

ORDINANCE NO. 394

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING THE MANALAPAN CODE OF ORDINANCES AT CHAPTER 152. BUILDING REGULATIONS, SECTION 152.21 APPROVAL AND DURATION OF APPROVAL, ARCHITECTURAL REVIEW PREREQUISITE TO PERMITS, STOP WORK ORDERS. TO EXEMPT FROM ARCHITECTURAL REVIEW THOSE SINGLE FAMILY RESIDENCE CONSTRUCTION OR IMPROVEMENT PLANS THAT CONFORM TO THE "TOWN OF MANALAPAN ARCHITECTURAL DESIGN GUIDELINES FOR THE ARCHITECTURAL COMMISSION" WHICH WAS APPROVED AND ADOPTED BY THE TOWN COMMISSION AT ITS FEBRUARY 11, 2025 REGULAR TOWN COMMISSION MEETING; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 152. BUILDING REGULATIONS. 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, the Town Architectural Commission is charged with review of most development applications to assure compliance with the Town's architectural criteria which are codified in the Town's Code of Ordinances at Sec. 152.24; and

WHEREAS, based on years of experience reviewing hundreds of development applications for criteria compliance, the Architectural Commission (ARCOM) has developed a set of design guidelines which provide standards for paint colors, roof materials, fence styles and materials, and hedge materials that have been consistently determined to be in compliance with the Town's architectural criteria which are codified in the Town's Code of Ordinances at Sec. 152.24; and

WHEREAS, ARCOM has recommended to the Town Commission that when applicants comply with these design guidelines, the approval process can be reduced to an administrative review and approval instead of a noticed public hearing as is currently required; and

WHEREAS, such a process would provide a more efficient and effective review process for applicants, and eliminate the need for ARCOM attention to applications that are known to be in compliance with the architectural criteria which are codified in the Town's Code of Ordinances at Sec. 152.24; and

WHEREAS, the Town Commission has determined that codification of this process and the corresponding revisions to its building 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 foregoing recitals are hereby adopted as the legislative findings of the Town Commission and are hereby made a part of this ordinance as if they were fully stated in this section.

Section 2. The Code of Ordinances of the Town of Manalapan, Florida, is hereby amended at Chapter 152. Building Regulations. Section 152.21. Approval and Duration of Approval, Architectural Review Prerequisite to Permits, Stop Work Orders. to exempt from architectural review those single family residence construction or improvement plans that conform to the "Town of Manalapan Architectural Design Guidelines for the Architectural Commission" which was approved and adopted by the Town Commission at its February 11, 2025 Regular Town Commission meeting; providing that Sec. 152.21 shall hereafter read as follows:

Sec. 152.21 APPROVAL AND DURATION OF APPROVAL, ARCHITECTURAL REVIEW PREREQUISITE TO PERMITS, STOP WORK ORDERS.

(A) General. Unless requests for building and landscaping plans, elevations and proposed signs for buildings or structures, or alterations thereof, including reroofing which involves a significant change in materials or appearance, have been approved by the Town Commission or the Architectural Commission as applicable, or by the Town Commission on appeal as specified below, no permit shall be issued for any such building, structure, sign, or other development of property, or appurtenances or alterations thereof. Additionally, the Town Commission or the Architectural Commission as applicable, shall have jurisdiction over any and all permits and plans referred to the respective Commission's review under Chapter 157 of this Code. All such permits or plans reviewed pursuant to Chapter 157 which do not include an entire landscape plan as required for new construction or re-development shall only be required to meet the application requirements of that chapter and are specifically exempt from the application requirements of subsection 152.23(A). The Town Commission or the Architectural Commission as applicable, shall pay particular attention to the design features and

landscape plans for all structures. The Town Commission or the Architectural Commission as applicable, shall review such applications for sufficient sight screening and shall consider the overall visual impact a proposed design may have on surrounding neighbors. In accordance with Section 151.666, the Town Commission or the Architectural Commission as applicable, shall also have site plan review and approval authority for all statues and/or sculptures that are proposed to be installed within the Town. Such site plan review shall be governed by the applicable portions of Sections 151.561, 151.666, 151.667, 151.668 and 151.669. Furthermore, the Town Commission or the Architectural Commission as applicable, shall review all applications for the installation of emergency use generators to ensure that all plans for such installations minimize the visual and acoustic impact on the adjacent properties. Additionally, when reviewing such applications special attention shall be paid to the placement of the generators, the use of sound attenuating materials and the reasonable containment of sounds which will be created by the operation of any emergency use generator.

