



TOWN COMMISSION MEETING

Tuesday June 23rd, 2026

9:00 A.M.



PUBLIC NOTICE/AGENDA
Tuesday June 23rd, 2026 at 9:00 a.m.

Town Commission	Town Staff
John Deese, Mayor _____	Eric Marmer, Town Manager _____
Simone Bonutti, Vice Mayor _____	Anthony Davidson, Asst. Town Manager _____
Elliot Bonner, Mayor Pro Tem _____	Jeff Rasor, Chief of Police _____
Orla Imbesi, Commissioner _____	Erika Petersen, Town Clerk _____
David Knobel, Commissioner _____	Keith W. Davis, Town Attorney _____
Dwight Kulwin, Commissioner _____	Brent Watson, Utilities Director _____
Cindy McMackin, Commissioner _____	Jacek (Jack) Tomasik, Building Official _____
	Dylan Brandenburg, Asst. Town Attorney _____

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF THE AGENDA: AGENDA ADDITIONS, DELETIONS OR SUBSTITUTIONS**
- 5. PUBLIC COMMENTS**
(3 MINUTES PER SPEAKER)
- 6. CONSENT AGENDA:**
 - a. Minutes May 12, 2026 Town Commission
 - b. Police Department Report for May
 - c. Amended Agreement with Town Manager Marmer
 - d. Urban County Program Qualification Renewal 2027-2029
 - e. Police Department Oracle Software Agreement
- 7. REGULAR AGENDA:**
 - a. **OLD BUSINESS:**
 - i. n/a
 - b. **NEW BUSINESS: *Quasi-Judicial Hearing**
 - i. **RES 05-2026 Budget Amendment**
 - ii. *** Variance VAR-26-03 2000 SOB** - Florida Realty, LLC is requesting variance approval in order to expand and improve the Tennis Building with the addition of a second story, where Town Zoning Code Sec. 151.643(B) requires that nonconforming buildings and/or structures shall not be enlarged upon, expanded, increased or extended to occupy a greater area of land or over water, nor shall they be relocated in whole or in part to any portion of a lot or parcel, nor shall they be used as grounds for adding other buildings and/or structures prohibited elsewhere in the same District. The subject property address is 2000 South Ocean Boulevard.
 - iii. *** Site Plan Review SPR 26-01 100 SOB** - Timothy Nardi, agent for MPB Property, LLC, is requesting Site Plan Modification Approval to modify the prior approved site plan by changing the existing copy of the monument sign and the existing wall sign and use of low voltage back lighting in accordance with Sec. 151.666 (A) of the Town Zoning Code. The subject property address is 100 South Ocean Boulevard Eau Resort.
- 8. MAYOR’S COMMENTS, TOWN COMMISSION COMMENTS, TOWN MANAGER’S REPORT**
- 9. PUBLIC HEARING:**
 - a. **PH 1 - Ordinance #401** – AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING THE MANALAPAN CODE OF ORDINANCES AT CHAPTER 151. ZONING. TO PROVIDE FOR A REVISED AND AMENDED OFFICIAL ZONING MAP THAT COMBINES ZONING DISTRICT R1-F AND PORTIONS OF ZONING DISTRICT R3-A INTO ZONING

DISTRICT R1-D, AND WHICH ELIMINATES METES AND BOUNDS DESCRIPTIONS FOR ALL ZONING DISTRICTS FROM THE CODE; 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.

(First Reading)

- b. **PH 2 – Ordinance #402** - AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING THE MANALAPAN CODE OF ORDINANCES AT CHAPTER 151. ZONING. CREATING AN ENTIRELY NEW DIVISION “BOATS, BOATHOUSES, DOCKS, BULKHEADS” UTILIZING RESERVED CODE SECTIONS 151.585 THROUGH 151.600; RELOCATING ALL EXISTING BOAT, DOCK, BOATHOUSE AND BULKHEAD ZONING REGULATIONS INTO THIS ONE NEW DIVISION; DIVIDING THE TOWN INTO 16 WATERWAY ZONES BASED ON CURRENT CODE REQUIREMENTS FOR DOCKS; REPEALING THE RELOCATED CODE PROVISIONS FROM EACH ZONING DISTRICT’S SET OF CODES; 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. **(First Reading)**
- c. **PH 3 – Ordinance #403** - AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, ADOPTING A NEWLY REVISED AND AMENDED OFFICIAL ZONING MAP FOR THE TOWN OF MANALAPAN, FLORIDA, WHICH, IN CONJUNCTION WITH ORDINANCE 401 RE-ZONES ALL PROPERTY CURRENTLY DESIGNATED AS R1-F, AS WELL AS R3-A PROPERTIES LOCATED WEST OF LANDS END ROAD INTO THE DESIGNATION OF R1-D PROPERTY; IN ADDITION, ADOPTING AN ENTIRELY NEW MAP FOR THE NEWLY ADOPTED WATERWAY ZONES CODE WHICH, IN CONJUNCTION WITH ORDINANCE 402 WILL RELOCATE AND CONSOLIDATE ALL EXISTING TOWN DOCK, SEAWALL, AND RELATED REGULATIONS INTO A NEW, SINGLE, CONSOLIDATED ZONING CODE DIVISION IN ORDER TO BETTER ORGANIZE THESE EXISTING CODE PROVISIONS INTO ONE USER FRIENDLY PART OF THE ZONING CODE; PROVIDING THAT THE ZONING MAP OF THE TOWN OF MANALAPAN, FLORIDA, BE AMENDED TO REFLECT THE RE-ZONING OF ALL R1-F, AS WELL AS R3-A PROPERTIES LOCATED WEST OF LANDS END ROAD INTO R1-D PROPERTY AND TO REFLECT THE NEW WATERWAY ZONES; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. **(First Reading)**
- d. **PH 4 – Ordinance #406** - AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT TITLE III ADMINISTRATION, CHAPTER 31 STAFF, SECTION 31.17 TOWN GENERAL EMPLOYEES’ AND POLICE OFFICERS’ RETIREMENT FUND, SUBSECTION (E) BOARD OF TRUSTEES TO PROVIDE THAT THE EMPLOYEE TRUSTEES CANNOT BE EMPLOYEES IN THE DROP; AMENDING SUBSECTION (H). BENEFIT AMOUNTS AND ELIGIBILITY, SUBSECTION (I), PRE-RETIREMENT DEATH, SUBSECTION (J), DISABILITY, AND SUBSECTION (K), VESTING TO PROVIDE FOR A CHANGE IN VESTING IN THE PLAN OF BENEFITS FROM TEN YEARS TO EIGHT YEARS; ADDING SUBSECTION (BB), DEFERRED RETIREMENT OPTION PLAN (DROP), TO PROVIDE AN OPTION FOR MEMBERS TO HAVE A FIVE-YEAR DROP PERIOD; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF SECTION 31.17 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. **(First Reading)**

10. 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: June 23rd, 2026

Agenda Item No.: CA - a

Agenda Item Name: May 12th, 2026 Town Commission Meeting Minutes

ACTION REQUESTED: Discussion Approval

ATTACHMENT:

- May 12th, 2026 Town Commission Meeting Minutes



Town Commission Meeting
Tuesday May 12th, 2026, at 9:00 a.m.

IN ATTENDANCE

TOWN COMMISSION		TOWN STAFF	
John Deese, Mayor	Zoom	Eric Marmer, Town Manager	√
Simone Bonutti, Vice Mayor	√	Jeffrey Rasor, Chief of Police	√
Elliot Bonner, Mayor Pro Tem	√	Erika Petersen, Town Clerk	√
Orla Imbesi, Commissioner	√	Keith Davis, Town Attorney	√
David Knobel, Commissioner	√	Brent Watson, Utilities Director	√
Dwight Kulwin, Commissioner	√	Jack Tomasik, Building Official	√
Cindy McMackin, Commissioner	√	Dylan Brandenburg, Asst. Town Attorney	X

PUBLIC: Craig Spiegelhalter (PBC Fire Rescue), Kendall Jaquez (Kind Designs), Howard Parker (1275 Lands End Rd), J. Jacobson (1520 Lands End Rd).

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Vice Mayor Bonutti called the Town Commission meeting to order at 9:01 a.m.

LPA – LOCAL PLANNING AGENCY

Consideration of Ordinance #401 - AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING THE MANALAPAN CODE OF ORDINANCES AT CHAPTER 151. ZONING. TO PROVIDE FOR A REVISED AND AMENDED OFFICIAL ZONING MAP THAT COMBINES ZONING DISTRICT R1-F AND PORTIONS OF ZONING DISTRICT R3-A INTO ZONING DISTRICT R1-D, AND WHICH ELIMINATES METES AND BOUNDS DESCRIPTIONS FOR ALL ZONING DISTRICTS FROM THE CODE; 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.

Commissioner McMackin arrived at 9:06 a.m.

Consideration of Ordinance #402 - AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING THE MANALAPAN CODE OF ORDINANCES AT CHAPTER 151. ZONING. CREATING AN ENTIRELY NEW DIVISION “BOATS, BOATHOUSES, DOCKS, BULKHEADS” UTILIZING RESERVED CODE SECTIONS 151.585 THROUGH 151.600; RELOCATING ALL EXISTING BOAT, DOCK, BOATHOUSE AND BULKHEAD ZONING REGULATIONS INTO THIS ONE NEW DIVISION; DIVIDING THE TOWN INTO 16 WATERWAY ZONES BASED ON CURRENT CODE REQUIREMENTS FOR DOCKS; REPEALING THE RELOCATED CODE PROVISIONS FROM EACH ZONING DISTRICT’S SET OF CODES; 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.

Consideration of Ordinance #403 - AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, ADOPTING A NEWLY REVISED AND AMENDED OFFICIAL ZONING MAP FOR THE TOWN OF MANALAPAN, FLORIDA, WHICH, IN CONJUNCTION WITH ORDINANCE 401 RE-ZONES ALL PROPERTY CURRENTLY DESIGNATED AS R1-F, AS WELL AS R3-A PROPERTIES LOCATED WEST OF LANDS END ROAD INTO THE DESIGNATION OF R1-D PROPERTY; IN ADDITION, ADOPTING AN ENTIRELY NEW MAP FOR THE NEWLY ADOPTED WATERWAY ZONES CODE WHICH, IN CONJUNCTION WITH ORDINANCE 402 WILL RELOCATE AND CONSOLIDATE ALL EXISTING TOWN DOCK, SEAWALL, AND RELATED REGULATIONS INTO A NEW, SINGLE, CONSOLIDATED ZONING CODE DIVISION IN ORDER TO BETTER ORGANIZE THESE EXISTING CODE PROVISIONS INTO ONE USER FRIENDLY PART OF THE ZONING CODE; PROVIDING THAT THE ZONING MAP OF THE TOWN OF MANALAPAN, FLORIDA, BE AMENDED TO REFLECT THE RE-ZONING OF ALL R1-F, AS WELL AS R3-A PROPERTIES LOCATED WEST OF LANDS END ROAD INTO R1-D PROPERTY AND TO REFLECT THE NEW WATERWAY ZONES; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The Ordinances were read by Town Attorney Davis

Commissioner Knobel made a motion to **recommend approval of Ordinances #401, #402 and #403 to the Town Commission on first reading. Commissioner Kulwin seconded the motion which prevailed by the following vote:**

YES: Vice Mayor Bonutti, Mayor Pro Tem Bonner, Commissioner Imbesi, Commissioner Knobel, Commissioner Kulwin, and Commissioner McMackin

LPA adjourned at 9:11 a.m.

AGENDA ADDITIONS, DELETIONS OR SUBSTITUTIONS

There were none.

PUBLIC COMMENTS

There were none.

PRESENTATIONS

Fire Rescue annual report presentation by Palm Beach County Fire Rescue District Chief Craig Spiegelhalter. The District Chief gave an overview of status of the agency and answered questions about their services.

Presentation by Kind Designs regarding 3-D printed Living Seawalls and Wave Attenuation Devices (WADs). Kendall Jaquez presented their product line and how property owners and municipalities are using them to encourage biodiversity and protect shorelines from erosion and flooding. The Commissioners had questions regarding the WADs and how deep they needed to be installed.

The Commissioners requested an informational meeting be held at the library for residents.

CONSENT AGENDA

- a. Minutes April 14, 2026 Town Commission Meeting
- b. Police Department Report for April

- c. Police Chief's Discretionary Fund Committee Appointments
- d. Town Civil Service Board Appointments
- e. PFAS Litigation Attorney Agreement
- f. PBA Contract
- g. Updated Employee Handbook

Mayor Pro Tem Bonner made a motion to **approve** the Consent Agenda, Commissioner McMackin seconded the motion which prevailed by the following vote:

YES: Vice Mayor Bonutti, Mayor Pro Tem Bonner, Commissioner Imbesi, Commissioner Knobel, Commissioner Kulwin, and Commissioner McMackin

REGULAR AGENDA

OLD BUSINESS:

Holiday Decorations and Lighting discussion - Building Official Tomasik explained that the Town staff would only enforce the policy based on complaints. He noted that staff had concluded if decorations became permanent fixtures, residents would be required to secure ARCOM approval.

The Commission agreed with this approach.

NEW BUSINESS: *Quasi-Judicial Hearing

* **Special Exception-SE-26-01.** Manalapan Plaza Del Mar LLC seeks the Town Commission's approval for a special exception use to modify the existing suite number 226 interior for use as a dance studio school pursuant to Sections 151.453(D), Town Code. The subject property address is 250 South Ocean Boulevard. Staff represented the application.

Commissioner Imbesi disclosed she spoke to Town Manager Marmer about the application. Commissioner McMackin disclosed she spoke to an ARCOM commissioner about the application.

There was no public comment.

Town Manager Marmer commented that the only feedback he had heard regarding the application was an ARCOM commissioner who felt this wasn't the direction they would like to see the plaza go in. Commissioner McMackin commented that sound transfer could be an issue between tenant spaces.

Commissioner Knobel made a motion to **approve the Special Exception SE 26-01.** Mayor Pro Tem Bonner seconded the motion which prevailed by the following vote:

YES: Vice Mayor Bonutti, Mayor Pro Tem Bonner, Commissioner Imbesi, Commissioner Knobel, Commissioner Kulwin, and Commissioner McMackin

MAYOR’S COMMENTS, TOWN COMMISSION COMMENTS, TOWN MANAGER’S REPORT:

Mayor Deese, who was on by Zoom, sent his regards from his cruise off the coast of Africa.

Town Manager Marmer reported that the bids were due back that week for the road improvement project at Land’s End Road and Audubon Causeway to mitigate the bottleneck issue. He anticipated starting that soon thereafter.

Town Manager Marmer provided an update regarding the 131 South Ocean Blvd. eminent domain case. He informed the Commissioners that lawsuit had been filed and were waiting to be assigned a judge for the case.

Town Manager Marmer informed the commission he was finalizing the bid to get the work on the new guardhouse started. The results of the boring test would inform the foundation type, he anticipated the results back soon.

Town Manager Marmer announced that the Town had submitted the Letter of Inclusion for the State Revolving Fund (SRF), which he explained is a low-interest rate loan provided by the State that we would use for our septic to sewer project.

He asked the Commission how they felt about the zip code in our municipality. He noted residents had reached out to him with complaints about the zip code showing up as Lantana or Lake Worth. He was gauging whether or not that was something worth exploring - to get our own zip code. Vice Mayor Bonutti suggested to inquire and see if it’s realistic, however she advised not spending a lot of time or resources on the endeavour.

To avoid scheduling conflicts, the June 9th TCOM meeting needed to be rescheduled. Town Clerk Petersen agreed to send out an email to get a quorum.

PUBLIC HEARING:

PH 1 - Ordinance #405 – AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA; AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 155. BEACHES AND WATERWAYS. SECTION 155.03. FISHING FROM BRIDGES PROHIBITED. BY RENAMING THIS SECTION TO READ “PROHIBITED FISHING ACTIVITIES”; AND BY PROHIBITING CERTAIN HAZARDOUS FISHING PRACTICES FOR THE BENEFIT OF THE PUBLIC WELFARE; PROVIDING THAT ALL OTHER SECTIONS AND SUBSECTIONS OF CHAPTER 155. BEACHES AND WATERWAYS. WILL 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. (Second Reading)

Commissioner Kulwin made a motion to **approve** Ordinance #405 on second reading, Commissioner Imbesi seconded the motion which prevailed by the following vote:

YES: Vice Mayor Bonutti, Mayor Pro Tem Bonner, Commissioner Imbesi, Commissioner Knobel, Commissioner Kulwin, and Commissioner McMackin

The Town Commission meeting adjourned at 10:51 a.m.

**These minutes were presented to the Town Commission
on Tuesday June 23rd, 2026 for approval.**

John Deese, Mayor

Date Signed

Erika Petersen, Town Clerk

Date Signed



TOWN OF MANALAPAN

AGENDA ITEM SUMMARY

Meeting Date: June 23rd, 2026

Agenda Item No.: CA - b

Agenda Item Name: Police Department Chief's Report for May

ACTION REQUESTED: Discussion Action

ATTACHMENT:

- Chief Rasor's Executive Report
- The Police Department Report for May including Monthly Stats
- Palm Beach County Fire Rescue May Response Times



Manalapan Police Department

TO: Mayor and Town Commissioners
Eric Marmer, Town Manager *202652157*
FROM: Chief Jeff Rasor
SUBJECT: Monthly Report for May 2026
DATE: June 4, 2026

Police Department Staffing:

- **Dispatcher Positions:** There are currently no vacancies for the position of Dispatcher.
- **Police Officer Positions:** There are currently no vacancies for sworn police officer positions.
- **Community Service Officer Positions:** There are currently two vacancies for Community Service Officer positions; one part-time and one full-time.
- **Staffing Summary:** One police officer resigned in late May 2026. The vacancy was filled on May 27, 2026, through the promotion of Community Service Officer Kuznetsov to the position of Police Officer. Recruitment efforts have begun to fill the resulting Community Service Officer vacancies.

Zone Coverage:

- Zone coverage remained consistent throughout the month, with two officers and one sergeant assigned per shift to ensure adequate patrol presence and response capability.

Fleet:

- **Vehicle Maintenance:** The department's fleet is current with all scheduled maintenance and service requirements, ensuring operational readiness and reliability across all patrol units.
- **Fleet Updates:** Delivery of the department's new patrol vehicle (Tesla Cybertruck) has been delayed and is currently anticipated in late June 2026.
- **Marine Vessel:** The Police Department received a vessel donation from the Palm Beach County Sheriff's Office. The department acquired a 25-foot Contender vessel that will significantly enhance marine patrol operations and strengthen the department's ability to protect residents, visitors, and waterways throughout the Town.

Training:

- **Field Training:**
 - Officer Kuznetsov entered Phase 1 of the Field Training Officer (FTO) Program following his appointment as a Police Officer.



Manalapan Police Department

- Dispatcher M. Mackey successfully completed dispatcher field training on June 4, 2026, based on her prior experience and demonstrated proficiency.
- **Specialized Training Courses:**
 - **Traffic Enforcement Symposium (May 17–21):** Officer DeFilippis attended the Traffic Enforcement Symposium hosted by the Institute of Police Technology and Management (IPTM) in Orlando, Florida. Training focused on best practices in traffic enforcement, DUI investigations, and traffic crash investigations.
 - **Glock Armorer Training (May 12):** Officer Temperato attended Glock Armorer Training at Palm Beach State College, enhancing the department's in-house firearms maintenance capabilities.
 - **Police Instructor Techniques (May 26 – June 5):** Sergeant Jabcuga and Officer DeFilippis attended Police Instructor Techniques training at Palm Beach State College. The course focused on instructional methodologies, adult learning concepts, and effective law enforcement training techniques.
 - **Crisis Intervention Training for Dispatchers (May 20):** Dispatcher Dulaj attended Crisis Intervention Training (CIT) at Palm Beach State College. Training focused on communication strategies and techniques for assisting individuals experiencing mental health crises.
 - **Palm Beach County 911 Updates (May 13):** Dispatcher Supervisor Mackey attended the Palm Beach County 911 Dispatch Updates meeting at the Palm Beach County Emergency Operations Center. The meeting provided updates on countywide communications procedures, technology, and emergency response coordination.

Miscellaneous – Department Projects and Promotions:

- **Police Chaplain Program:** The Police Department initiated the development of a Police Chaplain Program. Rabbi Rotenstreich of Chabad of South Palm Beach has submitted an application to serve as a volunteer police chaplain.
- **2026 Emergency Management Plan:** The Town's Hurricane Manual was updated and distributed to all Town staff in preparation for the 2026 hurricane season.
- **Police Department Summer Internship Program:** The department welcomed a Florida Atlantic University summer intern. The internship program will continue through August and provides practical experience in law enforcement administration and operations while supporting departmental projects.



