

Section 8. This ordinance will take effect immediately upon adoption.

FIRST READING this 22nd day of March 2022.

SECOND AND FINAL READING this 26th day of April 2022.

TOWN OF MANALAPAN

Mayor Keith Waters

ATTEST:

(SEAL)

Erika Petersen, Town Clerk