(B) *Exceptions.*

(1) Building or structure signs within the Plaza Del Mar, meeting the criteria previously reviewed and approved by the Architectural Commission and kept on file with the Town Clerk, shall not be required to undergo any additional Commission review. Additionally, if, in the opinion of the Building Official, the approval of an application for a minor or insignificant permit does not defeat the purposes or objects of this subchapter, the Building Official may grant the permit without submitting the matter to the Town Commission or the Architectural Commission as applicable for approval, notwithstanding any other provisions of this section or this subchapter. The decision of the Building Official shall be subject to appeal made to the Town Commission in accordance with the provisions of Section 152.25 of this chapter.

(2) Docks are exempt from Architectural review by the Architectural Commission or Town Commission. Applications for docks shall be reviewed by the Building Official for compliance with applicable building codes and by the Town planner for compliance with Town land usage codes.

(3) Pedestrian passageways are exempt from Architectural review by the Architectural Commission or Town Commission. Applications for pedestrian passageways shall be reviewed by the Building Official for compliance with applicable building codes and by the Town planner for compliance with Town land usage codes.

(4) Demolition work is exempt from Architectural review by the Architectural Commission or Town Commission. Applications for demolition work shall be reviewed by the Building Official for compliance with applicable building codes and by the Town planner for compliance with Town land usage codes.

(5) For single family residences, any construction or improvements for paint color, roof materials, fencing, driveway materials, and hedge materials that conform to the "Town of Manalapan Architectural Design Guidelines for the Architectural Commission" which was approved and adopted by the Town Commission at its February 11, 2025 Regular Town Commission meeting are exempt from Architectural review by the Architectural Commission or Town Commission. Applications for such construction or improvements shall be reviewed administratively by the Building Official and the Town Manager for conformance with the "Town of Manalapan Architectural Design Guidelines for the Architectural Commission." Any construction or improvement that does not conform to the "Town of Manalapan Architectural Design Guidelines for the Architectural Commission" shall be subject to Architectural Commission or Town Commission review, as applicable.

(C) *Duration.* The applicant's architectural approval shall expire in twelve (12) months unless a building permit has been obtained. If the building permit expires or is voided, the architectural approval also expires or becomes void.

(D) *Stop-work order.* In the event work being performed precedes Architectural Commission approval being obtained or is not in accordance with the Architectural Commission approved plan, the Building Official or his designated representative shall issue a stop-work order and all work shall cease. No person, firm or corporation shall undertake any work on such project as long as such stop-work order shall continue. Additional penalties for commencing work prior to applicable commission approval may

be set by resolution of the Town Commission and amended from time to time as deemed necessary.

(E) *Jurisdiction of Town Commission; jurisdiction of Architectural Commission.* The Town Commission shall hear all applications for architectural review and approval for properties located in Zoning Districts R-C2, C-3, and all Town-owned property, including but not limited to Town Hall, Library, and Guard House. The Architectural Commission shall hear all other applications for architectural review and approval.

Section 3. Each and every other section and subsection of Chapter 152. Building Regulations. shall remain in full force and effect as previously adopted.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 5. 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 6. Specific authority is hereby given to codify this ordinance into the Code of Ordinances of the Town of Manalapan.

Section 7. This ordinance will take effect immediately upon adoption.

FIRST READING this 8th day of April 2025.

SECOND READING this 20th day of MAY 2025.

TOWN OF MANALAPAN



Mayor John Deese

ATTEST:

(SEAL)



Erika Petersen, Town Clerk