Manalapan Police Department
Total Police Calls for Service for the Month of May 2026

Types of Calls / Patrols	Total
ATV - Beach Patrols	14
Marine Patrols	10
Dark House Checks	540
Construction Site Checks	283
Extra patrols in the plaza	76
Arrest	1
Baker Acts – Mental Distress	0
Traffic Stops	75
Uniform Traffic Citations Written	52
Traffic Violation Verbal Warnings	56
Parking Citations Written	11
Traffic Crashes	3
Distressed Swimmer	0
Iguana Removal	0
Total Calls Dispatched	627
911 Calls	55
Non-Emergency Calls	572
Most Frequent Call Dispatched (Service Call - Assisting the Resident with Non-Crime related issue – Example – door left open, medical, information)	33
Total Crime Calls for the Month	4
Most Frequent Crime Reported (Trespassing)	3



6/1/2026

Palm Beach County Fire Rescue

Manalapan

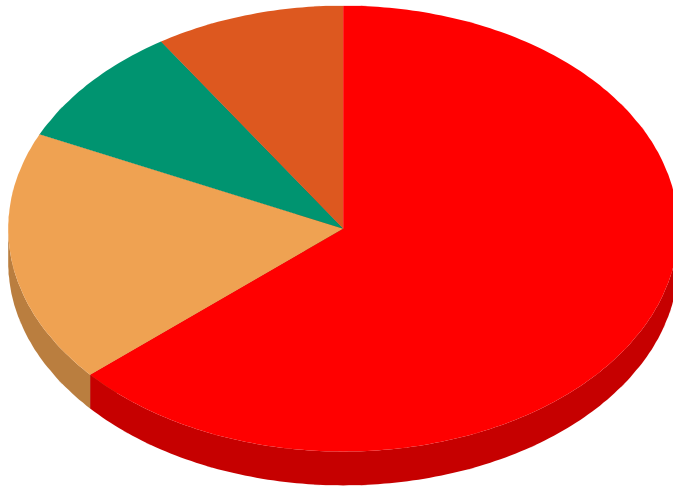
05/01/2026 to 05/31/2026

Average Response Times	Disp Hand	Turnout	Travel	Resp Time
Emergency Calls:	<u>0:00:44</u>	<u>0:00:49</u>	<u>0:02:14</u>	<u>0:03:47</u>

<u>Type - Situation Dispatched</u>	<u># of Incidents</u>	<u>%</u>
Medical Calls:	7	63.64%
Assists/Investigations:	2	18.18%
Alarms:	1	9.09%
Hazardous Situations:	1	9.09%
Total	<u>11</u>	<u>100.00%</u>

Calls by Situation Dispatched

Manalapan



- Medical Calls:
- Assists/Investigations:
- Alarms:
- Hazardous Situations:



TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: June 23rd, 2026

Agenda Item No.: CA - c

Agenda Item Name: Town Manager Marmer Amended Contract Agreement

ACTION REQUESTED: Discussion Approval

BACKGROUND:

Amendment to Contract with Town Manager Marmer as it relates to his new rate of pay for fiscal year 2026-2027.

ATTACHMENT:

- Proposed amended contract with Town Manager Marmer

TOWN OF MANALAPAN
SECOND AMENDMENT TO TOWN MANAGER EMPLOYMENT AGREEMENT WITH
ERIC MARMER

THIS SECOND AMENDMENT TO TOWN MANAGER EMPLOYMENT AGREEMENT WITH ERIC MARMER is entered into and effective this ____ day of June, 2026 (the “Effective Date”), by and between the **Town of Manalapan, Florida**, a municipal corporation, with offices located at 600 South Ocean Boulevard, Manalapan, Florida 33462, hereinafter called the "**Town**" and “**Eric Marmer**”, hereinafter referred to by name or as the "**Town Manager**"

WITNESSETH

WHEREAS, the Town and the Town Manager entered into the Town Manager Employment Agreement in September 2024, and a First Amendment in June 2025; and

WHEREAS, Section 4 of the Town Manager Employment Agreement as amended provides compensation by salary for the Town Manager in the amount of \$195,000.00 per year through September 30, 2026 with opportunities for salary increases in line with increases provided to other Town employees beginning October 1, 2026; and

WHEREAS, the Parties now again desire to amend the Town Manager Employment Agreement as amended at Section 4 by providing an increase to the Town Manager’s base salary to \$235,000.00 per year beginning October 1, 2026.

NOW THEREFORE the Town and the Town Manager, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both parties, hereby agree as follows:

1. AMENDMENT TO AGREEMENT: Section 4 of the Town Manager Employment Agreement as amended referenced above is hereby amended a second time to now read as follows:

SECTION 4: COMPENSATION

Beginning October 1, ~~2025~~ 2026, the Town agrees to pay the Town Manager for services rendered ~~Two Hundred Thirty Five One Hundred Ninety Five~~ Two Hundred Thirty Five Thousand Dollars ~~(\$195,000.00)~~ (\$235,000.00), paid in installments at the same time as other employees of the Town are paid,

effective with the Effective Date.

~~During the second and third years of this Agreement, in addition to the annual base salary stated above, which may be increased annually by a set amount determined by the Town Commission in its sole discretion, the Town agrees to pay the Town Manager for services rendered, the same additional adjustment percentage that may be given to other Town employees for fiscal years 2025/2026 and 2026/2027, paid in installments at the same time as other employees of the Town are paid.~~

For all three (3) years of this Agreement, the Town Commission shall consider, in its sole discretion, additional compensation for the Town Manager. The Town Commission may provide such additional compensation if, in its sole discretion, the Town Manager's performance of his duties during the preceding year justifies additional compensation above that year's base salary.

2. ALL OTHER PROVISION REMAIN UNCHANGED: Each and every other section of the Town Manager Employment Agreement as amended shall remain in full force and effect as originally stated in the Town Manager Employment Agreement.

IN WITNESS WHEREOF, the Town and the Town Manager have executed this Second Amendment to the Town Manager Employment Agreement, and have appended same to said Agreement, on the date and year first above written.

ATTEST:

TOWN OF MANALAPAN

**Erika Petersen, Town Clerk
(Town seal)**

John Deese, Mayor

TOWN MANAGER

Witness

Eric Marmer

Witness



TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: June 23rd, 2026

Agenda Item No.: CA - d

Agenda Item Name: Urban County Program Qualification Renewal 2027-2029

ACTION REQUESTED: Discussion Approval

BACKGROUND:

The county has requested our continued participation in this program. In order to receive funding from the U.S. Department of Housing and Urban Development (HUD) under the Community Development Block Grant Program (CDBG), the HOME Investment Partnership Program (HOME) and the Emergency Shelter Grant Program (ESGP), the county must qualify as an Urban County Entitlement Jurisdiction. This qualification must be done every three years and the County is currently seeking to qualify for the FY 2027-2030 period. The qualification process requires the County to invite municipalities to participate with the County in establishing the jurisdictional boundaries.

By participating with the County, Manalapan will be eligible to receive economic stimulus or disaster recovery funding which is distributed to the County through the U. S. Department of Housing and Urban Development (HUD).

Finally, even if the Town does not discern an immediate benefit to its residents, qualification renewal ensures that whatever funds accrue from its participation with the county are distributed to the County and used to benefit county residents rather than be given to the Florida Department of Community Affairs and be lost to the County.

ATTACHMENT:

- Letter from PBC Department of Housing and Economic Development



**Department of
Housing & Economic
Development**

100 Australian Avenue, Suite 500
West Palm Beach, FL 33406
(561) 233-3600
www.pbc.gov/hed



**Palm Beach County
Board of County
Commissioners**

Sara Baxter, Mayor
Marci Woodward, Vice Mayor

Maria G. Marino
Gregg K. Weiss
Joel G. Flores
Maria Sachs
Bobby Powell Jr.

County Administrator

Joseph Abruzzo

June 15, 2026

Eric Marmer, Town Manager
Town of Manalapan
600 South Ocean Boulevard
Manalapan, FL 33462

RE: Urban County Qualification Renewal FY 2027-2029

Dear Mr. Marmer:

On August 19, 2014, the Board of County Commissioners (BCC) executed an interlocal cooperation agreement (R2014-1144) with the Town of Manalapan as part of the Urban County Qualification Process for Federal FYs 2015-2017. Under this Agreement, the Town of Manalapan agrees to participate with the County in the creation of the Urban County jurisdiction for the receipt of federal community development funds from the U.S. Department of Housing and Urban Development (HUD). The Agreement states, "The agreement shall be automatically renewed at the end of the qualification period and at the end of each subsequent qualification period unless either party provides a written notice in which it elects to not participate in a new qualification period".

The current three-year qualifying period will expire on September 30, 2027 and with your consent will automatically renew to cover the October 1, 2027 to September 30, 2030 time period.

If it is your intent to continue participation in the Urban County jurisdiction, please note that per HUD CPD-26-08 issued on May 15, 2026, no updates need to be made to our current agreement. Therefore, please inform us of your continued participation for FYs 2027-2029 via the attached template letter, thereby automatically renewing the agreement. Please return to us, on your Town's letterhead, the letter signed by an authorized official or delegate no later than Friday, July 31, 2026, to HED-Submit@pbc.gov.

Please address your response to the Director, PBC Department of Housing and Economic Development, and also send a copy to HUD's CPD Director addressed as follows:



Lori A. Serino
Director, Jacksonville Field Office
Community Planning & Development
U.S. Department of Housing and Urban Development
Charles Bennett Federal Building
400 W. Bay Street, Suite 1015
Jacksonville, FL 32202

In addition, please note that HUD is changing its policy on the "auto-renewal" of Cooperation Agreements and Joint Agreements. Effective for the subsequent Urban County qualification process, agreements may only auto-renew for one three-fiscal-year qualification period, rather than in perpetuity. Essentially, the agreements may only be in place for a maximum of six years before the parties involved must reauthorize and re-execute a new agreement. Therefore, at the end of this upcoming qualifying period, for period covering FYs 2030-32 the County will be issuing, reauthorizing and executing new agreements.

Please contact Elijah Wooten, Community Development Program Specialist, at (561) 233-3623 or via email at EWooten@pbc.gov, if you have any questions concerning this letter.

Sincerely,

Axel Miranda, Director
Department of Housing and Economic Development

Enclosures

Urban County Response Letter Template HUD FY2027-2029
Urban County Response Letter Template PBC FY2027-2029

CC: Carlos Serrano, Deputy Director, HED
Alessandra Tasca, SPO Division Director, HED



TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: June 23rd, 2026
Agenda Item No.: CA - e
Agenda Item Name: Police Department Oracle Software Agreement

ACTION REQUESTED: Discussion Approval

BACKGROUND:

The Manalapan Police Department currently utilizes the Beacon Computer-Aided Dispatch (CAD) system and the TRACS Records Management System (RMS) to support emergency communications, records management, and public safety operations. After evaluating future operational needs and technology requirements, Oracle Public Safety Suite has been identified as a comprehensive and sustainable solution that will enhance operational efficiency, data management, reporting capabilities, system interoperability, and compliance with state and federal reporting requirements.

This proposal includes the implementation of Oracle's CAD and RMS solutions, migration of existing data from the current systems, user training, system configuration, and ongoing technical support. The transition will provide improved functionality for dispatch operations, records management, analytics, mobile capabilities, and integration with criminal justice information systems.

The cost of the Oracle Public Safety Suite implementation, including software licensing, data migration, training, and associated services, will be funded through a donation from an anonymous resident. No General Fund expenditure is required for this project.

ATTACHMENT:

- Agreement for Oracle Cloud Services
- Oracle Ordering Documents



PUBLIC SECTOR AGREEMENT FOR ORACLE CLOUD SERVICES

This Public Sector Agreement for Oracle Cloud Services (this “Agreement”) is between Oracle America, Inc. (“Oracle,” “we,” “us,” or “our”) and the entity that has executed this Agreement as identified in the signature block below (“You” or “Your”). This Agreement sets forth the terms and conditions that govern orders placed under this Agreement.

1. USE OF THE SERVICES

1.1. We will make the Oracle services listed in Your order (the “Services”) available to You pursuant to this Agreement and Your order. Except as otherwise stated in this Agreement or Your order, You have the non-exclusive, worldwide, limited right to use the Services during the period defined in Your order, unless earlier terminated in accordance with this Agreement or Your order (the “Services Period”), solely for Your internal business operations. You may allow Your Users (as defined below) to use the Services for this purpose, and You are responsible for their compliance with this Agreement and Your order.

1.2. The Service Specifications describe and govern the Services. During the Services Period, we may update the Services and Service Specifications to reflect changes in, among other things, laws, regulations, rules, technology, industry practices, patterns of system use, and availability of Third Party Content (as defined below). Oracle updates to the Services or Service Specifications will not materially reduce the level of performance, functionality, security or availability of the Services during the Services Period of Your order.

1.3. You may not, and may not cause or permit others to: (a) use the Services to harass any person; cause damage or injury to any person or property; publish any material that is false, defamatory, harassing or obscene; violate privacy rights; promote bigotry, racism, hatred or harm; send unsolicited bulk e-mail, junk mail, spam or chain letters; infringe intellectual or other property rights; sell, manufacture, market and/or distribute any product or service in violation of applicable laws; or otherwise violate applicable laws, ordinances or regulations; (b) perform or disclose any benchmarking or availability testing of the Services, except as permitted in the Service Specifications; (c) perform or disclose any performance or vulnerability testing of the Services without Oracle’s prior written approval, except as permitted in the Service Specifications, or perform or disclose network discovery, port and service identification, vulnerability scanning, password cracking or remote access testing of the Services; or (d) use the Services to perform cyber currency or crypto currency mining ((a) through (d) collectively, the “Acceptable Use Policy”). In addition to other rights that we have in this Agreement and Your order, we have the right to take remedial action if the Acceptable Use Policy is violated, and such remedial action may include removing or disabling access to material that violates the policy.

2. FEES AND PAYMENT

2.1. All fees payable are due within 30 days from the invoice date. Once placed, Your order is non-cancelable and the sums paid nonrefundable, except as provided in this Agreement or Your order. You will pay any sales, value-added or other similar taxes imposed by applicable law that we must pay based on the Services You ordered, except for taxes based on our income. Fees for Services listed in an order are exclusive of taxes and expenses, unless expressly stated otherwise in Your order.

2.2. If You exceed the quantity of Services ordered, then You promptly must purchase and pay fees for the excess quantity.

2.3. You understand that You may receive multiple invoices for the Services. Invoices will be submitted to You pursuant to Oracle’s Invoicing Standards Policy, available at <https://www.oracle.com/contracts/cloud-services>.

3. OWNERSHIP RIGHTS AND RESTRICTIONS

3.1. You or Your licensors retain all ownership and intellectual property rights in and to Your Content (as defined below). We or our licensors retain all ownership and intellectual property rights in and to the Services, derivative works thereof, and anything developed or delivered by or on behalf of us under this Agreement.

3.2. You may have access to Third Party Content through use of the Services. Unless otherwise stated in Your order, all ownership and intellectual property rights in and to Third Party Content and the use of such content is governed by separate third party terms between You and the third party.

3.3. You have the authority to and do grant us the right to host, use, process, display and transmit Your Content to provide the Services pursuant to and in accordance with this Agreement and Your order. You have sole responsibility for the accuracy, quality, integrity, legality, reliability, and appropriateness of Your Content, and for obtaining all rights related to Your Content required by Oracle to perform the Services.

3.4. Except as permitted by this Agreement or Your order, You may not, and may not cause or permit others to: (a) modify, make derivative works of, disassemble, decompile, reverse engineer, reproduce, republish, download, or copy any part of the Services (including data structures or similar materials produced by programs); (b) access or use the Services to build or support, directly or indirectly, products or services competitive to Oracle; or (c) license, sell, transfer, assign, distribute, outsource, permit timesharing or service bureau use of, commercially exploit, or make available the Services to any third party.

4. NONDISCLOSURE

4.1. By virtue of this Agreement, the parties may disclose to each other information that is confidential ("Confidential Information"). Confidential Information shall be limited to the terms and pricing under this Agreement and Your order, Your Content residing in the Services, and all information clearly identified as confidential at the time of disclosure.

4.2. A party's Confidential Information shall not include information that: (a) is or becomes a part of the public domain through no act or omission of the other party; (b) was in the other party's lawful possession prior to the disclosure and had not been obtained by the other party either directly or indirectly from the disclosing party; (c) is lawfully disclosed to the other party by a third party without restriction on the disclosure; or (d) is independently developed by the other party.

4.3 Subject to applicable law, each party agrees not to disclose the other party's Confidential Information to any third party other than as set forth in the following sentence for a period of five years from the date of the disclosing party's disclosure of the Confidential Information to the receiving party; however, we will protect the confidentiality of Your Content residing in the Services for as long as such information resides in the Services. Each party may disclose Confidential Information only to those employees, agents or subcontractors who are required to protect it against unauthorized disclosure in a manner no less protective than required under this Agreement, and each party may disclose the other party's Confidential Information in any legal proceeding or to a governmental entity as required by law.

4.4 The parties acknowledge and agree that You and this Agreement are subject to applicable freedom of information or open records laws. Should You receive a request under such law for Oracle's Confidential Information, You agree to give Oracle adequate prior notice of the request and before releasing Oracle's Confidential Information to a third party, in order to allow Oracle sufficient time to seek injunctive relief or other relief against such disclosure.

5. PROTECTION OF YOUR CONTENT

5.1. In order to protect Your Content provided to Oracle as part of the provision of the Services, Oracle will comply with the applicable administrative, physical, technical and other safeguards, and other applicable aspects of system and content management, available at <https://www.oracle.com/contracts/cloud-services>.

5.2. To the extent Your Content includes Personal Information (as that term is defined in the applicable data privacy policies and the Data Processing Agreement (as defined below)), Oracle will furthermore comply with the following:

- a. the relevant Oracle privacy policies applicable to the Services, available at <http://www.oracle.com/us/legal/privacy/overview/index.html>; and
- b. the applicable version of the Data Processing Agreement for Oracle Services (the "Data Processing Agreement"), unless stated otherwise in Your order. The version of the Data Processing Agreement applicable to Your order (i) is available at <https://www.oracle.com/contracts/cloud-services> and is incorporated herein by reference, and (ii) will remain in force during the Services Period of Your order. In

the event of any conflict between the terms of the Data Processing Agreement and the terms of the Service Specifications (including any applicable Oracle privacy policies), the terms of the Data Processing Agreement shall take precedence.

5.3. Without prejudice to Sections 5.1 and 5.2 above, You are responsible for (a) any required notices, consents and/or authorizations related to Your provision of, and our processing of, Your Content (including any Personal Information) as part of the Services, (b) any security vulnerabilities, and the consequences of such vulnerabilities, arising from Your Content, including any viruses, Trojan horses, worms or other harmful programming routines contained in Your Content, and (c) any use by You or Your Users of the Services in a manner that is inconsistent with the terms of this Agreement and/or Your order. To the extent You disclose or transmit Your Content to a third party, we are no longer responsible for the security or confidentiality of such content outside of Oracle's control.

5.4. Unless otherwise specified in Your order (including in the Service Specifications), Your Content may not include any data that imposes specific data security, data protection, or regulatory obligations on Oracle in addition to or different from those specified in the Data Processing Agreement, Service Specifications or this Agreement. If Your Content includes any of the foregoing data (e.g., certain regulated health or payment card information), Oracle will process such data only pursuant to the terms of Your order, the Data Processing Agreement, Service Specifications and this Agreement. You are responsible for complying with Your specific regulatory, legal or data security obligations which may apply to such data. If available for the Services, You may purchase additional services from us (e.g., Oracle Payment Card Industry Compliance Services) designed to address specific data security, data protection or regulatory requirements applicable to such data.

6. WARRANTIES, DISCLAIMERS AND EXCLUSIVE REMEDIES

6.1. Each party represents that it has validly entered into this Agreement and that it has the power and authority to do so. We warrant that during the Services Period we will perform the Services using commercially reasonable care and skill and in all material respects as described in the Service Specifications (the "Services Warranty"). If the Services provided to You were not performed as warranted, You must promptly provide us with a written notice that describes the deficiency in the Services (including, as applicable, the service request number notifying us of the deficiency in the Services).

6.2. WE DO NOT WARRANT THAT THE SERVICES WILL BE PERFORMED ERROR-FREE OR UNINTERRUPTED, THAT WE WILL CORRECT ALL SERVICES ERRORS, OR THAT THE SERVICES WILL MEET YOUR REQUIREMENTS OR EXPECTATIONS. WE ARE NOT RESPONSIBLE FOR ANY ISSUES RELATED TO THE PERFORMANCE, OPERATION OR SECURITY OF THE SERVICES THAT ARISE FROM YOUR CONTENT OR THIRD PARTY CONTENT OR SERVICES PROVIDED BY THIRD PARTIES.

FOR ANY BREACH OF THE SERVICES WARRANTY, YOUR EXCLUSIVE REMEDY AND OUR ENTIRE LIABILITY SHALL BE THE CORRECTION OF THE DEFICIENT SERVICES THAT CAUSED THE BREACH OF WARRANTY, OR, IF WE CANNOT SUBSTANTIALLY CORRECT THE DEFICIENCY IN A COMMERCIALY REASONABLE MANNER, YOU MAY END THE DEFICIENT SERVICES AND WE WILL REFUND TO YOU THE FEES PAID FOR THE DEFICIENT SERVICES FOR THE PERIOD OF TIME DURING WHICH THE SERVICES WERE DEFICIENT.

6.3. TO THE EXTENT NOT PROHIBITED BY LAW, THESE WARRANTIES ARE EXCLUSIVE AND THERE ARE NO OTHER EXPRESS OR IMPLIED WARRANTIES OR CONDITIONS, INCLUDING FOR SOFTWARE, HARDWARE, SYSTEMS, NETWORKS OR ENVIRONMENTS OR FOR MERCHANTABILITY, SATISFACTORY QUALITY AND FITNESS FOR A PARTICULAR PURPOSE.

7. LIMITATION OF LIABILITY

7.1. IN NO EVENT WILL EITHER PARTY OR ITS AFFILIATES BE LIABLE FOR ANY INDIRECT, CONSEQUENTIAL, INCIDENTAL, SPECIAL, PUNITIVE, OR EXEMPLARY DAMAGES, OR ANY LOSS OF REVENUE, PROFITS (EXCLUDING FEES UNDER THIS AGREEMENT), SALES, DATA, DATA USE, GOODWILL, OR REPUTATION.

7.2. IN NO EVENT SHALL THE AGGREGATE LIABILITY OF ORACLE AND OUR AFFILIATES ARISING OUT OF OR RELATED TO THIS AGREEMENT OR YOUR ORDER, WHETHER IN CONTRACT, TORT, OR OTHERWISE, EXCEED THE TOTAL AMOUNTS ACTUALLY PAID UNDER YOUR ORDER FOR THE ORACLE

PRODUCTS OR SERVICES GIVING RISE TO THE LIABILITY DURING THE TWELVE (12) MONTHS IMMEDIATELY PRECEDING THE DATE OF THE EVENT GIVING RISE TO SUCH LIABILITY.

8. INDEMNIFICATION

If a third party makes a claim against either You or Oracle ("Recipient," which may refer to You or us, depending upon which party received the Material), that any information, design, specification, instruction, software, service, data, hardware, or material (collectively, "Material") furnished by either You or us ("Provider," which may refer to You or us depending on which party provided the Material) infringes the third party's intellectual property rights, the Provider, at the Provider's sole cost and expense, will, to the extent not prohibited by law, defend the Recipient against the claim and indemnify the Recipient from the damages, liabilities, costs and expenses awarded by the court to the third party claiming infringement or the settlement agreed to by the Provider, if the Recipient does the following:

- a. notifies the Provider promptly in writing, not later than 30 days after the Recipient receives notice of the claim (or sooner if required by applicable law);
- b. gives the Provider sole control of the defense and any settlement negotiations to the extent permitted by law; and
- c. gives the Provider the information, authority and assistance the Provider needs to defend against or settle the claim.

8.1. If the Provider believes or it is determined that any of the Material may have violated a third party's intellectual property rights, the Provider may choose to either modify the Material to be non-infringing (while substantially preserving its utility or functionality) or obtain a license to allow for continued use, or if these alternatives are not commercially reasonable, the Provider may end the license for, and require return of, the applicable Material and refund any unused, prepaid fees the Recipient may have paid to the other party for such Material. If such return materially affects our ability to meet obligations under the relevant order, then we may, upon 30 days' prior written notice, terminate the order and refund any unused, prepaid fees for the Services under the terminated order. If such Material is third party technology and the terms of the third party license do not allow us to terminate the license, then we may, upon 30 days' prior written notice, end the Services associated with such Material and refund any unused, prepaid fees for such Services.

8.2. The Provider will not indemnify the Recipient if the Recipient (a) alters the Material or uses it outside the scope of use identified in the Provider's user or program documentation or Service Specifications, or (b) uses a version of the Material which has been superseded (and the Recipient has been notified in writing of the new version), if the infringement claim could have been avoided by using an unaltered current version of the Material which was made available to the Recipient. The Provider will not indemnify the Recipient to the extent that an infringement claim is based upon any material not furnished by the Provider. We will not indemnify You to the extent that an infringement claim is based on Third Party Content or any material from a third party portal or other external source that is accessible or made available to You within or by the Services (e.g., a social media post from a third party blog or forum, a third party web page accessed via a hyperlink, marketing data from third party data providers, etc.).

8.3. This Section 8 provides the parties' exclusive remedy for any claims or damages under Section 8.1.

9. TERM AND TERMINATION

9.1. Unless this Agreement is terminated earlier, You may place orders governed by this Agreement for a period of five years from the date You accept this Agreement. Even if terminated, this Agreement will continue to govern any order for the duration of the Services Period of such order.

9.2. Services shall be provided for the Services Period defined in Your order. Notwithstanding anything to the contrary in the Service Specifications, the Services You order will not be automatically renewed.

9.3. We may suspend Your and/or Your Users' access to, or use of, the Services if we believe that (a) there is a significant threat to the functionality, security, integrity, or availability of the Services or any content, data, or applications in the Services; (b) You or Your Users are accessing or using the Services to commit an illegal act; (c) there is a violation of the Acceptable Use Policy; or (d) You provided false account or payment information or Your digital payment method is refused. When reasonably practicable and lawfully permitted, we will provide You with advance notice of any such suspension. For Services with the applicable operational capability, Oracle will

use reasonable efforts to limit any suspension only to the portion of the Services related to the issue causing suspension. We will use reasonable efforts to re-establish the Services promptly after we determine that the issue causing the suspension has been resolved. During any suspension period, we will make Your Content (as it existed on the suspension date) available to You. Any suspension under this Section shall not excuse You from Your payment obligations.

9.4. If either of us breaches a material term of this Agreement or any order and fails to correct the breach within 30 days of written specification of the breach (provided in accordance with Section 16.1 below), then the breaching party is in default and the non-breaching party may terminate (a) in the case of breach of any order, the order under which the breach occurred; or (b) in the case of breach of this Agreement, this Agreement and any orders that have been placed under this Agreement. If we terminate any orders as specified in the preceding sentence, You must pay within 30 days all amounts that have accrued prior to such termination, as well as all sums remaining unpaid for the terminated order(s) plus related taxes and expenses. Except for nonpayment of fees, the non-breaching party may agree in its sole discretion to extend the 30 day period for so long as the breaching party continues reasonable efforts to cure the breach. You agree that if You are in default under this Agreement and/or Your order, You may not use those Services ordered.

9.5 You may terminate this Agreement at any time without cause by giving Oracle 30 days prior written notice of such termination. Termination of the Agreement will not affect orders that are outstanding at the time of termination. Those orders will be performed according to their terms as if this Agreement were still in full force and effect. However, those orders may not be renewed or extended subsequent to termination of this Agreement.

9.6 At the end of the Services Period, we will make Your Content (as it existed at the end of the Services Period) available for retrieval by You during a retrieval period specified in the Service Specifications. Following the retrieval period, and except as may be required by law, we will delete any of Your Content that remains in the Services. Our data deletion practices are described in more detail in the Service Specifications.

9.7 Provisions that survive termination or expiration of this Agreement are those relating to limitation of liability, indemnification, payment and others which by their nature are intended to survive.

10. THIRD PARTY CONTENT, SERVICES AND WEBSITES

10.1. The Services may enable You to link to, transfer Your Content or Third Party Content to, or otherwise access, third parties' websites, platforms, content, products, services, and information ("Third Party Services"). Oracle does not control and is not responsible for Third Party Content or Third Party Services. You are solely responsible for complying with the terms of access and use of Third Party Services, and if Oracle accesses or uses any Third Party Services on Your behalf to facilitate performance of the Services, You are solely responsible for ensuring that such access and use, including through passwords, credentials or tokens issued or otherwise made available to You, is authorized by the terms of access and use for such services. If You transfer or cause the transfer of Your Content or Third Party Content from the Services to a Third Party Service or other location, that transfer constitutes a distribution by You and not by Oracle.

10.2. Any Third Party Content we make accessible is provided on an "as-is" and "as available" basis without any warranty of any kind. We disclaim all liabilities arising from or related to Third Party Content.

10.3. You acknowledge that: (a) the nature, type, quality and availability of Third Party Content may change at any time during the Services Period, and (b) features of the Services that interoperate with Third Party Services, such as Facebook™, YouTube™ and Twitter™, etc., depend on the continuing availability of such third parties' respective application programming interfaces (APIs). We may need to update, change or modify the Services under this Agreement as a result of a change in, or unavailability of, such Third Party Content, Third Party Services or APIs. Any change to Third Party Content, Third Party Services or APIs, including their unavailability, during the Services Period does not affect Your obligations under this Agreement or the applicable order, and You will not be entitled to any refund, credit or other compensation due to any such changes.

11. SERVICE MONITORING, ANALYSES AND ORACLE-PROVIDED SOFTWARE

11.1. We continuously monitor the Services to facilitate Oracle's operation of the Services; to help resolve Your service requests; to detect and address threats to the functionality, security, integrity, and availability of the Services as well as any content, data, or applications in the Services; and to detect and address illegal acts or violations of the Acceptable Use Policy. Oracle monitoring tools do not collect or store any of Your Content residing

in the Services, except as needed for such purposes. Oracle does not monitor, and does not address issues with, non-Oracle software provided by You or any of Your Users that is stored in, or run on or through, the Services. Information collected by Oracle monitoring tools (excluding Your Content) may also be used to assist in managing Oracle's product and service portfolio, to help Oracle address deficiencies in its product and service offerings, and for license management purposes.

11.2. We may (a) compile statistical and other information related to the performance, operation and use of the Services, and (b) use data from the Services in aggregated form for security and operations management, to create statistical analyses, and for research and development purposes (above clauses (a) and (b) are collectively referred to as "Service Analyses"). We retain all intellectual property rights in Service Analyses.

11.3. We may provide You with the ability to obtain certain Oracle-provided Software (as defined below) for use with the Services. Unless we specify that separate terms will apply to Oracle-provided Software, any Oracle-provided Software is provided as part of the Services and You have the non-exclusive, worldwide, limited right to use, and allow Your Users to use, such Oracle-provided Software, subject to the terms of this Agreement and Your order, solely to facilitate Your authorized use of the Services. Your right to use any Oracle-provided Software will terminate upon the earlier of our notice (by web posting or otherwise) or the end of the Services associated with the Oracle-provided Software. Your right to use any part of the Oracle-provided Software that is licensed under the separate terms is not restricted in any way by this Agreement.

12. HARDWARE DEVICES

The terms in this Section 12 (Hardware Devices) only apply to an order which includes a Hardware Device.

12.1. Your order may include a Hardware Device (as defined below), which You may use with the applicable Services as described in the Service Specifications. The terms of this Agreement and Your order (including those terms that refer to Services) govern Hardware Devices, the Operating System and Integrated Software (both as defined below), unless expressly stated otherwise in this Section 12, or if the terms by their nature would be inapplicable to Hardware Devices.

12.2. We provide a limited warranty for Hardware Devices as described in the Oracle Hardware Warranty available at <http://www.oracle.com/contracts/hardware>. Any changes to the Oracle Hardware Warranty will not apply to Hardware Devices ordered prior to such change.

12.3. We provide technical support services for Hardware Devices as described in the Service Specifications and/or Oracle's Hardware and Systems Support Policies in effect at the time the technical support services are provided (available at <http://www.oracle.com/contracts/hardware>), as applicable.

12.4. With respect to our indemnification for Hardware Devices under Section 8, notwithstanding the provisions of Section 8.2, if we believe or it is determined that the Hardware Device (or portion thereof) may have violated a third party's intellectual property rights, we may choose to either replace or modify the Hardware Device (or portion thereof) to be non-infringing (while substantially preserving its utility or functionality) or obtain a right to allow for continued use, or if these alternatives are not commercially reasonable, we may remove the applicable Hardware Device (or portion thereof) and refund the net book value for the Hardware Device.

12.5. "Hardware Device" is defined as hardware that meets both of the following requirements: (a) the hardware is managed by or used as part of the Services, and (b) the hardware is designated as a Hardware Device by Oracle. Title to Hardware Devices will transfer to You upon delivery to You unless otherwise specified in Your order.

12.6. "Operating System" refers to the software that manages the Hardware Device. You have the right to use the Operating System delivered with the Hardware Device (and any updates acquired through our technical support services) only as incorporated in, and as part of, the Hardware Device and subject to the terms of the license agreement(s) delivered with or on the Hardware Device. Current versions of the license agreements are located in the documentation for the Hardware Device.

12.7. "Integrated Software" refers to any software or programmable code that is embedded or integrated in a Hardware Device and enables the functionality of the Hardware Device. Integrated Software does not include and You do not have rights to (a) code or functionality for diagnostic, maintenance, repair or technical support services; or (b) separately licensed applications, development tools, or system management software or other code that is separately licensed by us or a third party. You have the limited, non-exclusive right to use Integrated Software

delivered with a Hardware Device (and any updates acquired through our technical support services) only as incorporated in, and as part of, the Hardware Device and subject to any terms delivered with or on the Hardware Device and/or in the applicable documentation.

12.8. We or our licensors retain all ownership and intellectual property rights in and to the Operating System and Integrated Software. The Hardware Device may contain or require the use of third party technology that is provided with or pre-installed on the Hardware Device. Third party technology is licensed under terms which we may provide to You (i) with or on the Hardware Device, (ii) in the applicable product documentation, (iii) in the readme files, or (iv) in the notice files. Your right to use this third party technology under separate license terms are not restricted in any way by this Agreement. We do not warrant or provide any technical support services for this third party technology.

12.9. The Operating System or Integrated Software may include separate works, identified in a readme file, notice file or the applicable documentation, which are licensed under open source or similar license terms; Your rights to use the Operating System and Integrated Software under such terms are not restricted in any way by this Agreement. The appropriate terms associated with these separate works can be found in the readme files, notice files or in the documentation accompanying the Operating System and Integrated Software. For software (i) that is part of the Operating System or Integrated Software and (ii) that You receive from us in binary form and (iii) that is licensed under an open source license that gives You the right to receive the source code for that binary, You may obtain a copy of the applicable source code from <https://oss.oracle.com/sources/> or <http://www.oracle.com/goto/opensourcecode>. If the source code for the software was not provided to You with the binary, You may also receive a copy of the source code on physical media by submitting a written request pursuant to the instructions in the "Written Offer for Source Code" section of the latter website.

13. EXPORT

13.1. Export control and economic sanctions laws and regulations ("export laws") of the United States and any other relevant local export laws apply to the Oracle Products and Services ordered under this Agreement. Such export laws govern use of the Oracle Products and Services (including technical data) and any Oracle products or services deliverables provided under this Agreement, and You and we each agree to comply with all such export laws (including "deemed export" and "deemed re-export" regulations). You agree that no data, information, software programs and/or materials resulting from the Oracle products or services (or direct product thereof) will be exported, directly or indirectly, in violation of these laws, or will be used for any purpose prohibited by these laws including, without limitation, nuclear, chemical, or biological weapons proliferation, or development of missile technology.

13.2. You acknowledge that the Services are designed with capabilities for You and Your Users to access the Services without regard to geographic location and to transfer or otherwise move Your Content between the Services and other locations such as User workstations. You are solely responsible for the authorization and management of User accounts across geographic locations, as well as export control and geographic transfer of Your Content.

14. FORCE MAJEURE

Neither You nor we shall be responsible for failure or delay of performance if caused by: an act of war, hostility, or sabotage; act of God; pandemic; electrical, internet, or telecommunication outage that is not caused by the obligated party; government restrictions (including, without limitation, an embargo, economic sanction or the denial or cancelation of any export, import or other license); or other event outside the reasonable control of the obligated party. Both You and we will use reasonable efforts to mitigate the effect of a force majeure event. If such event continues for more than 30 days, either of You or we may cancel unperformed Services and affected orders upon written agreement. This Section does not excuse either party's obligation to take reasonable steps to follow its normal disaster recovery procedures or Your obligation to pay for the Services.

15. UCITA

The Uniform Computer Information Transactions Act does not apply to this Agreement or to orders placed under it.

16. NOTICE

16.1. Any notice required under this Agreement shall be provided to the other party in writing. If You have a legal dispute with us or if You wish to provide a notice under the Indemnification Section of this Agreement, or if You become subject to insolvency or other similar legal proceedings, You will promptly send written notice to: Oracle America, Inc., 500 Oracle Parkway Redwood Shores, CA 94065, Attention: General Counsel, Legal Department.

16.2. We may give notices applicable to our Services customers by means of a general notice on the Oracle portal for the Services, and notices specific to You (a) by electronic mail to Your e-mail address on record in our account information or (b) by written communication sent by first class mail or pre-paid post to Your address on record in our account information.

16.3. You may register to receive notice of updates to the Oracle Cloud Hosting and Delivery Policies and the Data Processing Agreement (and certain other Service Specifications made available by Oracle) at <http://www.oracle.com/contracts/cloud-services>.

17. ASSIGNMENT

You may not assign this Agreement or give or transfer the Services or any interest in the Services to another individual or entity.

18. OTHER

18.1. We are an independent contractor, and each party agrees that no partnership, joint venture, or agency relationship exists between the parties.

18.2. Our business partners and other third parties, including any third parties with which the Services have integrations or that are retained by You to provide consulting services, implementation services or applications that interact with the Services, are independent of Oracle and are not Oracle's agents. Even if recommended by us, we are not liable for, bound by, or responsible for any problems with the Services or Your Content arising due to any acts or omissions of any business partner or third party, unless the business partner or third party is providing Services as our subcontractor or is otherwise engaged by Oracle in connection with performance of its obligations under this Agreement, and, if so, then only to the same extent as we would be responsible for our resources under this Agreement.

18.3. If any term of this Agreement is found to be invalid or unenforceable, the remaining provisions will remain effective and such term shall be replaced with another term consistent with the purpose and intent of this Agreement.

18.4. Except for actions for nonpayment or breach of Oracle's proprietary rights, no action, regardless of form, arising out of or relating to this Agreement may be brought by either party more than two years after the cause of action has accrued.

18.5. Prior to entering into an order governed by this Agreement, You are solely responsible for determining whether the Services meet Your technical, business or regulatory requirements. Oracle will cooperate with Your efforts to determine whether use of the standard Services are consistent with those requirements. Additional fees may apply to any additional work performed by Oracle or changes to the Services. You remain solely responsible for Your regulatory compliance in connection with Your use of the Services.

19. ENTIRE AGREEMENT

19.1. You agree that this Agreement and the information which is incorporated into this Agreement by written reference (including reference to information contained in a URL or referenced policy), together with the applicable order, is the complete agreement for the Oracle Products and Services ordered by You and supersedes all prior or contemporaneous agreements, proposals, negotiations, demonstrations or representations, written or oral, regarding such Oracle Products and Services.

19.2. It is expressly agreed that the terms of this Agreement and any Oracle order shall supersede the terms in any purchase order, procurement internet portal, or other similar non-Oracle document, and no terms included in

any such purchase order, portal, or other non-Oracle document shall apply to Your order. In the event of any inconsistencies between the terms of an order and the Agreement, the order shall take precedence; however, unless expressly stated otherwise in an order, the terms of the Data Processing Agreement shall take precedence over any inconsistent terms in an order. This Agreement and orders hereunder may not be modified and the rights and restrictions may not be altered or waived except in a writing signed or accepted online by authorized representatives of You and of Oracle; however, Oracle may update the Service Specifications, including by posting updated documents on Oracle's websites. No third party beneficiary relationships are created by this Agreement.

20. AGREEMENT DEFINITIONS

20.1. **"Oracle-provided Software"** means any software agent, application or tool that Oracle makes available to You specifically for purposes of facilitating Your access to, operation of, and/or use with, the Services.

20.2. **"Program Documentation"** refers to the user manuals, help windows, readme files for the Services and any Oracle-provided Software. You may access the documentation online at <http://oracle.com/contracts> or such other address specified by Oracle.

20.3. **"Service Specifications"** means the following documents, as applicable to the Services under Your order: (a) the Oracle Cloud Hosting and Delivery Policies, the Program Documentation, the Oracle service descriptions, and the Oracle Corporate Security Practices; (b) Oracle's privacy policies; and (c) any other Oracle documents that are referenced in or incorporated into Your order. The following do not apply to any non-Cloud Oracle service offerings acquired under Your order, such as professional services: the Oracle Cloud Hosting and Delivery Policies and Program Documentation. The following do not apply to any Oracle-provided Software: the Oracle Cloud Hosting and Delivery Policies.

20.4. **"Third Party Content"** means all software, data, text, images, audio, video, photographs and other content and material, in any format, that are obtained or derived from third party sources outside of Oracle that You may access through, within, or in conjunction with Your use of, the Services. Examples of Third Party Content include data feeds from social network services, rss feeds from blog posts, Oracle data marketplaces and libraries, dictionaries, and marketing data. Third Party Content includes third-party sourced materials accessed or obtained by Your use of the Services or any Oracle-provided tools.

20.5. **"Users"** means, for Services, those employees, contractors, and end users, as applicable, authorized by You or on Your behalf to use the Services in accordance with this Agreement and Your order. For Services that are specifically designed to allow Your clients, agents, customers, suppliers or other third parties to access the Services to interact with You, such third parties will be considered "Users" subject to the terms of this Agreement and Your order.

20.6. **"Your Content"** means all software, data (including Personal Information), text, images, audio, video, photographs, non-Oracle or third party applications, and other content and material, in any format, provided by You or any of Your Users that is stored in, or run on or through, the Services. Services under this Agreement, Oracle-provided Software, other Oracle Products and Services, and Oracle intellectual property, and all derivative works thereof, do not fall within the meaning of the term "Your Content." Your Content includes any Third Party Content that is brought by You into the Services by Your use of the Services or any Oracle-provided tools.

21. CLOUD SERVICES AGREEMENT EFFECTIVE DATE

The Effective Date of this Cloud Services Agreement is _____. (DATE TO BE COMPLETED BY ORACLE)

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK. THE SIGNATURE BLOCK FOR THIS AGREEMENT FOLLOWS IMMEDIATELY ON THE NEXT PAGE.

Town of Manalapan

Oracle America, Inc.

Authorized Signature: _____

Authorized Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

Signature Date: _____

Signature Date: _____

Agreement No.: US-CSA-FEC-80609330

Agreement Information

This Amendment amends the Oracle Cloud Services Agreement US-CSA-FEC-80609330, dated _____, and all amendments and addenda thereto (the "Agreement") between You and Oracle America, Inc. ("Oracle").

The parties agree to amend the Agreement as follows:

1. Insert the following as a new section **22. ADDITIONAL TERMS**

"22. ADDITIONAL TERMS

22.1 Open Records Law

The inclusion of this statement and provisions below shall not be construed to imply that Oracle has been delegated any governmental decision-making authority, governmental responsibility or governmental function or that Oracle is acting on Your behalf as provided under Section 119.011(2), Florida Statutes, or that the statement or provisions are otherwise applicable to Oracle. You do not intend for, or request Oracle to act on its behalf, or for Oracle to otherwise meet the definitions of "Contractor" or "Agency" for the purposes of Florida Statutes Chapter 119. If, however it is judicially determined that Oracle is "acting on behalf of" You pursuant to such statute in its capacity as a provider of information technology services, Oracle and You will immediately commence an evaluation of the feasibility of continued performance under the applicable orders.

Oracle shall comply with Florida's Public Records Act, Chapter 119, Florida Statutes (the "Public Records Act"), and, if determined to be acting on Your behalf as provided under section 119.011(2), Florida Statutes, specifically agrees to:

- a. Keep and maintain public records required by You to perform the services.
- b. Upon request from Your custodian of public records or designee, provide You with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
- c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract documents following completion of the contract documents if Oracle does not transfer the records to You.
- d. Upon completion of the contract documents, transfer, at no cost, to You all public records in possession of Oracle or keep and maintain public records required by You to perform the service. If Oracle transfers all public records to You upon completion of the contract documents, Oracle shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If Oracle keeps and maintains public records upon completion of the contract documents, Oracle shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to You, upon request from Your custodian of public records or designee, in a format that is compatible with Your information technology systems.

IF ORACLE HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ORACLE'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE CONTRACT DOCUMENTS, PLEASE CONTACT THE TOWN OF MANALAPAN, ATTN: [Jeffrey Rasor, (561) 383-2550, 600 S. Ocean Blvd. Manalapan, FI 33462].

You will use its best efforts to provide Oracle with a copy of any public records request received for any records related to or arising from the contract documents and use its best efforts to provide Oracle time to object to any

disclosure; however, You will comply with Florida's Public Records Law and will promptly disclose all public records which are not exempt or confidential under Florida law.

22.2 Waiver of Sovereign Immunity

Nothing in this Agreement shall be deemed or considered a waiver of any immunity to which You are entitled by law under Section 768.28, Florida Statutes.

Notwithstanding the foregoing, You and Oracle agree to submit to the jurisdiction of and venue in the U.S. federal courts in the Southern District of the State of Florida for any dispute where subject matter jurisdiction lies exclusively within federal courts."

This Amendment is valid for signature through 31-AUG-2026. If this Amendment is not signed by both parties on or before that date, this Amendment will be null and void and of no legal effect even if executed by both parties.

Subject to the modifications herein, the Agreement shall remain in full force and effect.

The Effective Date of this amendment is _____. (to be completed by Oracle)

Town of Manalapan		Oracle America, Inc.	
Signature	_____	Signature	_____
Name	_____	Name	_____
Title	_____	Title	_____
Signature	_____	Signature	_____
Date	_____	Date	_____

Oracle America, Inc.
500 Oracle Parkway
Redwood Shores, CA 94065

Your Name	Town of Manalapan	Your Contact	Jeffrey Rasor
Your Location	600 S Ocean Blvd Manalapan, FL 33462	Phone Number	+1 (561) 383-2550
		Email Address	jraser@manalapan.org

Hardware Devices Ship to Address:

Name	Town of Manalapan	Contact	Jeffrey Rasor
Ship to Address	600 S Ocean Blvd Manalapan, FL 33462	Phone Number	+1 (561) 383-2550
		Email Address	jraser@manalapan.org

**New Subscription
CPQ-4071010**

Services Period: 24 months							
Cloud Services	Data Center Region	Quantity	Term	List Fee	Discount %	Unit Net Price	Net Fee
B109338 - Oracle Public Safety Tablet Communication System - Tablet	US Government	2	24 mo	2,400.00	100.0	0.00	0.00
B108631 - Oracle Public Safety Learning Subscription - Hosted Named User	US Government	55	24 mo	0.00	0.0	0.00	0.00
B95766 - Oracle Public Safety Dispatch Command Center System - Workstation	US Government	2	24 mo	19,200.00	100.0	0.00	0.00
B95768 - Oracle Public Safety Personal Communication System - Phone	US Government	20	24 mo	9,600.00	100.0	0.00	0.00
B95885 - Oracle Public Safety Records Management System - Sworn Officer	US Government	20	24 mo	33,600.00	100.0	0.00	0.00
B96459 - Oracle Public Safety Vehicle Communication System - Vehicle Outfitted	US Government	18	24 mo	32,400.00	100.0	0.00	0.00
B96562 - Oracle Public Safety, GIS powered by ESRI, Basemaps Location Service from ArcGIS Platform - Interface	US Government	1	24 mo	13,200.00	100.0	0.00	0.00
B96563 - Oracle Public Safety, GIS powered by ESRI, Geocoding and Routing Location Services from ArcGIS Platform up to 10 workstations total - Interface	US Government	1	24 mo	7,680.00	100.0	0.00	0.00
B97273 - Oracle Public Safety Interface, iPaaS integration - Interface	US Government	1	24 mo	1,920.00	100.0	0.00	0.00
B97284 - Oracle Public Safety Interface, FL, FIBRS - Interface	US Government	1	24 mo	0.00	0.0	0.00	0.00
B99040 - Oracle Public Safety Wearable Computer System - Body Worn Computer	US Government	20	24 mo	62,400.00	100.0	0.00	0.00
B98175 - Oracle Public Safety, NCIC powered by Datamaxx, Cloud Connector - Each	US Government	1	24 mo	6,000.00	100.0	0.00	0.00
B98174 - Oracle Public Safety, NCIC powered by Datamaxx, (Up to Quantity) - Sworn Officer	US Government	100	24 mo	9,600.00	100.0	0.00	0.00
Subtotal				198,000.00			0.00

CPQ-4187081, CPQ-4187082, CPQ-4187089, and CPQ-4335789

Hardware and Hardware-Related Service Offerings				
Item	Part Number	Hardware Description	Quantity	Net Fee
1.0	7628559	Oracle Public Safety Tablet 210, for Vehicle Communication System only	18	0.00
2.0	7628559	Oracle Public Safety Tablet 210, for Vehicle Communication System only	2	0.00
3.0	7630444	Dock and power supply gen 2 for Oracle Public Safety Tablet 210, for Vehicle Communication System only	18	0.00
4.0	7628562	Dash mount for Oracle Public Safety tablet 210 for 2015-2023 Dodge Charger Police	18	0.00

Hardware and Hardware-Related Service Offerings				
Item	Part Number	Hardware Description	Quantity	Net Fee
		Pursuit and Charger SXT, for Vehicle Communication System only		
5.0	7628542	Oracle Public Safety Wearable Camera 210 with accessories, for Oracle Public Safety Wearable Computer System only	20	0.00
6.0	7628543	ATT IoT eSIM Card, for Oracle Public Safety Wearable Computer System only	20	0.00

Other Fees	Quantity	Net Fee
Hardware Device Freight Fee	56	0.00
Shipping Method: HARDWARE - STANDARD	Subtotal Other Fees	0.00

Fee Description	Net Fee
Cloud Services Fees	0.00
Hardware Device Fees	0.00
Other Fees	0.00
Net Fees	0.00
Total Fees	0.00

A. TERMS OF YOUR ORDER

1. Applicable Agreement

- a. This order incorporates by reference the terms of the Public Sector Agreement for Oracle Cloud Services US-CSA-FEC-80609330, and all amendments and addenda and supplemental terms thereto, including the CJIS STCs specified in section A.2 below, (the "Agreement"). The defined terms in the Agreement shall have the same meaning in this order unless otherwise specified herein.
- b. **Linking Language.** You acknowledge and agree that the terms and conditions of this ordering document are contingent upon the execution of the Agreement between the parties on or prior to the last signature date of this ordering document. If the parties do not execute the Agreement on or prior to the last signature date of this ordering document, then this ordering document shall be deemed to have no legal effect, even if executed.

2. Applicable Supplemental Terms

Criminal Justice Information Services Supplemental Terms and Conditions ("CJIS STCs") which are attached to the Service Specifications applicable to Cloud Services.

You acknowledge and agree that you have read and understand the CJS STCs which are attached to the Services Specifications for the products and service are being purchased hereunder and which may be accessed at: <http://www.oracle.com/contracts>.

3. Service Specifications

The Service Specifications applicable to the Services ordered may be accessed at <http://www.oracle.com/contracts>.

4. Payment Terms

Net 30 days from invoice date

5. Pricing, Invoicing, and Payment Options

- a. In addition to the prices listed in the table(s) above section A, Oracle will invoice you for any applicable freight charges or applicable taxes, and you will be responsible for such charges and taxes notwithstanding any express or implied provision in the "Incoterms" referenced in the Order and Delivery Policies. The Order and Delivery Policies may be accessed at <http://oracle.com/contracts>.
- b. You understand that you may receive multiple invoices for the products and/or services you ordered.
- c. Invoices will be submitted to you pursuant to Oracle's Invoicing Standards Policy, which may be accessed at <http://oracle.com/contracts>.

6. Currency

US Dollars

7. Offer Valid through

31-AUG-2026

8. Territory

- a. You have ordered Hardware Device, and/or Services specified in the table(s) above section A for use in the United States.
- b. The Hardware Device (including but not limited to Public Safety Suite Hardware Components) included on this ordering document shall be installed only in the United States.

9. Non-Appropriation

In the event funds are not appropriated for a new fiscal year period, You may terminate this order immediately without penalty or expense; provided, however, that: (a) for each of the 12-month terms of the order, You must provide a purchase order, and (b) Your issuance of each 12-month purchase order shall signify to Oracle that all funds for the given 12-month term have been fully appropriated and encumbered. Notwithstanding the foregoing, You agree to pay for all services performed by Oracle prior to Oracle's receipt of Your notice of non-appropriation.

B. TERMS FOR CLOUD SERVICES

The following terms and conditions apply to the Cloud Services specified in the tables above section A.

1. Services Period

The Services Period for the Services commences on the date stated in this order. If no date is specified, then:

- the "Cloud Services Start Date" for each Service will be the date that you are issued access that enables you to activate your Services.

2. Payment Frequency

- Cloud Services Payment Frequency: Quarterly in Arrears

3. No Auto-Renewal

Notwithstanding any statement to the contrary in the Service Specifications, the parties expressly agree that the Services acquired under this order will not Auto-Renew.

4. AI Terms

The Oracle Artificial Intelligence Terms ("AI Terms") apply to artificial intelligence ("AI") systems, and Your and Your Users' use of related AI functionality, that is included in Your Cloud Services. The AI Terms are included in the Service Specifications for Your Cloud Services and remain subject to update pursuant to the terms of Your Agreement. A current version of the AI Terms may be accessed at <https://www.oracle.com/contracts>.

C. TERMS FOR PUBLIC SAFETY SUITE HARDWARE COMPONENTS, HARDWARE DEVICES

You have ordered Hardware Device. The following terms and conditions apply to the Public Safety Suite Hardware Components, and Hardware Devices-specified in the tables above section A.

1. Public Safety Suite Hardware Components and Hardware Device

a. The Public Safety Suite Hardware Components consist of the Cloud Services components included as part of the suite that are specified in the "Hardware Device" table above section A (the "**Public Safety Suite Hardware Components**").

b. You are solely responsible for exercising control and management of the location of each of the Hardware Device (including but not limited to Public Safety Suite Hardware Components). Oracle expressly disclaims any liability or responsibility for (i) the loss or misappropriation of Your Content that is stored on any Hardware Device, regardless of whether such Hardware Device is lost or otherwise misplaced; and (ii) the storage or disposal of the Hardware Device. You must take appropriate measures to securely store and sanitize the Hardware Device prior to releasing such Hardware Device from Your control. In addition, You must ensure the Hardware Devices are securely disposed of by authorized personnel in accordance with the Criminal Justice Information Services Security Policy guidelines, any applicable state laws, local E-waste regulations, state regulations, and guidelines for safe disposal of devices containing lithium batteries.

c. You acknowledge that to operate certain Hardware Devices (including but not limited to Public Safety Suite Hardware Components), the vehicle in which such components are installed must meet a minimum set of requirements as described in the applicable Hardware Device documentation. Such requirements may change from time to time, as communicated by Oracle in the applicable Hardware Device documentation.

2. Commencement Date

For the Hardware Devices (including but not limited to Public Safety Suite Hardware Components), the commencement date shall be the date the applicable Hardware Device is delivered.

3. Payment Frequency

Hardware Device Payment Frequency: One time in full, as of the commencement date

4. Delivery, Installation and Acceptance of Hardware Device

a. Oracle will deliver the Hardware Device (including but not limited to Public Safety Suite Hardware Components) to the ship to address specified above Section A; and acceptance of the Hardware Device (including but not limited to Public Safety Suite Hardware Components) occurs on delivery.

b. The Hardware Device You have ordered will be delivered: DDP; Freight prepaid and charged back via delivery method HARDWARE - STANDARD.

c. You are responsible for installation of the Hardware Device unless You purchase installation services from Oracle for that Hardware Device.

6. Vehicle Dash Mount SKU(s) Substitution Request

You may request a substitution of the Vehicle Dash Mount SKU(s) identified in the table above section A of this order ("**Substitution Request**"), at no additional charge, provided that the Substitution Request:

- a. Is provided to Oracle in writing at least thirty (30) days prior to shipment;
- b. Does not exceed the quantity of Vehicle Dash Mount SKU(s) identified on this order; and
- c. Is limited to the following vehicle dash mount SKUs for Oracle Public Safety tablet 210, for Oracle Vehicle Communication System only, (each a "**Vehicle Dash Mount SKU**"):
 - 7628562 (for 2015-2023 Dodge Charger Police Pursuit and Charger SXT)
 - 7628563 (for 2015-2020 Ford F-150 Retail, Responder and SSV, 2017-2022 Ford F-250, 350, 450 Pickup, F-450, 550, 600 Cab Chassis, 2018-2021 Expedition Retail, MAX, and SSV)
 - 7628564 (for 2019-2025 Chevrolet Silverado and GMC Sierra 1500)
 - 7628565 (for 2013-2024 RAM 1500, 2500, 3500 Retail, 1500 Special Services Police, and 1500 Tradesman Pickup Trucks with classic DS Body style)
 - 7628566 (for 2020-2024 Ford Interceptor)
 - 7628567 (for 2021-2024 Chevy Tahoe)
 - 7628568 (for 2021-2025 Ford E-Series Cutaway)
 - 7628569 (for 2021-2025 Ford F-150)
 - 7628570 (for 2021-2025 Dodge Durango)
 - 7628571 (for 2019-2024 RAM 1500, 2500, 3500, 4500, 5500)
 - 7628572 (for 2023-2024 Ford F-250, F-350, F-450, F-550 Super Duty Pickup)
 - 7628573 (for 2025 Ford Interceptor)

D. ADDITIONAL ORDER TERMS

1. You acknowledge and confirm that You are permitted by all applicable laws, regulations, policies and directives to accept the provision of

the Cloud Services and Hardware Devices set forth herein and that the provision of such Cloud Services and Hardware Devices does not constitute an unlawful gift, benefit or inducement by Oracle to You to enter into this order or any other agreement for Oracle products and services. You agree that You will not accept the Cloud Services and Hardware Devices if You are not permitted to do so.

Town of Manalapan	Oracle America, Inc.
Signature _____	Signature _____
Name _____	Name _____
Title _____	Title _____
Signature Date _____	Signature Date _____

BILL TO / SHIP TO INFORMATION

Bill To		Ship To	
Customer Name	Town of Manalapan	Customer Name	Town of Manalapan
Customer Address	600 S Ocean Blvd Manalapan FL 33462	Customer Address	600 S Ocean Blvd Manalapan FL 33462
Contact Name	Jeffrey Rasor	Contact Name	Jeffrey Rasor
Contact Phone	+1 (561) 383-2550	Contact Phone	+1 (561) 383-2550
Contact Email	jrasor@manalapan.org	Contact Email	jrasor@manalapan.org



**PROFESSIONAL SERVICES
ORDERING DOCUMENT**

Ordering Document Number: US-20284732

Oracle America, Inc. 500 Oracle Parkway Redwood Shores, CA 94065	Your Name: Town of Manalapan Your Address: 600 S Ocean Blvd Manalapan, FL 33462
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Oracle Representative:	Jonathan Appel	Your Billing Contact:	Jeffrey Rasor
Address:	2300 Oracle Way Austin, TX 78741	Address:	600 S Ocean Blvd Manalapan, FL 33462
Phone Number:	954-994-5042	Phone Number:	561-383-2550
Email Address:	jonathan.appel@oracle.com	Email Address:	jrasor@manalapan.org

You have ordered the Services listed in the table below and detailed in the attached exhibit(s), which are incorporated herein by reference.

Services	Reference	Fees	Estimated Expenses	Total Fees and Estimated Expenses
Time and Materials Services	Exhibit 1	\$0.00	\$0.00	\$0.00
Total Fees and Estimated Expenses				\$0.00

A. TERMS

- Applicable Master Agreement:**
This order incorporates by reference the Master Agreement **US-CSA-FEC-80609330** and all amendments and addenda thereto (collectively, the "Master Agreement").
- Professional Services Delivery Policies:** The Oracle Professional Services Delivery Policies ("Policies") available at <https://www.oracle.com/a/ocom/docs/corporate/professional-services-delivery-policies.pdf> apply to and are incorporated into this order.
- Payment Terms:** Net 30 days from invoice date.
- Currency:** US Dollars.
- Offer Valid through: 31-AUG-2026.**

The terms and pricing granted under this order are contingent on Your simultaneous execution of Master Agreement **US-CSA-FEC-80609330**. Master Agreement **US-CSA-FEC-80609330** may be accepted by Oracle even if this order is not signed. However, this order is not accepted unless Master Agreement **US-CSA-FEC-80609330** is signed.

- Service Specifications:** The Service Specifications shall include any exhibit(s) attached to this order (including referenced or incorporated Oracle documents) and the Policies.
- Order of Precedence:** In the event of any inconsistencies, priority shall be established in the following descending order: (a) any exhibit(s) attached to this order; (b) this order; (c) the Policies; and (d) the Master Agreement.
- Rights Granted:**
Upon payment, You have the non-exclusive, non-assignable, royalty-free, worldwide, limited right to use the services and anything developed and delivered by Oracle under this order ("services and deliverables") for Your internal business operations. You may allow Your agents and contractors to use the services and deliverables for Your internal business operations, and You are responsible for their compliance in such use. The services and

deliverables may be related to Your right to use cloud or hosted/managed services or Products owned or distributed by Oracle which You acquired under a separate order. The agreement referenced in that order shall govern Your use of such services or Products, and nothing in this order is intended to grant a right to use such services or Products in excess of the terms of that order, such as the services period or number and type of environments specified in a cloud or hosted/managed service order.

You retain all ownership and intellectual property rights to Your confidential and proprietary information that You provide to Oracle under this order.

B. ADDITIONAL ORDER TERMS

1. When services will be performed on-site at customer location in the US, as required by US Department of Labor regulations (20 CFR 655.734), You will allow Oracle to post a notice regarding Oracle H-1B employee(s) at the work site prior to the employee's arrival on-site.

Town of Manalapan	Oracle America, Inc.
Authorized Signature: _____	Authorized Signature: _____
Name: _____	Name: _____
Title: _____	Title: _____
Signature Date: _____	Signature Date: _____
Ordering Document Effective Date: _____ <i>{to be completed by Oracle}</i>	

Your Name: Town of Manalapan
Ordering Document Number: US-20284732
Exhibit Number: 1

1. Description of Services.

Oracle will provide You with up to one hundred seven (107) person days of technical and functional assistance with the following activities related to the enablement of Oracle Public Safety: Dispatch Command Center System, Vehicle Communication System, Tablet Communication System, Personal Communication System, Wearable Computer System, and Records Management System ("RMS"), collectively referred to hereafter as Oracle Public Safety Suite ("OPSS") (the "Services").

A. Engage Phase:

1. Conduct one remote (1) project kick-off workshop for up to two (2) hours, to review the project including:
 - a. Scope management;
 - b. Risk management;
 - c. Project overview;
 - d. Collaboration portal; and
 - e. Communication plan.
2. Create and provide an initial project work plan, to include the following:
 - a. Tasks, estimated task start and end dates, and estimated task durations;
 - b. Assigned resources from both parties; and
 - c. Known dependencies.
3. Conduct up to one (1) remote workshop for up to two (2) hours to review the scope and plan for each implementation area specified below:
 - a. Information technology/networking and security.
 - b. Configuration;
 - c. Data migration;
 - d. Interfaces;
 - e. Training; and
 - f. Hardware.

B. Focus Phase:

1. Conduct one (1) workshop for up to two (2) hours for each of the functional areas specified below, to review current processes and workflows:
 - a. System administration;
 - b. Dispatch;
 - c. Geographic information system ("GIS");
 - d. Mobile / devices;
 - e. Records management; and
 - f. Reporting and dashboards.

C. Refine Phase:

1. Guide You through the configuration of the following functional areas, based upon results from workshops in section 1.B.1, for up to thirty (30) person days as outlined in the project plan:
 - a. System administration;
 - b. Dispatch;
 - c. GIS;
 - d. Vehicle Communication System;
 - e. Tablet Communication System;
 - f. Personal Communication System;
 - g. Wearable Computer System;
 - h. RMS; and
 - i. Reporting and dashboards.
2. Assist You with the configuration of Vehicle Communication System.

3. Assist You with the configuration of Tablet Communication System for up to two (2) tablets.
4. Assist you with the configuration of Wearable Computer System for up to twenty (20) devices.
5. Guide You through data migration configuration and completion of field mapping for the following third-party application:

Source System	Product Area	Functional Description	Data Format
Traffic and Criminal Software ("TraCS")	Dispatch	Dispatch data, core indices	American Standard Code for Information Interchange ("ASCII") datafile
Beacon	Dispatch	Dispatch data, core indices	ASCII datafile
TraCS	Records	Record management data, core indices	ASCII datafile
Beacon	Records	Record management data, core indices	ASCII datafile
Progressive Microtechnology Inc. ("PMI")	Property and Evidence	Property and evidence data, core indices	ASCII datafile

6. Assist You with enabling third-party system interfaces with OPSS to include the following:
 - a. Interfaces:
 1. Oracle Public Safety Interface, Datamaxx, NCIC;
 2. Oracle Public Safety Interface, iPaaS integration; and
 3. Oracle Public Safety Interface, FL, FIBRS.

D. Enable Phase:

1. Conduct training sessions for up to five (5) person days, scheduled as mutually agreed, covering:
 - a. System administration;
 - b. Dispatch;
 - c. Vehicle Communication System;
 - d. Tablet Communication System;
 - e. Personal Communication System;
 - f. Wearable Computer System; and
 - g. RMS.
2. Assist You with creating a Go Live plan.
3. Assist with Go Live cutover tasks to move You from Your legacy system(s) to the production OPSS environment.
 - a. Dispatch;
 - b. Vehicle Communication System;
 - c. Tablet Communication System;
 - d. Personal Communication System;
 - e. Wearable Computer System; and
 - f. RMS.
4. Provide onsite OPSS Go Live assistance for up to ninety (90) hours, delivered by three (3) resources over three (3) consecutive business days.
5. Provide onsite Wearable Computer System Go Live assistance for up to sixteen (16) hours delivered by two (2) resources over three (3) consecutive business days.

E. Live-Operate Phase:

1. Provide remote post Go Live assistance during normal working hours for up to forty (40) hours, to be used within the first thirty (30) calendar days immediately following Go Live.
2. Facilitate the transition from Your Oracle Local Government implementation team to the Oracle Local Government support team.

2. Rates, Estimated Fees and Expenses, and Taxes.

A. The Services are performed on a time and materials (“T&M”) basis; that is, You shall pay Oracle for the actual time spent performing the Services, plus materials, taxes, and expenses.

B. Rates.

For a period of eighteen (18) months from the ordering document effective date, the parties must enter into an amendment to this ordering document if additional Services are requested and such Services will be provided at the rates set forth below. Thereafter, unless otherwise agreed by You and Oracle in an amendment, the Services will be provided at Oracle’s consulting rates in effect when the Services are performed.

Standard Rates	
Price Level	Hourly Rate
Managing Consultant	\$262.50
Advanced Consultant	\$187.50

C. No Charge Services.

As of the ordering document effective date and during the period ending eighteen (18) months thereafter (the “expiration date”), You are entitled to receive up to a total of one hundred seven (107) person days of the Services at no charge; of which ninety-nine (99) person days are to be performed by a Managing Consultant Oracle resource, six (6) person days are to be performed by a Non-Services Advanced Consultant Oracle resource, and two (2) person days are to be performed by a Consultant level Oracle resource. A person day is defined as one (1) person working for up to eight (8) hours.

Once the No Charge Services have been consumed, Oracle will cease performing the Services, unless You and Oracle agree in an amendment that Oracle will continue to provide the Services on a T&M basis at the rate specified above. Any portion of the No Charge Services that are not used prior to the Expiration Date will be automatically forfeited by You on the expiration date, with no further action required of either party, and You shall not be entitled to any refund, or any credit toward additional or other Services, for any unused portion of the No Charge Services.

You acknowledge and confirm that You are permitted by all applicable laws, regulations, policies and directives to accept the No Charge Services without a fee and such acceptance does not constitute an unlawful gift, benefit or inducement by Oracle to You to enter into this order or any other agreement for Oracle products and services. You agree that You will not accept the No Charge Services if You are not permitted to do so under any laws, regulations, policies and directives applicable to You.

3. Project Management.

You and Oracle each agree to designate a project manager who shall work together to facilitate an efficient delivery of the Services.

4. Your Cooperation.

- A. Modify Your processes as necessary to align with the standard processes and standard functionality of OPSS.
- B. Conduct all organizational change management activities including, but not limited to, corporate communications, business process changes, procedural or policy changes, and business user readiness training.
- C. Prior to the commencement of Services, designate and identify a project sponsor and a project manager that will be responsible for coordinating Your participation in this project and provide on-going support for Your implementation of the OPSS. Responsibilities include but are not limited to:
 - 1. Provide user feedback during configuration and validation.
 - 2. Be available as needed during the project to answer Oracle’s questions, provide business decisions and other items as required.
 - 3. Provide on-going support to Your internal users following the implementation.
 - 4. Assign adequate resources from Your organization during the project to participate, support, and respond to Oracle project efforts on behalf of Your goals and interests.
 - 5. Facilitate the necessary distribution of documentation or correspondence within Your organization.
 - 6. Document issues, assign ownership within Your organization, and coordinate with the Oracle Project Manager to ensure tasks are completed within project timeline.

- D. Ensure the Services will not be adversely impacted by other projects or initiatives underway at Your agencies/facilities. Oracle is not responsible for adverse impact to the Services arising from other concurrently scheduled projects or initiatives.
- E. Identify the participants and schedule discovery and implementation planning sessions with Your project team members.
- F. Enable administrator access for the Oracle project team to allow provisioning of Your OPSS instance prior to the commencement of Services.
- G. Provide necessary entitlements to access production data on your legacy system(s), as mutually agreed.
- H. Provide any necessary hardware and user credentials to support the performance of Services.
- I. Administer all the hardware (networks, servers, storage, etc.) owned by You, software, middleware, and any other infrastructure required to perform the Services.
- J. Be responsible for addressing and resolving functional and/or compatibility issues in Your environments that are not expressly included in the Services to be performed by Oracle.
- K. Configure vehicle Global Position System ("GPS") signal to connect to the Oracle Cloud Infrastructure.
- L. Configure network connectivity from Oracle Vehicle Communication System to Oracle Cloud Infrastructure in accordance with the project plan.
- M. Ensure vehicles identified for Oracle Vehicle Communication System replacement are available to designated vehicle outfitter for installations of Oracle Vehicle Communication System in accordance with the project plan.
- N. Provide Oracle with access to base-layer maps and all map layers, addresses, and points agreed upon.
- O. Allow access to Your data as mutually agreed in the project plan.
- P. You are responsible for all source and destination data validation.
- Q. You are responsible for completing all code mapping, data translations, and queries required for data migration.
- R. Assist Oracle in resolving technical concerns regarding legacy data structure, linkages, and formatting.
- S. Provide the necessary, appropriate, and clean data (ex: test data, configuration data) required by Oracle for the performance of Services.
- T. Provide a stable Wi-Fi or network connection for uploads and firmware updates.
- U. Be responsible for the configuration of necessary firewall rules, ports, or proxy settings for camera connectivity.
- V. Make required change requests to Your state department for state switch connectivity.
- W. You are responsible for ensuring that You are permitted to store Criminal Justice Information ("CJI") data in OPSS.
- X. Engage with third party vendors required to interface with OPSS to facilitate the signing of the Oracle Confidentiality Disclosure Agreement ("CDA") and the Oracle Interoperability Agreement ("IOA") required to build Your interfaces.
- Y. You are responsible for configuration of your Customer Premise Equipment ("CPE") to enable a secure site to site Virtual Private Network ("VPN") for certain interfaces requiring an Oracle connection to any CPE hardware or software.
- Z. You are responsible for the contractual relationships with agents and third parties that You engage to assist with the Services, and You shall ensure that such agents and third parties provide full and timely cooperation to the Oracle project team.
- AA. You are responsible for planning, executing, and managing all aspects of, training readiness, and OPSS system reviews, including preparing and executing test cases and plans, and reviewing test results.
- BB. You will not film or record any of Oracle's delivery of Services, Oracle resources, or any Oracle materials.
- CC. Ensure Your existing procedure and business process documentation is made available to Oracle prior to the configuration workshops.
- DD. Develop any necessary end-user documentation, including, but not limited to, documenting specific business practices, data examples and organization/end-user specific policies and procedures.
- EE. Notify Oracle within two (2) business days about any inaccuracies or incomplete information in project documentation provided by Oracle.
- FF. You will accept all OPSS release updates.

5. Project Assumptions.

- A. A person day is defined as one (1) resource working up to eight (8) hours, which need not be continuous.
- B. The implementation methodology for this implementation will be Oracle's True Cloud Method ("TCM").
- C. All project documentation, presentations, and project communication will be in the U.S. English language.
- D. Oracle staffing will be all onshore, will be shared with other projects, and will work remotely as much as possible with any onsite work being mutually agreed by all parties.
- E. Normal working hours are 8:00 AM to 5:00 PM, in the time zone local to where Services are performed, Monday to Friday, excluding holidays.

- F. OPSS will be configured to make use of the base application capabilities as defined in the applicable Oracle product documentation. Oracle's attempt to address any gaps will be identified by proposing current system based or business process workarounds.
- G. All interfaces will be performed utilizing configurations included within OPSS.
- H. Data migrations will be managed through the Oracle Migration Center.
- I. Product issues will be reported using the Oracle Service Cloud ("OSvC") portal and will be addressed in accordance with Oracle Support policies.
- J. Issues with the OPSS environment will require a ticket to be created by You through the OSvC portal to allow the Oracle team to address it.
- K. Your uniforms and mounting options are compatible with the camera hardware.
- L. The following are not included in the scope of, or fees for, Services under this exhibit:
 - 1. Performance testing, tuning, or any management of performance.
 - 2. Agency information technology, networking, and other hardware activities.
 - 3. Integrations beyond what is explicitly described in this exhibit.
 - 4. Code customizations to OPSS.
 - 5. Data migration assistance beyond the activities described in this exhibit.
 - 6. Training and Go Live assistance beyond the activities described in this exhibit.
 - 7. Post Go Live Support beyond the activities described in this exhibit.
 - 8. Anything not expressly identified in Section 1 above.

TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: June 23rd, 2026

Agenda Item No.: RA. b.i.

Agenda Item Name: **RES 05-2026** General Fund FY 2025-26 Budget Amendment

BACKGROUND:

Establishment of a New General Government Capital Fund and Funding Source for Land Acquisition

Staff is requesting the Town Commission approve an appropriation of \$2,900,000 for the acquisition of the property located at 131 South Ocean Boulevard. The proposed acquisition is intended to support the future construction of a new Town Hall to house Administrative Offices, the Manalapan Police Department, and Fire Rescue Department, replacing the existing one-story facility at 600 South Ocean Boulevard, which is 45 years old.

The Town's audited financial statements for fiscal year 2024 reflect building fund balance of \$3,041,093 within the General Fund. Our Finance staff projects the building balance will total approximately \$3.2 million at the end of June 15, 2026.

Section 553.80(7)(a), Florida Statutes, currently does not restrict the use of building-related revenues for activities, operations, and capital facilities directly supporting administration and enforcement of the Florida Building Code. Recent 2026 legislation, CS/CS/CS/SB 1614, revises and limits the treatment of building code enforcement funds and is scheduled to take effect on July 1, 2026. Accordingly, this budget amendment is being presented in consideration of the current statutory framework and the pending changes in state law. Because the land acquisition and subsequent construction of the proposed facility will occur over multiple fiscal years, it is necessary to isolate and preserve these funds for capital purposes.

This resolution amends the FY 2025-26 General Fund revenue sources by appropriating fund balance from building reserves for transfer to the General Capital Projects Fund, as reflected in Exhibit A. These funds are to be restricted and assigned solely for costs associated with land acquisition, including legal fees, title insurance, and closing costs.

This budget amendment resolution appropriates \$2,900,000 in order to balance budgets of the General Fund and General Capital Projects Fund, as set forth in Exhibit A.

MOTION:

- Move to approve/disapprove Resolution 05-2026

ATTACHMENTS:

- Budget Amendment Resolution RES 05-2026
- Budget Amendment Exhibit A
- Stipulated Order of Taking for the Property at 131 S. Ocean Blvd.

RESOLUTION NO. 05-2026

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING ITS FISCAL YEAR 2025-2026 BUDGET IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF BUDGET AMENDMENT POLICY RESOLUTION 03-2025, AND BUDGET RESOLUTION NO. 08-2025; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, in March 2025, the Town Commission of the Town of Manalapan, Florida, adopted budget amendment policy resolution 03-2025 which provides procedures for making budget amendments to the Town’s budget; and

WHEREAS, pursuant to state law requirements and town charter requirements, the Town Commission of the Town of Manalapan, Florida adopted its current 2025-2026 fiscal year budget via Resolution 08-2025 on September 22, 2025; and

WHEREAS, Town staff has determined that amendments to the 2025-2026 fiscal year budget which will result in changes to the total appropriation for the General Fund which is required to be made in order to maintain a balanced budget as required by state law; and

WHEREAS, both budget amendment policy resolution 03-2025 and budget adoption resolution 08-2025 require these budget amendments to be made by resolution of the Manalapan, Florida Town Commission; and

WHEREAS, the Town Commission of the Town of Manalapan, Florida, desires to adopt the budget amendments as set forth herein below as recommended by Town staff.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, THAT:

Section 1: The Town Commission of the Town of Manalapan, Florida, hereby adopts the above recitals as its findings of fact, and further hereby amends its 2025-2026 budget as follows:

Items and amounts listed in the Attached Exhibit “A” are hereby amended for the General Fund (100) budget from \$10,225,612 to \$13,125,612 for fiscal year 2025-2026.

Items and amounts listed in the Attached Exhibit “A” are hereby amended for the General Capital Improvement Fund (302) budget from \$0 to \$2,900,000 for fiscal year 2025-2026.

Section 2: The Town Clerk is hereby directed to attach a copy of this Resolution amending the 2025-2026 Budget to the 2025-2026 Budget documents and this Resolution shall be made a part of said budget.

Section 3: This Resolution shall take effect immediately upon adoption by the Manalapan, Florida Town Commission.

PASSED AND ADOPTED this 23rd day of June, 2026.

TOWN OF MANALAPAN

JOHN DEESE, MAYOR

ATTEST:

(Seal)

ERIKA PETERSEN, CMC TOWN CLERK

TOWN OF MANALAPN
 BUDGET AMENDMENT (EXHIBIT A)
 Tuesday, June 23, 2026

Account Number	Account Description	Action	FY 2025-26 Adopted Budget	Adjustment	FY 2025-26 Amended Budget	Comments
REVENUES						
100-389-389900	APPROPRIATION FROM RESERVES	Increase	-	2,900,000	2,900,000	Allocation from Restricted Fund Balance
	GENERAL FUND TOTAL		\$ 10,225,612	2,900,000	13,125,612	
EXPENDITURES						
100-581-593000	TRANSFER OUT - CIP	Increase	-	2,900,000	2,900,000	Transfer to the General Capital Improvement Fund
	GENERAL FUND TOTAL		10,225,612	2,900,000	13,125,612	

REVENUES

**IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA**

CASE NO.: 502026CA004209XXA-MB

Parcel 101

**TOWN OF MANALAPAN, FLORIDA,
a Municipal corporation,**

Petitioner,

v.

**SALUTE REALITY LLC, a Florida
Limited Liability Company.,**

Defendants.

_____ /

STIPULATED ORDER OF TAKING

THIS CAUSE coming on to be heard by the Court, on stipulation of the parties, and it appearing that proper notice was first given to all the Defendants and to all persons having or claiming any equity, lien, title, or other interest in or to the real property described in the Petition that the Petitioner would apply to this Court for a Stipulated Order of Taking, and the Court being fully advised in the premises, upon consideration, it is, therefore,

ADJUDGED:

1. That the Court has jurisdiction of the subject matter of and the parties to this cause;
2. That the pleadings in this cause are sufficient, and the Petitioner is properly exercising its delegated authority, and the property is necessary for the project;

3. That, for the purpose of the parties' stipulation to this Stipulated Order of Taking, the Estimate of Value filed in this cause by the Petitioner was made in good faith and based upon a valid appraisal;

4. That upon the payment of the deposit hereinafter specified into the Registry of this Court, all right, title or interest specified in the Petition as described herein shall vest in the Petitioner;

Folio # 42-43-45-02-00-001-0030

A parcel of land in Government Lot 1, Section 2, Township 45 South, Range 43 East, Palm Beach County, Florida, bounded as follows:

On the North by the South right-of-way line of Lantana Avenue (an 80 foot right-of way); on the East by the West right-of-way line of State Road A1A (a 66 foot right-of way); on the West by a line parallel to and 175.0 feet Westerly from (as measured along the South right-of-way line of Lantana Avenue) the West right-of-way line of State Road A1A and on the South by a line parallel to and 175.00 feet Southerly from (as measured along the West right-of-way line of State Road A1A) the South right-of-way line of Lantana Avenue.

Said lands lying in the Town of Manalapan, Palm Beach County, Florida.

5. The estate or interest acquired as to Parcel 101 is fee simple.

6. That the deposit of money will secure the persons lawfully entitled to the compensation which will be ultimately determined by final judgment of this Court;

7. That the sum of money to be deposited in the Registry of the Court within twenty (20) days of the entry of this Order, shall be in the amount of: **TWO MILLION**

EIGHT HUNDRED FIFTY THOUSAND and 00/100 DOLLARS (\$2,850,000.00) as to Parcel No. 101.


8. That on deposit as set forth above and without further notice or Order of this Court, the Petitioner shall be entitled to possession of the property described in the Petition.

9. The parties agree that evidence of this Joint Motion to the Stipulation shall not be disclosed to the jury in the event of a valuation trial.

10. That by entering into this stipulation, Defendant does not waive the right to additional compensation allowed under the laws of Florida for the taking of Parcel 101.

11. The Court reserves jurisdiction to enforce the terms of this Stipulated Order of Taking.

DONE AND ORDERED in the State of Florida, County of Palm Beach.

 502026CA004209XXXAMB 06/17/2026
Darren Shull Judge
ADMINISTRATIVE OFFICE OF THE COURT

502026CA004209XXXAMB 06/17/2026
Darren Shull
Judge

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA

CASE NO.: 502026CA004209XXXA-MB

Parcel 101

TOWN OF MANALAPAN, FLORIDA, a
Municipal corporation,

Petitioner,

v.

SALUTE REALTY LLC, a Florida Limited
Liability Company, PALM BEACH
COUNTY TAX COLLECTOR,

Defendants.

_____ /

STIPULATED ORDER OF TAKING

THIS CAUSE coming on to be heard by the Court, upon stipulation and joint motion of the parties, and it appearing that proper notice was first given to all the Defendants and to all persons having or claiming any equity, lien, title, or other interest in or to the real property described in the Petition, that the Petitioner would apply to this Court for a Stipulated Order of Taking, and the Court being fully advised in the premises, upon consideration, it is, therefore,

ORDERED AND ADJUDGED:

1. That the Court has jurisdiction of the subject matter and the parties to this cause;
2. That the pleadings in this cause are sufficient, and the Petitioner is properly exercising its delegated authority, and the property is necessary for the project;

3. That, for the purpose of the parties stipulating to this Stipulated Order of Taking, the Estimate of Value filed in this cause by the Petitioner was made in good faith and based upon a valid appraisal;

4. That upon the payment of the deposit hereinafter specified into the Registry of this Court, all right, title or interest specified in the Petition as described herein shall vest in the Petitioner;

Folio # 42-43-45-02-00-001-0030

A parcel of land in Government Lot 1, Section 2, Township 45 South, Range 43 East, Palm Beach County, Florida, bounded as follows:

On the North by the South right-of-way line of Lantana Avenue (an 80 foot right-of-way); on the East by the West right-of-way line of State Road A1A (a 66 foot right-of-way); on the West by a line parallel to and 175.0 feet Westerly from (as measured along the South right-of-way line of Lantana Avenue) the West right-of-way line of State Road A1A and on the South by a line parallel to and 175.00 feet Southerly from (as measured along the West right-of-way line of State Road A1A) the South right-of-way line of Lantana Avenue.

Said lands lying in the Town of Manalapan, Palm Beach County, Florida.

5. The estate or interest acquired as to Parcel 101 is fee simple.

6. That the deposit of money will secure the persons lawfully entitled to the compensation which will be ultimately determined by final judgment of this Court;

7. That the sum of money to be deposited into the Registry of the Court within twenty (20) days of the entry of this Order, shall be in the amount of: **TWO MILLION**

EIGHT HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$2,850,000.00) as to Parcel 101.

8. That on deposit as set forth above and without further notice or Order of this Court, the Petitioner shall be entitled to possession of the property described in the Petition.

9. The parties agree that evidence of this Stipulation, and the Joint Motion thereto, shall not be disclosed to the jury in the event of a valuation trial.

10. That by entering into this stipulation, Defendant does not waive the right to additional compensation allowed under the laws of Florida for the taking of Parcel 101.

11. The Court reserved jurisdiction to enforce the terms of this Stipulated Order of Taking.

DONE AND ORDERED this _____ day of June, 2026, in the State of Florida, County of Palm Beach.

Hon. DARRON DUNIFON SHULL
CIRCUIT COURT JUDGE

JOINT MOTION

Petitioner, TOWN OF MANALAPAN and Defendants, SALUTE REALTY LLC, and PALM BEACH COUNTY TAX COLLECTOR together move for entry of the foregoing STIPULATED ORDER OF TAKING. The undersigned counsel are authorized to enter into this Joint Motion.

Town of Manalapan



B. Douglas MacGibbon, Esq.
Attorney for Petitioner
Florida Bar No. 438332
141 Santa Monica Avenue
Royal Palm Beach, FL 33411
Phone: 561-632-4758
vancedoney@yahoo.com

Salute Realty LLC



Brett S. Tensfeldt, Esq.
Attorney for Salute Realty LLC
Fla. Bar No. 125139
Brigham Property Rights Law Firm
111 Nature Walk Parkway, Suite 104
St. Augustine, FL 32092
Phone: 904-730-9001
btensfeldt@propertyrights.com
mboarts@propertyrights.com

Palm Beach Tax Collector



Hampton Peterson, Esq.
Attorney for Palm Beach Tax Collector
Florida Bar No. 331384
P.O. Box 3715
West Palm Beach, FL 33402
Phone: 561-355-2141
Fax: 561-355-1110
legalservices@pbctax.com

**TOWN OF MANALAPAN
AGENDA ITEM SUMMARY**

Meeting Date: June 23rd, 2026

Agenda Item No.: RA. b.ii.

Agenda Item Name: **Variance VAR 26-03** – 2000 S. Ocean Boulevard

BACKGROUND:

Variance VAR-26-03 2000 SOB - Florida Realty, LLC is requesting variance approval in order to expand and improve the Tennis Building with the addition of a second story, where Town Zoning Code Sec. 151.643(B) requires that nonconforming buildings and/or structures shall not be enlarged upon, expanded, increased or extended to occupy a greater area of land or over water, nor shall they be relocated in whole or in part to any portion of a lot or parcel, nor shall they be used as grounds for adding other buildings and/or structures prohibited elsewhere in the same District. The subject property address is 2000 South Ocean Boulevard.

MOTION:

- Move to approve/disapprove Variance VAR 26-03

ATTACHMENTS:

- Variance Application
- 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: 04.11.2026

Property Control # 42-43-45-10-01-000-0032

PROPERTY OWNER(S)	AUTHORIZED AGENT(Required if owner not presenting)
Name: Florida Realty LLC	Name: Matthew H. Scott
Address: 101 Ygnacio Valley Road, Suite 320, Walnut Creek, CA 94596	Address: 200 East Broward Blvd, Suite 1800 Fort Lauderdale, FL 33301
Phone: (925) 627-2618	Phone: (954) 298-0285
E-mail: bmori@lawrenceinv.com	E-mail: Matthew.Scott@gmlaw.com

ARCHITECT/LANDSCAPE ARCHITECT	DEVELOPER/CONTRACTOR:
Name: Carolee Rodebaugh	Name: John Rogers
Company Name: Dailey Janssen Architects,PA	Company Name: Rogers General Contracting Corp
Address: 400 Clematis Street, #200 West Palm Beach, FL 33401	Address: 2475 Mercer Ave., Suite 301, West Palm Beach, FL 33401
Phone: (561) 833-4707 Cell:	Phone: (561) 475-5870 Cell:
E-mail: carolee@daileyjanssen.com	E-mail: jrogers@rogersgc.com

APPLICANT'S CERTIFICATION

Barry T. Mori
 (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. 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 *Barry T. Mori*

Print Name Barry T. Mori, Authorized Signatory

STATE OF FLORIDA, COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of, _____ 20____

by _____ as _____

Personally known _____ or Produced Identification _____

Type of Identification _____

Notary Signature _____ SEAL

Print Notary Name _____

See attached CA Acknowledgment

CHECK BELOW WHERE APPLICABLE
(Payable by check only)

ARCHITECTURAL REVIEW – Level 1 \$450		PUD or PUD AMENDMENT \$1,500	
ARCHITECTURAL REVIEW – Level 2 \$850		SITE PLAN REVIEW \$1,000	
ARCHITECTURAL REVIEW – Level 3 \$1,800	<input checked="" type="checkbox"/>	SPECIAL EXCEPTION USE \$1,000	
ARCHITECTURAL REVIEW – Level 4 \$2,500		VARIANCE \$2,000	<input checked="" type="checkbox"/>
PAVER AGREEMENT \$500		ZONING TEXT/MAP OR COMP PLAN AMENDMENT \$2,500	

(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 WITH NARRATIVE AND PLANS BY THE DEADLINE DATE

1. This Application pages 3-4 for Project Levels 1 thru 3, and pages 1-6 for Level 4 Projects.
2. Agent's Authorization Letter (Required if owner does not sign/notarize application and/or is not presenting).
3. Application fee (see page 7).
4. Model, if applicable (see page 8).
5. Narrative letter describing the project.
6. Samples, renderings, pdfs, jpegs and Power Point photos are due 15 days prior to meeting.

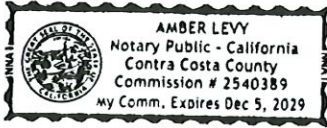
CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of Contra Costa }
On 4/12/26 before me, Amber Levy, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Barry T. Mori
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Amber Levy
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: Development Application
Document Date: 4/12/26 Number of Pages: 2
Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)
Signer's Name: Barry T. Mori Signer's Name: _____
 Corporate Officer – Title(s): _____ Corporate Officer – Title(s): _____
 Partner – Limited General Partner – Limited General
 Individual Attorney in Fact Individual Attorney in Fact
 Trustee Guardian or Conservator Trustee Guardian or Conservator
 Other: _____ Other: _____
Signer is Representing: Florida Realty, LLC Signer is Representing: _____



Date: 04.10.2026

**LETTER OF INTENT FOR ADDITIONS AND RENOVATIONS AT
2000 SOUTH OCEAN BOULEVARD
MANALAPAN, FLORIDA**

We are pleased to submit the accompanying drawings for review of our proposed addition and renovation to our project at 2000 South Ocean Boulevard.

We are proposing the following changes:

1. NORTH VILLA – Renovation/ Restoration/ Reconstruction –

The North Villa has a major water intrusion and mold issue. In order to fix the problem, all of the stone veneer will need to be removed, the building properly waterproofed and then the stone replaced. We would like to make the following design changes and building improvements during this construction:

- a. **Roof** – replace old roofing material with new to match existing. Simplify roof design.
- b. **Windows and Doors**– replace all windows and doors with new impact rated stained wood casement windows and sliding doors.
- c. **Enclose Covered Entry** – enclose the existing covered entry to create a foyer and shift entry door to the south side from the west side.
- d. **Enclose existing balcony** – Enclose existing small balcony on East side at upper level
- e. **Covered terrace** – Changed shape of existing covered terrace from angle to rectangular

2. TENNIS BUILDING – Addition

- a. Add a 1,158 sf 2nd floor to the existing partially buried one story building
- b. Clad existing exposed ground floor walls with coral stone to match existing main residence.
- c. Add exterior spiral stair to access 2nd floor addition from tennis court.
- d. Add garden access path and landscaping as shown on Landscape Architects plans.



Matthew H. Scott, Partner
 PNC Building
 200 East Broward Boulevard, Suite 1800
 Fort Lauderdale, Florida 33301
 Phone: 954.491.1120 ext. 3472
 Direct: 954.333.4372
 Fax: 954.771.9264
 Email: matthew.scott@gmlaw.com

April 28, 2026

**Florida Realty, LLC
 Variance Justification Statement
 Expansion & Renovation to Nonconforming Property - North Villa and Tennis
 Building**

A. Property Information Summary

Property Owner/Applicant	Florida Realty, LLC ("Applicant")
Address	2000 S. Ocean Blvd., Manalapan, FL 33462 ("Property")
General Location	east and west sides of S. Ocean Boulevard, north of Boynton Inlet
Parcel Control No.	42-43-45-10-01-000-0032 & 42-43-45-10-01-000-0032 (Island)
Zoning District	R1-B & R-1A (Island)
Future Land Use	Single-Family Residential
Size	+/- 22.436 acres (15.646 acres + 6.79 acres Island)
Existing Use	Residential estate

B. Tabular Summary of Requests

Variance Request	Proposed	Requirement	LDR Code Section
Renovation/Restoration/Reconstruction of North Villa Building and Expansion of existing Tennis Building Accessory Structure	Proposed renovation, restoration, and reconstruction of the North Villa building, as well as the expansion of an existing Tennis Building accessory structure on the	<i>Extension or expansion; alteration and repairs.</i> Nonconforming buildings and/or structures shall not be enlarged upon, expanded, increased or extended to occupy a greater area of land or over water, nor shall they be relocated in whole or in part to any portion of a lot or parcel, nor shall they be used as grounds for adding other buildings and/or structures prohibited elsewhere	151.643(B)

	nonconforming Property	in the same District except for the expansion of existing single-family residence or accessory structure which does not increase the particular nonconformity. The "supplementary lot regulations" for all zoning Districts except C-3 allows this exception.	
--	------------------------	---	--

C. Background

Florida Realty, LLC proudly purchased the beautiful estate property historically known as “Gemini” in 2022 with a deep understanding of the need to care for the unique grounds and structures thereon. While Applicant unequivocally intends for the Property to remain a single-family home, it is understood that it is much more than that in the eyes of the Town of Manalapan and its residents. Applicant, thus, views itself as a steward of the Property, and in that role engaged architectural and landscaping experts to assist with long-range planning and preservation for the future of the site.

As part of this planning exercise, Applicant prepared a comprehensive landscape maintenance plan to promote the long-term health and protection of the numerous specimen trees and other vegetative material on site. Applicant also identified the need to repair, remodel, and/or add to certain structures on the Property to address deferred maintenance issues, create necessary space for existing trees, and to help modernize the unique site. As stated previously to the Mayor and Town Commission, Applicant's vision is to make these improvements gradually over time. Over the past 2 years, Applicant has constructed a new guest house and made other site improvements.

Currently, Applicant has identified the need to renovate, restore, and reconstruct the north villa building (“North Villa”), which is the northmost oceanside building on the Property, due to the discovery of a major water intrusion and mold issue. To repair the North Villa, the stonework must be removed in order to apply wetproofing to the building. With these required improvements to restore the North Villa, Applicant intends to include certain design changes to the North Villa at this time, which include a new roof, new

windows and doors, and an enclosed covered entry. Additionally, Applicant has included plans for the expansion of the existing accessory tennis building ("Tennis Building") on the Property, which include adding coral stone cladding to the building, as well as adding a ~1,200 sq. ft. 2nd floor.

Applicant understands the entire Property and its structures are legally nonconforming and cannot be modified without obtaining a variance. Therefore, Applicant is seeking a variance to authorize the construction of the expansion to the Tennis Building, as well as the restoration, renovation, and reconstruction of the North Villa. Please see enclosed site plan depicting the location, size, and details relating to the proposed Tennis Building expansion and renovation of the North Villa. Applicant respectfully requests approval of this variance as it will allow not only for improvements to the site to suit the needs of its new owner but also for the continued stewardship of this landmark Property. Portions of the proposed renovations to the North Villa are also necessary as a result of water intrusion and mold.

D. Justification Statement

It is important to note the proposed expansion of the Tennis Building is fully code compliant as to typical requirements such as setbacks and height. The variance is necessary because certain of the existing structures on site are legally non-conforming, but the new construction and expansion of the Tennis Building will comply with Code in all material respects. Relative to the North Villa, which is legally non-conforming, the proposed restoration and renovations are not intended to expand a nonconformity and are necessary to repair the water damage and mold issue. The existing North Villa is non-compliant with the minimum front setback requirement of 35 feet from the easterly right-of-way line of Highway A1A. The North Villa is currently set back 25'-9", which is not changing with the proposed restoration and renovations. As Per Section 151.672(C)(1-6) of the Town's Code, in order to authorize a variance, the Town Commission must and shall find that the following criteria are met. Each of the criteria are listed below in **bold** with Applicant's justification below each in *italics*.

- 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.**

It has long been recognized by the Town and the property owners over the years that these lands are special and unique. The Property has received several development approvals and variances since it was built. The Property is subject to an agreement with the Town dated October 27, 1987, recorded in Book 5489, Page 1191 of the public records of Palm Beach County. The agreement was subsequently amended as follows:

- *On November 22, 1994, by the Town's approval of application for variances described in letters dated September 15, 1994, September 22, 1994 and October 10, 1994 and accompanying architectural plans, drawings and exhibits on file with the Town; (Modifications, additions to previously granted variances subject to the Original Recorded Agreement.)*
- *On August 27, 1996, by the Town's approval of application for variances described in letters dated August 12, 1996 and August 16, 1996, and accompanying architectural plans, drawings and exhibits on file with the Town; (New entry gate; move Studio A on east side.)*
- *On June 24, 1997, by the Town's approval of application for variances dated June 10, 1997, and accompanying architectural plans, drawings and exhibits on file with the Town; (Reduced square footage of house; increased square footage of studios.)*
- *On November 25, 1997, by the Town's approval of application for variances dated November 13, 1997, and accompanying architectural plans, drawings and exhibits on file with the Town; (Front set back variance and lot, yard and bulk regulations variance.)*
- *On April 28, 1998, by the Town's approval of application for variances dated April 16, 1998, and accompanying architectural plans, drawings and exhibits on file with the Town; (Modifications to basement and first and second floor, landscaping and studios A and B.)*
- *On February 23, 1999, by the Town's approval of application for variances dated February 11, 1999, and accompanying architectural plans, drawings and exhibits on file with the Town; (Move Studios A and B; move north gate; delete middle gate; add new pedestrian gate.)*
- *On February 29, 2000, by the Town's approval of application for special exception dated January 25, 2000, and accompanying architectural plans, drawings and exhibits on file with the Town; (Pedestrian passageway.)*

- *On April 25, 2000, by the Town's approval of application for variances dated January 25, 2000, and accompanying architectural plans, drawings and exhibits on file with the Town; (Relocate northwest gate with 8' high stucco wall.) and*
- *On June 19, 2000, by the Town's approval of application for variances dated April 25, 2000, and accompanying architectural plans, drawings and exhibits on file with the Town. (build two 8' sections of site wall)*
- *First Amendment to Restatement of Previously Granted Development Approvals and Ratifications of Previously Recorded Agreement Relating to 2000 S Ocean (July 12, 2005)*
- *Second Amendment to Restatement of Previously Granted Development Approvals and Ratifications of Previously Recorded Agreement Relating to 2000 S Ocean (April 11, 2007)*

As stated in the original agreement, the Town has recognized throughout the history of the development of the Property that there are certain unique aspects of the Property which are not common to and do not exist for other properties or other single-family residences located within the R1-A and R1-B zoning districts of the Town, including the following:

- *The Property is improved with the only single-family residence within the Town zoning districts R1-A and R1-B where the primary residence extends underneath and to the east and west of Highway A-1-A, and such improvements have existed since the construction of the residence in 1947;*
- *The Property extends north and south in excess of 1200' feet, extends along a narrow portion of the barrier island east to the Atlantic Ocean and west to Lake Worth, and is divided by Highway A-1-A; and*
- *The Property's single family residential improvements are located well below the crown of the road of Highway A-1-A which crown is high above mean sea level, and thus such improvements can be better screened from view and buffered than other properties along Highway A-1-A in R1-A and R1-B zoning districts.*

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

The special conditions and unique aspects of the Property have existed since the construction of the original residence in 1947. Several variances have been granted by the Town Commission since that time, which indicate the Town's continued understanding of the special circumstances associated with the Property. The sheer size and layout of the Property speak to its special conditions, and neither of these features are a result of the actions of the Applicant.

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

The proposed variance would allow the Applicant to renovate the North Villa while repairing and restoring the areas of the building affected by water damage and mold, as well as to construct an expansion to the Tennis Building on the Property. Per the Town's Code regarding non-conforming buildings and structures, they are not to be "...used as grounds for adding other buildings and/or structures prohibited elsewhere in the same District except for the expansion of existing single-family residence or accessory structure which does not increase the particular nonconformity." While the North Villa is legally non-conforming, the proposed restoration and renovation to the North Villa is due to water intrusion and mold and not intended to expand or increase the nonconformity. The proposed expansion associated with the Tennis Building would be a conforming accessory structure and meet all other requirements of the Town's Code and is not designed to increase the nonconformity status of the Property. The variance is needed to allow Applicant to construct the expansion of the accessory Tennis Building structure, and to restore and renovate the existing North Villa, which is otherwise permitted as of right for any other property in the 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.

The proposed expansion of the Tennis Building and proposed renovation of the North Villa are consistent with the intent of the Code in that they are not increasing a nonconformity of the Property. The Tennis Building is a conforming accessory structure designed to meet all other requirements

of the Town's Code. The North Villa is legally nonconforming; however, the proposed restoration and renovations are not intended to increase the nonconformity and are fix damage from a water intrusion and mold issue. A literal interpretation of the Code would prevent the Applicant from making any improvements and additions to the Property, which would be inconsistent with the approvals that have been granted to prior owners of the Property throughout its history as outlined above. Moreover, literal interpretation of the Code in this case would deprive Applicant of the ability to make any structural changes to its Property, which is a fundamental and unnecessary hardship.

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

The Applicant is proposing to expand an otherwise conforming accessory structure (the Tennis Building) on the Property, as well as to restore and renovate the legally non-conforming North Villa building. The variance request is the minimum to allow for the proposed expansion of the Tennis Building, and for the restoration and renovation of the North Villa. The proposed Tennis Building accessory structure would conform to all other Code requirements of the Town and is not inconsistent with prior improvements granted to prior owners of the Property. The variance would allow the Applicant to make a minor expansion to the existing Tennis Building, to restore and renovate the existing North Villa, and to continue the tradition of enhancing the unique and exceptional Property within the Town.

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.

Granting of the proposed variance would not alter or affect the harmony of the community or intent of the Town's Code. Importantly, none of the proposed improvements will be visible from the roadway, meaning they will have no impact on the public welfare. The Property and its proposed improvements would continue to be used as a single-family residence and would not increase the nonconformity of the Property. The Tennis Building will be otherwise in conformity with the Town's Code, and the North Villa would be a restored legally non-conforming structure. The proposed variance is also consistent with the following policies of the Town's Comprehensive Plan:

- *Policy 1.3.3 – Maintain the existing high quality of single family development throughout the community.*
- *Policy 1.3.19 – The Town of Manalapan shall continue to establish and enforce stringent standards for all demolitions and replacements, new construction, and building additions and alterations on vacant or development residential lots to ensure that all new development and redevelopment is compatible with the architectural style, scale, setbacks, and lot coverage of the surrounding neighborhoods and properties.*

E. Conclusion

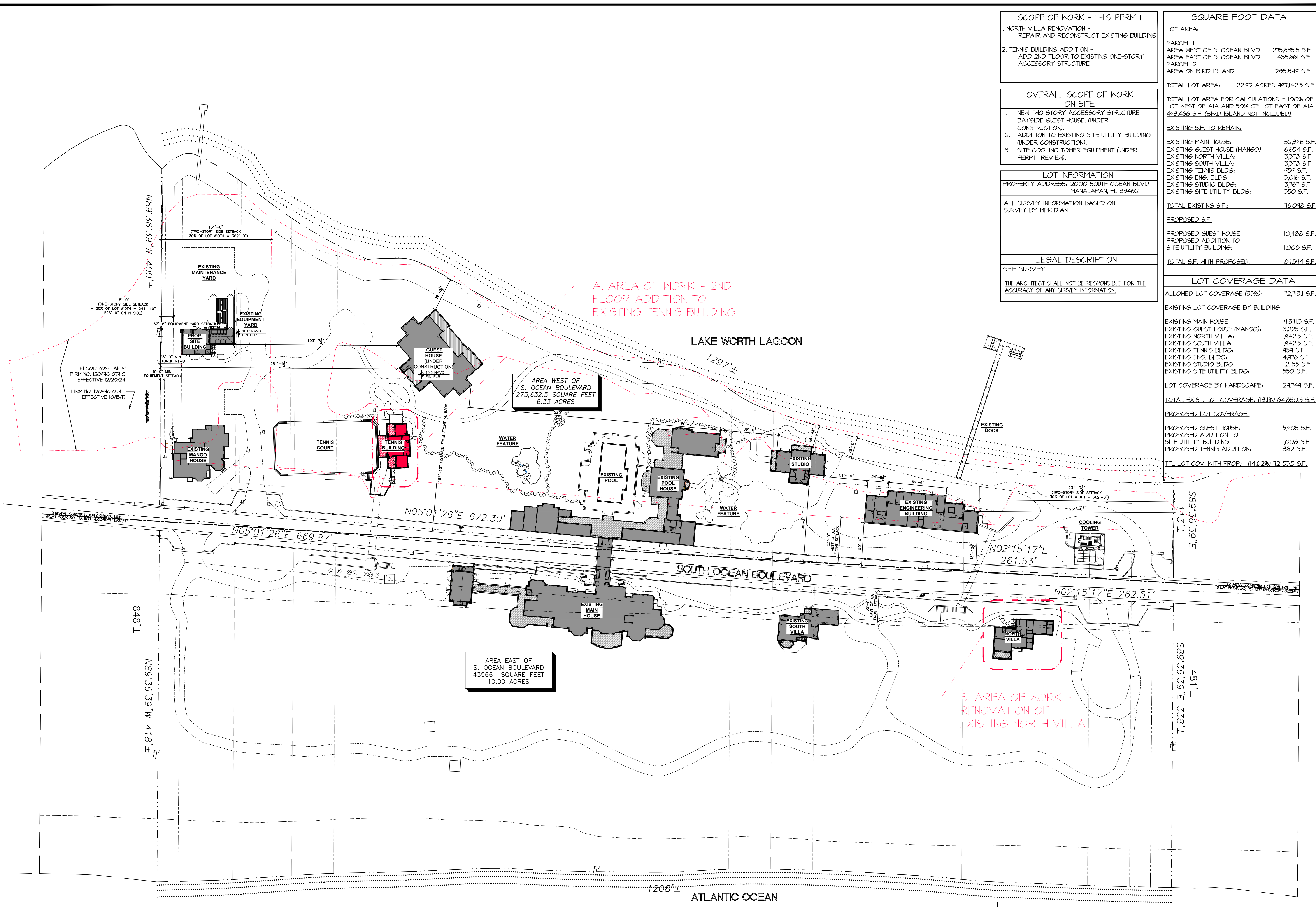
Applicant is honored to be the owner of "Gemini." Ownership of a Property as special as this one requires commitment to care for it to ensure it is preserved long into the future. Applicant respectfully requests a variance to expand the existing Tennis Building and to restore and renovate the North Villa building so it can continue with its stewardship of this amazing Property.

Respectfully submitted,

GREENSPOON MARDER LLP



By: Matthew H. Scott, Partner
For the Firm



SCOPE OF WORK - THIS PERMIT
1. NORTH VILLA RENOVATION - REPAIR AND RECONSTRUCT EXISTING BUILDING
2. TENNIS BUILDING ADDITION - ADD 2ND FLOOR TO EXISTING ONE-STORY ACCESSORY STRUCTURE

OVERALL SCOPE OF WORK ON SITE
1. NEW TWO-STORY ACCESSORY STRUCTURE - BAYSIDE GUEST HOUSE. (UNDER CONSTRUCTION).
2. ADDITION TO EXISTING SITE UTILITY BUILDING. (UNDER CONSTRUCTION).
3. SITE COOLING TOWER EQUIPMENT (UNDER PERMIT REVIEW).

LOT INFORMATION
PROPERTY ADDRESS: 2000 SOUTH OCEAN BLVD MANALAPAN, FL 33462
ALL SURVEY INFORMATION BASED ON SURVEY BY MERIDIAN

LEGAL DESCRIPTION
SEE SURVEY
THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANY SURVEY INFORMATION.

SQUARE FOOT DATA	
LOT AREA:	
PARCEL 1 AREA WEST OF S. OCEAN BLVD	275,635.5 S.F.
AREA EAST OF S. OCEAN BLVD	435,661 S.F.
PARCEL 2 AREA ON BIRD ISLAND	285,844 S.F.
TOTAL LOT AREA:	22.42 ACRES 947,142.5 S.F.
TOTAL LOT AREA FOR CALCULATIONS = 100% OF LOT WEST OF AIA AND 50% OF LOT EAST OF AIA = 443,466 S.F. (BIRD ISLAND NOT INCLUDED)	
EXISTING S.F. TO REMAIN:	
EXISTING MAIN HOUSE:	52,946 S.F.
EXISTING GUEST HOUSE (MANGO):	6,654 S.F.
EXISTING NORTH VILLA:	3,318 S.F.
EXISTING SOUTH VILLA:	3,318 S.F.
EXISTING TENNIS BLDG:	454 S.F.
EXISTING ENG. BLDG:	5,016 S.F.
EXISTING STUDIO BLDG:	3,161 S.F.
EXISTING SITE UTILITY BLDG:	550 S.F.
TOTAL EXISTING S.F.:	76,048 S.F.
PROPOSED S.F.:	
PROPOSED GUEST HOUSE:	10,488 S.F.
PROPOSED ADDITION TO SITE UTILITY BUILDING:	1,008 S.F.
TOTAL S.F. WITH PROPOSED:	87,544 S.F.

LOT COVERAGE DATA	
ALLOWED LOT COVERAGE (35%):	172,713 S.F.
EXISTING LOT COVERAGE BY BUILDING:	
EXISTING MAIN HOUSE:	14,371.5 S.F.
EXISTING GUEST HOUSE (MANGO):	3,225 S.F.
EXISTING NORTH VILLA:	1,442.5 S.F.
EXISTING SOUTH VILLA:	1,442.5 S.F.
EXISTING TENNIS BLDG:	454 S.F.
EXISTING ENG. BLDG:	4,476 S.F.
EXISTING STUDIO BLDG:	2,135 S.F.
EXISTING SITE UTILITY BLDG:	550 S.F.
LOT COVERAGE BY HARDSCAPE:	24,744 S.F.
TOTAL EXIST. LOT COVERAGE: (13.1%)	64,850.5 S.F.
PROPOSED LOT COVERAGE:	
PROPOSED GUEST HOUSE:	5,905 S.F.
PROPOSED ADDITION TO SITE UTILITY BUILDING:	1,008 S.F.
PROPOSED TENNIS ADDITION:	362 S.F.
TTL LOT COV. WITH PROP.:	(14.62%) 72,155.5 S.F.

PROPOSED ADDITIONS AND RENOVATIONS AT:
2000 SOUTH OCEAN BOULEVARD
 PALM BEACH COUNTY, FLORIDA
DAILEY JANSEN ARCHITECTS
 MANALAPAN
 400 CLEMATIS STREET, SUITE 200, WEST PALM BEACH, FLORIDA 33401, TEL: 561-933-4101, LICENSE WA-C001874

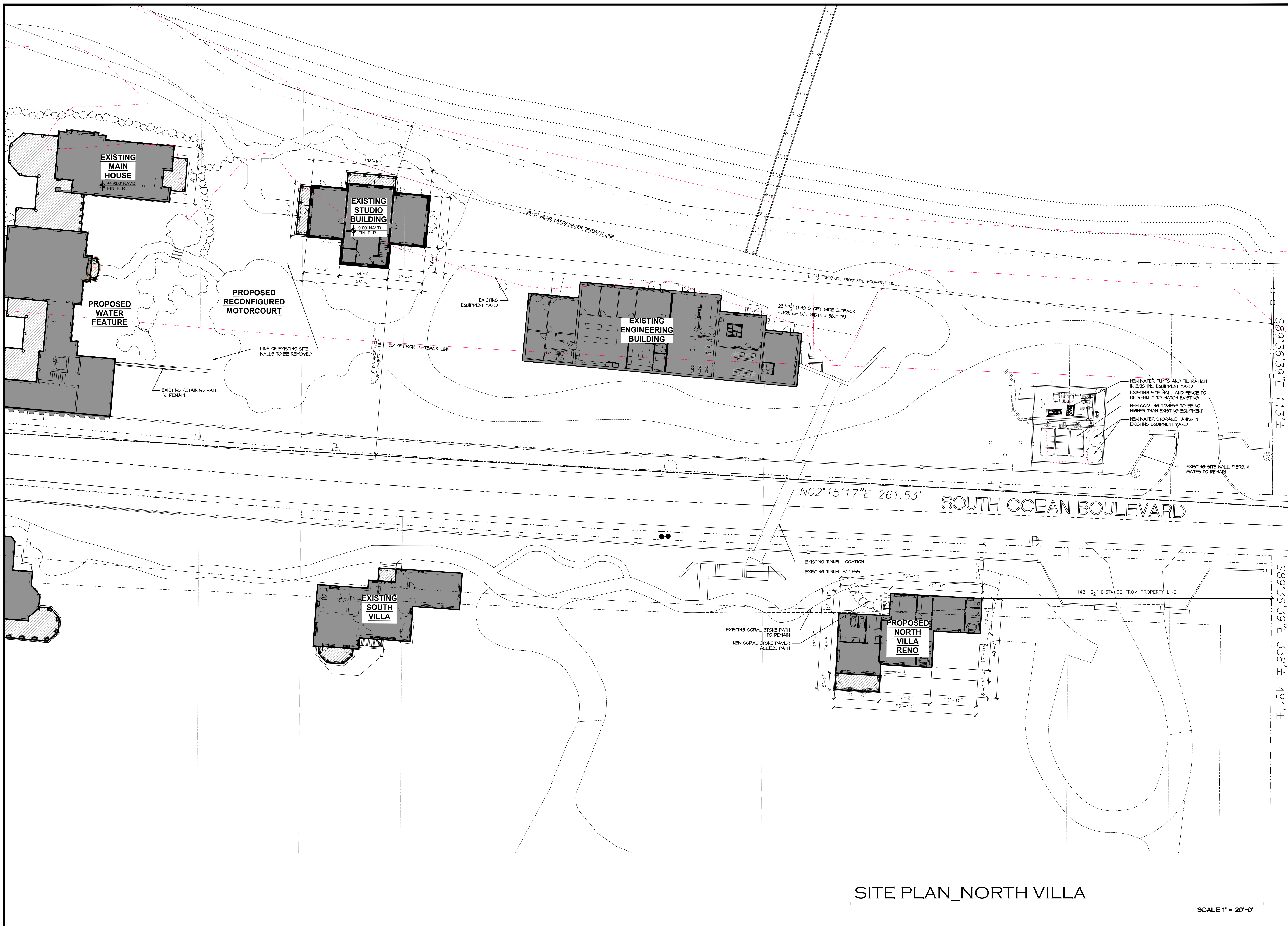
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DRAWN:
REVISIONS:
• 02.26.24 TOWN SUBMITTAL
• 04.11.24 REV 01
• 05.14.24 ARCOM SUBMITTAL
• 05.15.24 100% DD SET
• 08.13.24 ARCOM SUBMITTAL
• 08.19.24 6H PERMIT SET
• 09.16.24 TCOMM # ARCOM
• 11.21.24 6H PERMIT_REV 01
• 03.04.25 SITE PERMIT_REV 02
• 06.25.25 SITE PERMIT_REV 03
• 11.01.25 SITE UTIL. BLDG DD
• 12.05.25 ARCOM # TCOMM
• 01.24.26 25% CD SET
• 04.10.26 TOWN SUBMITTAL

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 SEAL

ROGER P. JANSEN AR-14785
 OVERALL SITE PLAN

SHEET TITLE
 DRAWING NO.

SP1.01
 JOB NUMBER: 22-138



PROPOSED ADDITIONS AND RENOVATIONS AT:

2000 SOUTH OCEAN BOULEVARD

PALM BEACH COUNTY, FLORIDA

MANALAPAN

DAILEY JANSSEN ARCHITECTS

400 CLEMATIS STREET, SUITE 200, WEST PALM BEACH, FLORIDA 33401, TEL: 561-933-4101, LICENSE #AA-C001R14

DATE: 03.30.2026
 DRAWN:
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 • 03.04.26 REVIEW SET
 • 04.10.26 TOWN SUBMITTAL

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SEAL

ROGER P. JANSSEN AR-14785

SITE PLAN_NORTH VILLA

SHEET TITLE
DRAWING NO.

**NV
SP1.02**

JOB NUMBER: 25-121

SITE PLAN_NORTH VILLA

SCALE 1" = 20'-0"

LAKE WORTH LAGOON

N89°36'39"W 400'±

MAINTENANCE YARD
GRAVEL TO MATCH
EXISTING DRIVE
(PERVIOUS)

EXISTING
EQUIPMENT
YARD

PROPOSED
SITE UTILITY
BUILDING
(UNDER
CONSTRUCTION)

GUEST
HOUSE
(UNDER
CONSTRUCTION)

EXISTING
GUEST
HOUSE

EXISTING
TENNIS
COURT

PROPOSED
TENNIS
BUILDING
ADDITION

PROPOSED
WATER
FEATURE

SOUTH OCEAN BOULEVARD

COASTAL CONSTRUCTION CONTROL LINE
(PLAT BOOK 80, PG. 1311-RECORDED 8/22/91)

SITE PLAN_TENNIS BUILDING

SCALE 1" = 20'-0"

PROPOSED ADDITIONS AND RENOVATIONS AT:

2000 SOUTH OCEAN BOULEVARD

DAILEY JANSEN ARCHITECTS

DATE: 04-10-2026
DRAWN:
REVISIONS:
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• 04.10.26 TOWN SUBMITTAL

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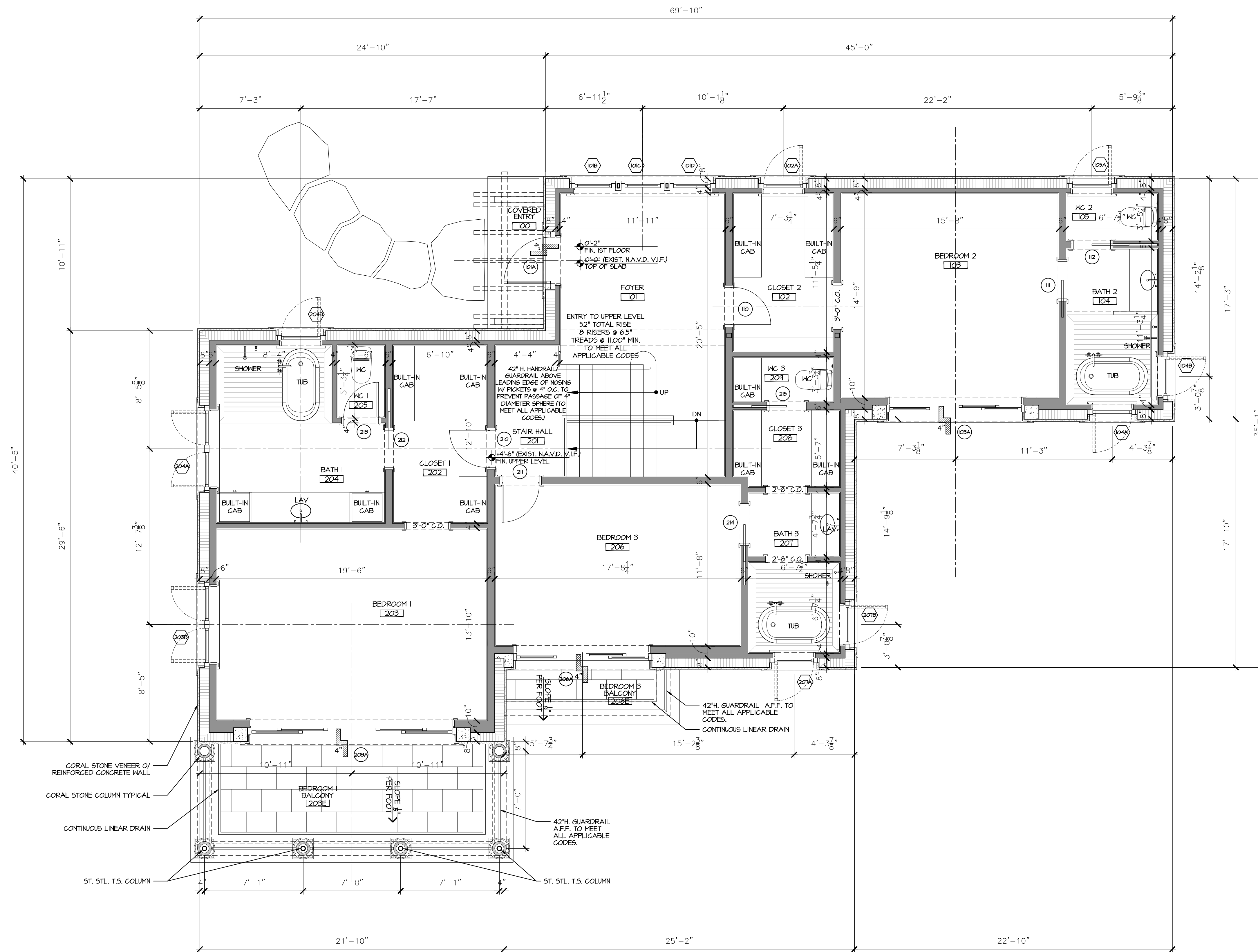
SITE PLAN_TENNIS
BUILDING

SHEET TITLE
DRAWING NO.

TB
SP1.03

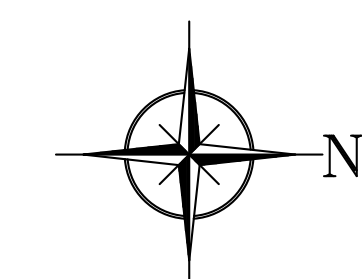
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NORTH VILLA - FLOOR PLANS



PROPOSED ENTRY- UPPER LEVEL PLAN

SCALE 1/4" = 1'-0"



PROPOSED ADDITIONS AND RENOVATIONS AT:

2000 SOUTH OCEAN BOULEVARD
PALM BEACH COUNTY, FLORIDA

DAILEY JANSEN ARCHITECTS
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DATE: 06.11.2025

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PROPOSED UPPER LEVEL PLAN

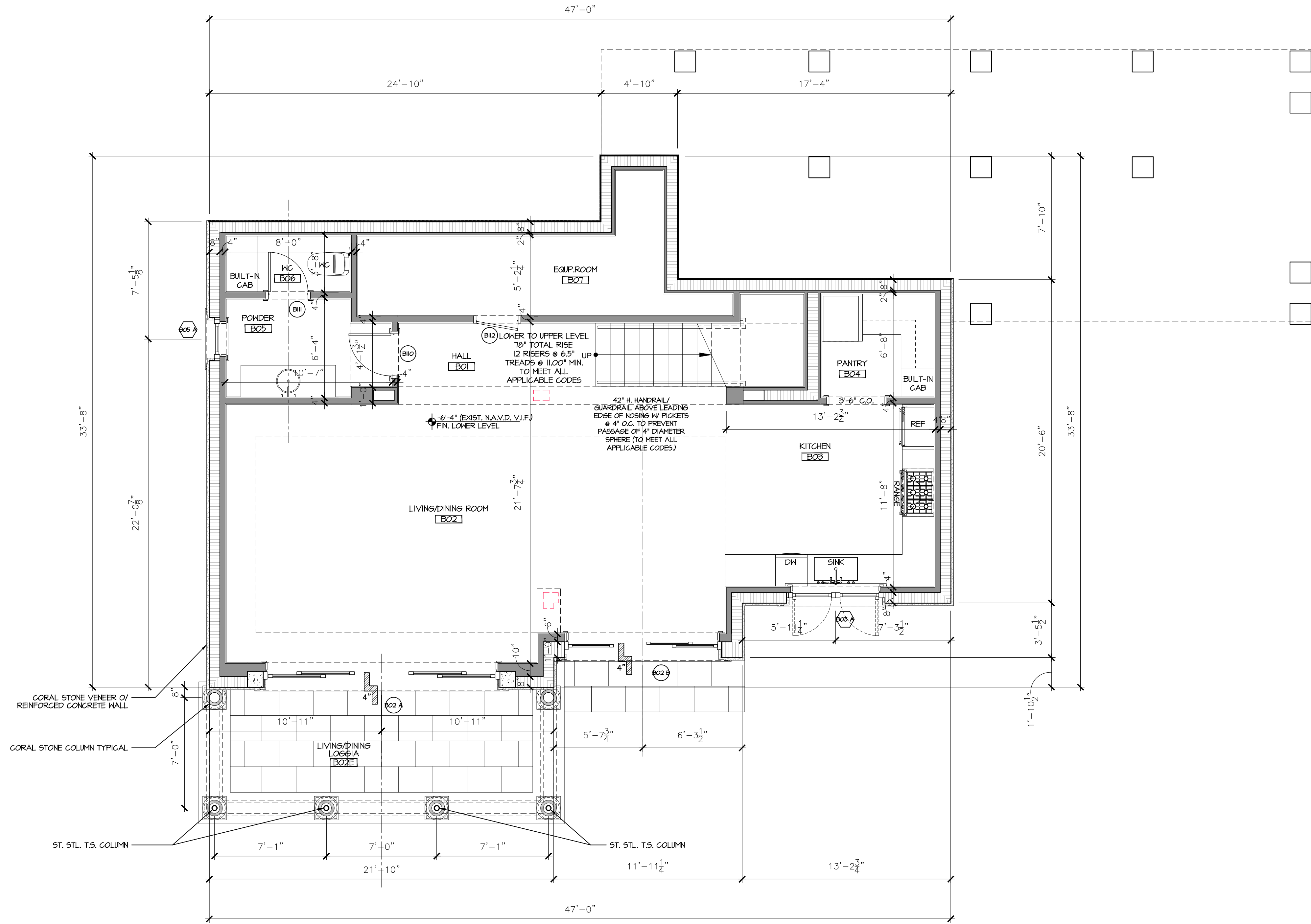
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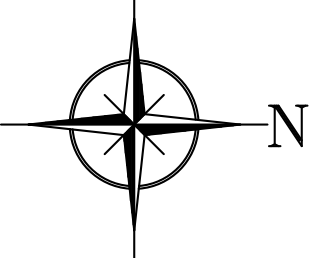
NV
A1.01

JOB NUMBER: 25-121

NORTH VILLA - FLOOR PLANS



PROPOSED LOWER LEVEL PLAN
SCALE 1/4" = 1'-0"



PROPOSED ADDITIONS AND RENOVATIONS AT:

2000 SOUTH OCEAN BOULEVARD

PALM BEACH COUNTY, FLORIDA

DAILEY JANSSEN ARCHITECTS

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DATE: 06.11.2025

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PROPOSED LOWER LEVEL PLAN

SHEET TITLE

DRAWING NO.

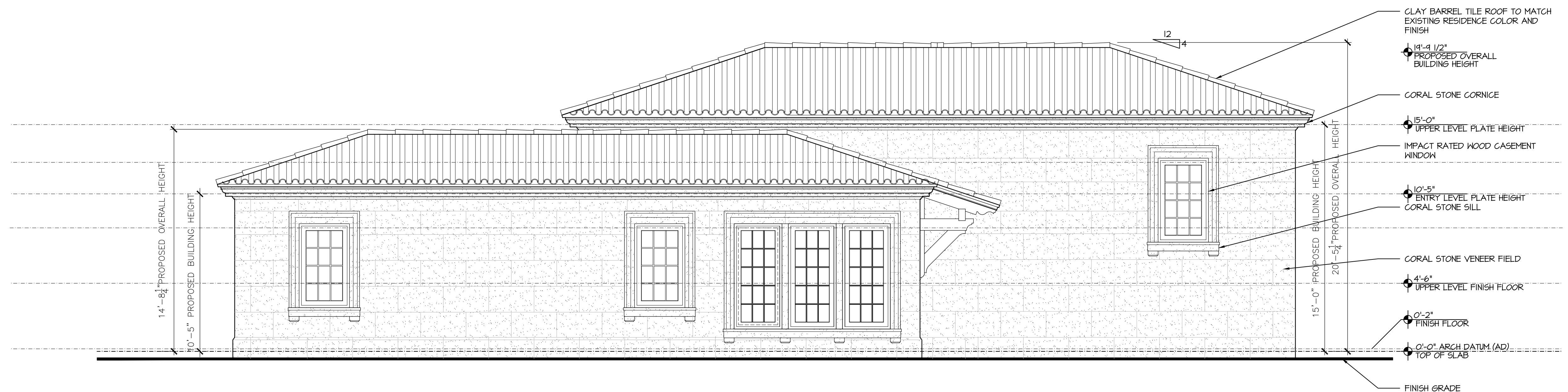
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JOB NUMBER: 25-121

NORTH VILLA - EXTERIOR ELEVATIONS



EXISTING WEST ELEVATION



PROPOSED WEST ELEVATION

PROPOSED ADDITIONS AND RENOVATIONS AT:

2000 SOUTH OCEAN BOULEVARD

PALM BEACH COUNTY, FLORIDA

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EXTERIOR ELEVATIONS NORTH VILLA

SHEET TITLE DRAWING NO.

NV A2.01

JOB NUMBER: 25-121

NORTH VILLA - EXTERIOR ELEVATIONS



EXISTING EAST ELEVATION



PROPOSED EAST ELEVATION

PROPOSED ADDITIONS AND RENOVATIONS AT:

2000 SOUTH OCEAN BOULEVARD

PALM BEACH COUNTY, FLORIDA

DAILEY JANSSEN ARCHITECTS

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EXTERIOR ELEVATIONS NORTH VILLA

SHEET TITLE

DRAWING NO.

NV A2.02

JOB NUMBER: 25-121



EXISTING VIEW TAKEN FROM SOUTHWEST

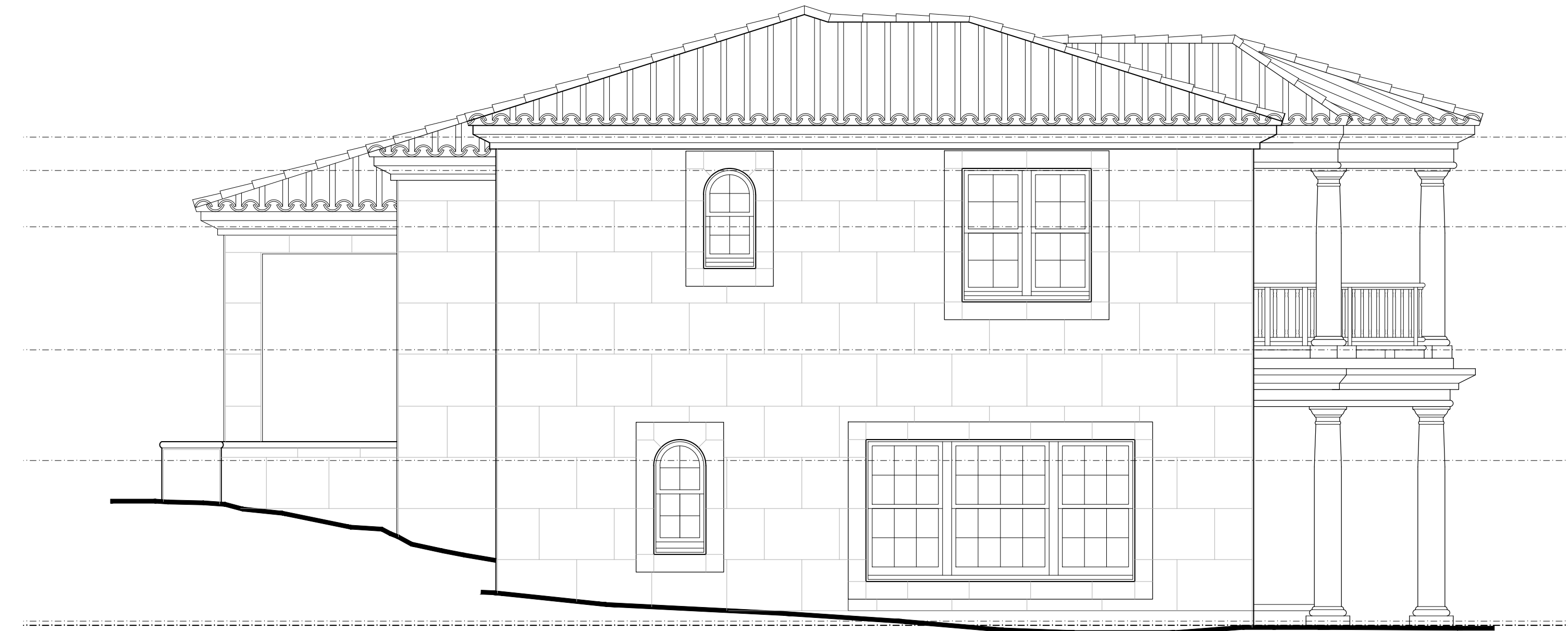


EXISTING VIEW TAKEN FROM EAST





NORTH VILLA - EXTERIOR ELEVATIONS



EXISTING SOUTH ELEVATION



PROPOSED SOUTH ELEVATION

PROPOSED ADDITIONS AND RENOVATIONS AT:

2000 SOUTH OCEAN BOULEVARD

PALM BEACH COUNTY, FLORIDA

DAILEY JANSEN ARCHITECTS

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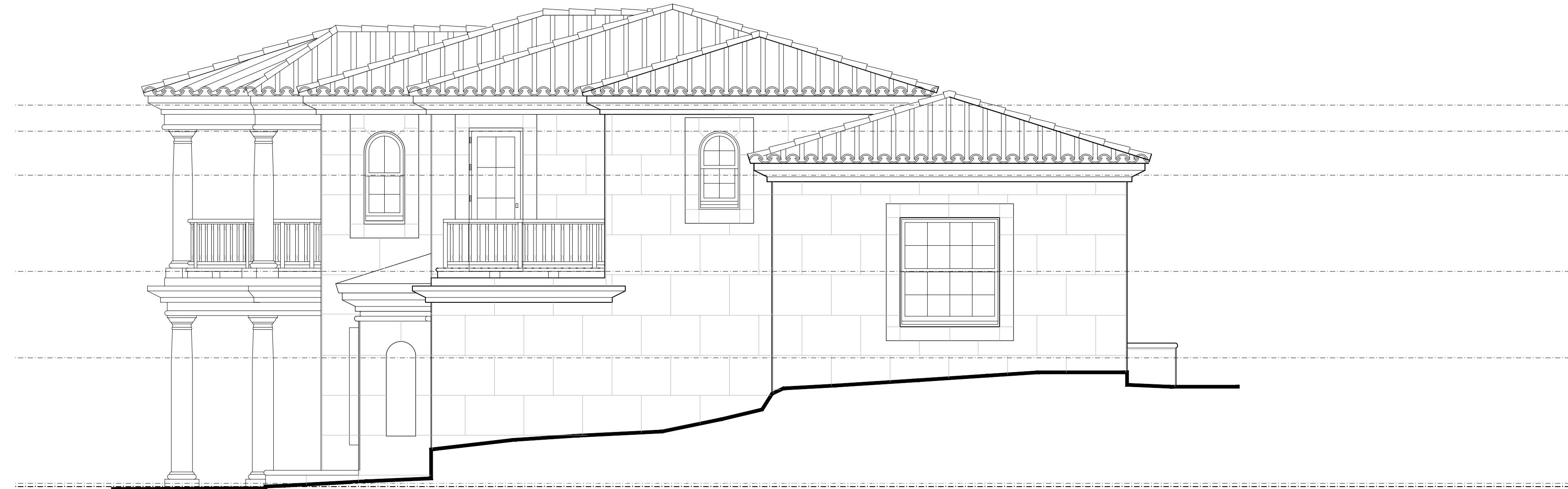
EXTERIOR ELEVATIONS NORTH VILLA

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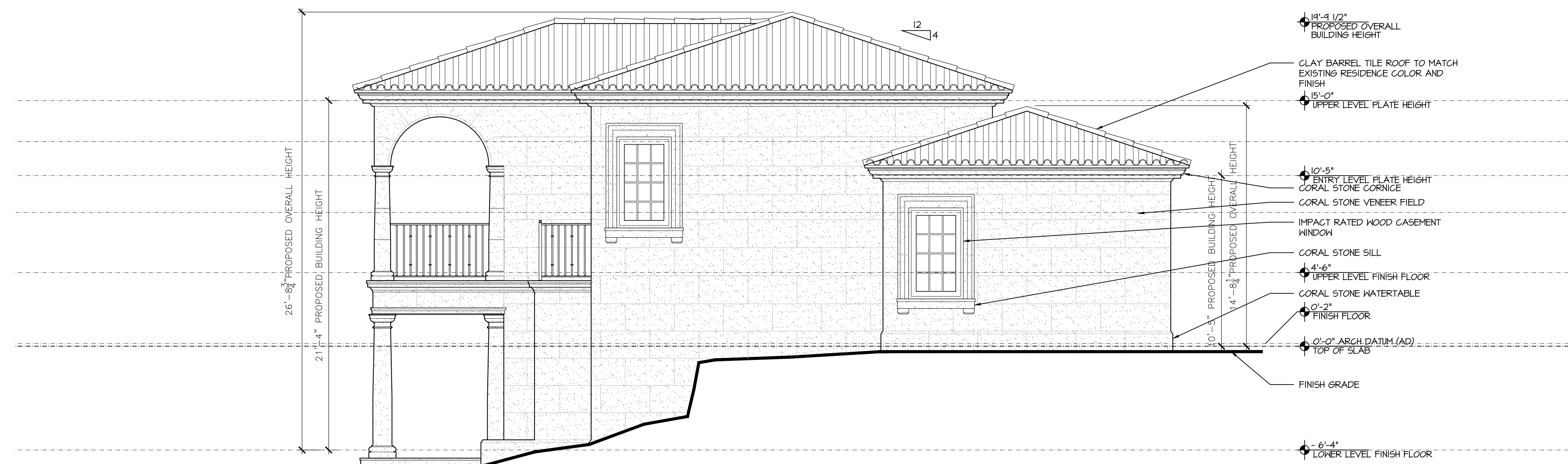
NV A2.03

JOB NUMBER. 25-121

NORTH VILLA - EXTERIOR ELEVATIONS



EXISTING NORTH ELEVATION



PROPOSED NORTH ELEVATION

PROPOSED ADDITIONS AND RENOVATIONS AT:

2000 SOUTH OCEAN BOULEVARD
PALM BEACH COUNTY, FLORIDA

DAILEY JANSEN ARCHITECTS
400 CLEMATIS STREET, SUITE 200, WEST PALM BEACH, FLORIDA 33401, TEL: 561-933-4101, LICENSE #AA-C001874

DATE: 09.30.2026

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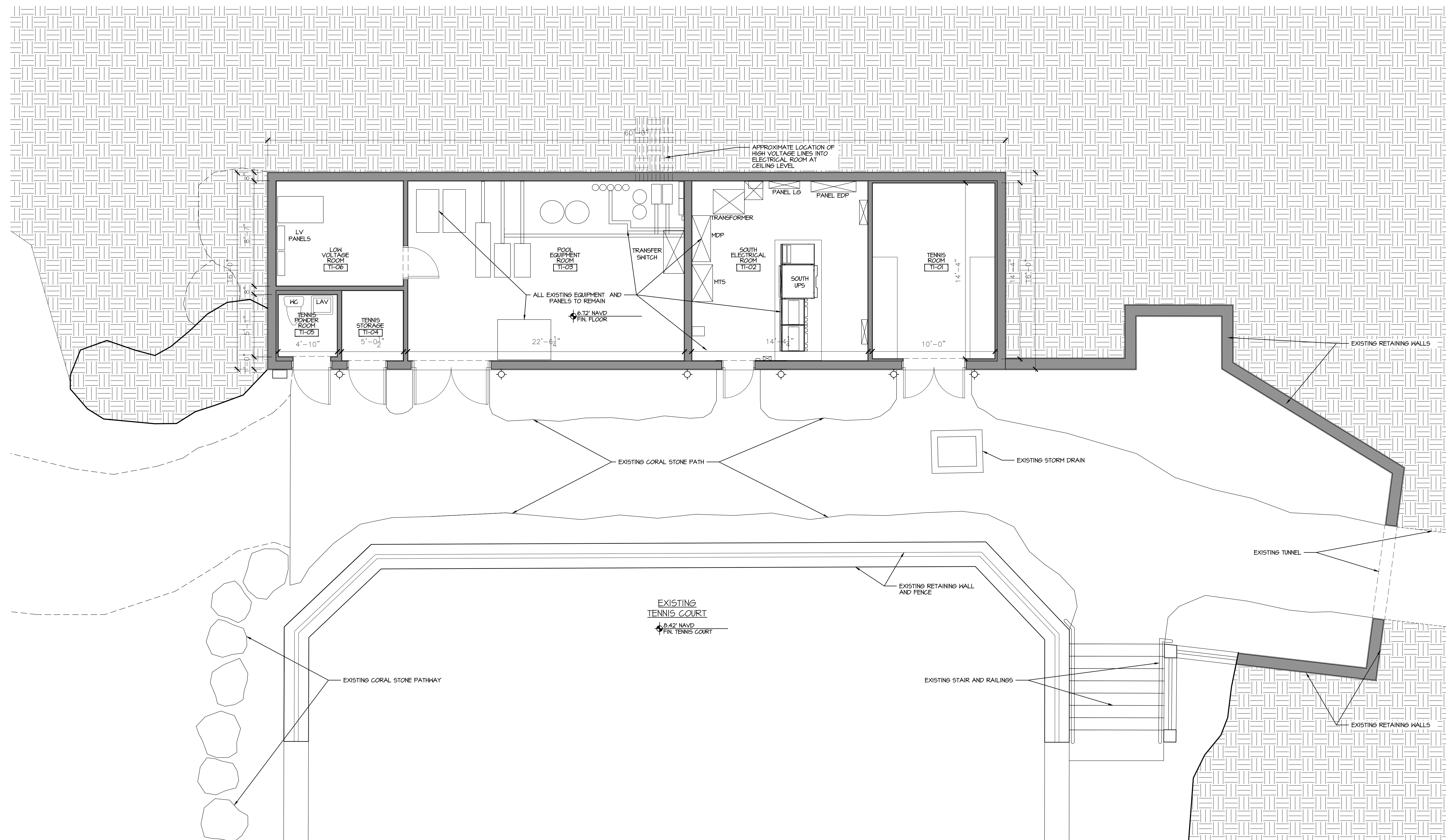
EXTERIOR ELEVATIONS NORTH VILLA

SHEET TITLE DRAWING NO.

NV A2.04

JOB NUMBER: 25-121

TENNIS BUILDING - FLOOR PLANS



EXISTING LOWER LEVEL PLAN

SCALE 1/4" = 1'-0"

PROPOSED ADDITIONS AND RENOVATIONS AT:

2000 SOUTH OCEAN BOULEVARD
PALM BEACH COUNTY, FLORIDA

DAILEY JANSEN ARCHITECTS
MANALAPAN
400 CLEMATIS STREET, SUITE 200, WEST PALM BEACH, FLORIDA 33401, TEL: 561-933-4101, LICENSE #AA-C001874

DATE: 04-10-2026

DRAWN:

- REVISIONS:
- 03.04.26 REVIEW SET
 - 04.10.26 TOWN SUBMITTAL

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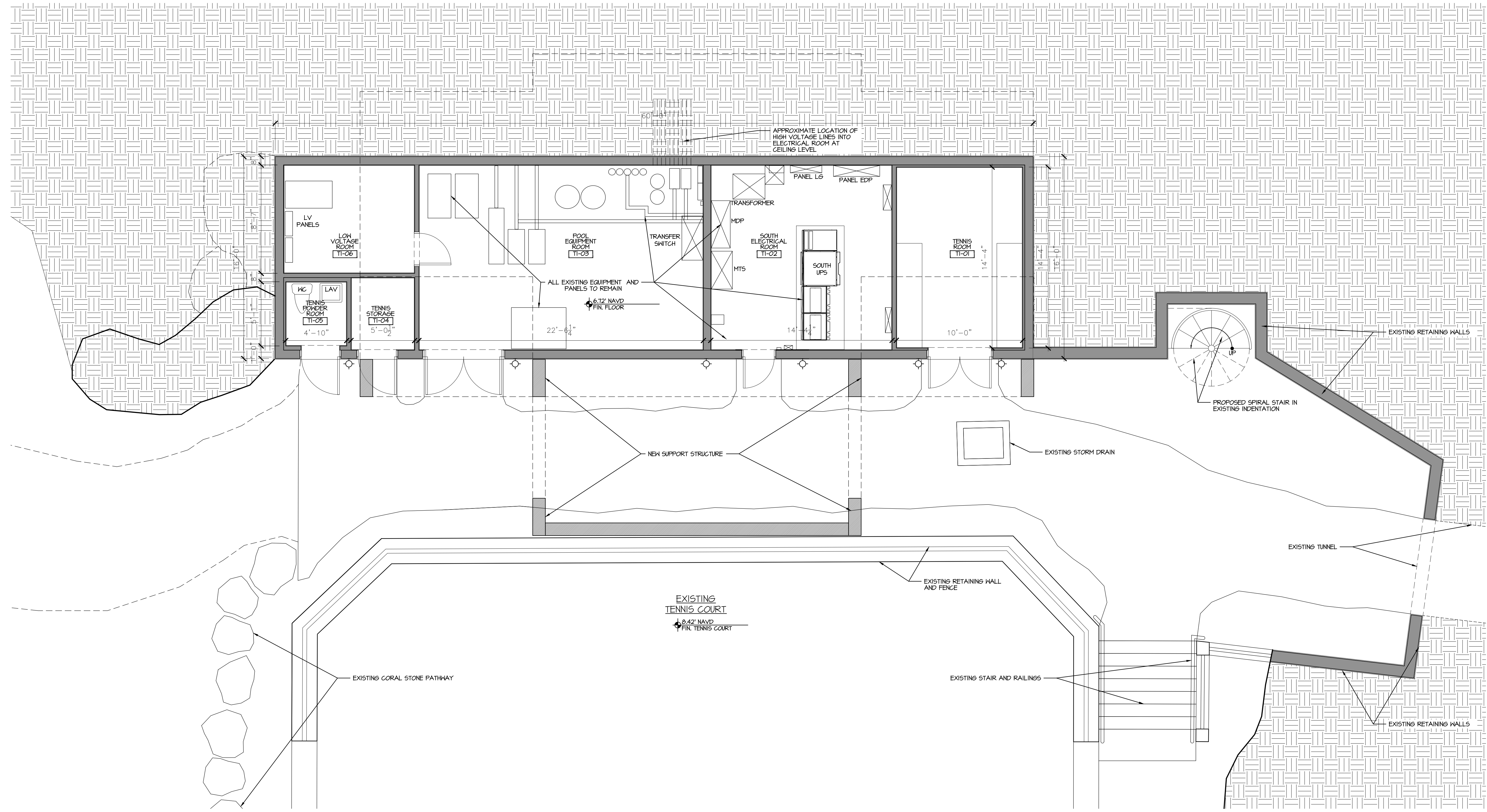
EXISTING 1ST FLOOR PLAN

SHEET TITLE
DRAWING NO.

TB
A1.01A

JOB NUMBER: 26-110

TENNIS BUILDING - FLOOR PLANS



PROPOSED LOWER LEVEL PLAN
SCALE 1/4" = 1'-0"

PROPOSED ADDITIONS AND RENOVATIONS AT:

2000 SOUTH OCEAN BOULEVARD
PALM BEACH COUNTY, FLORIDA

DAILEY JANSEN ARCHITECTS
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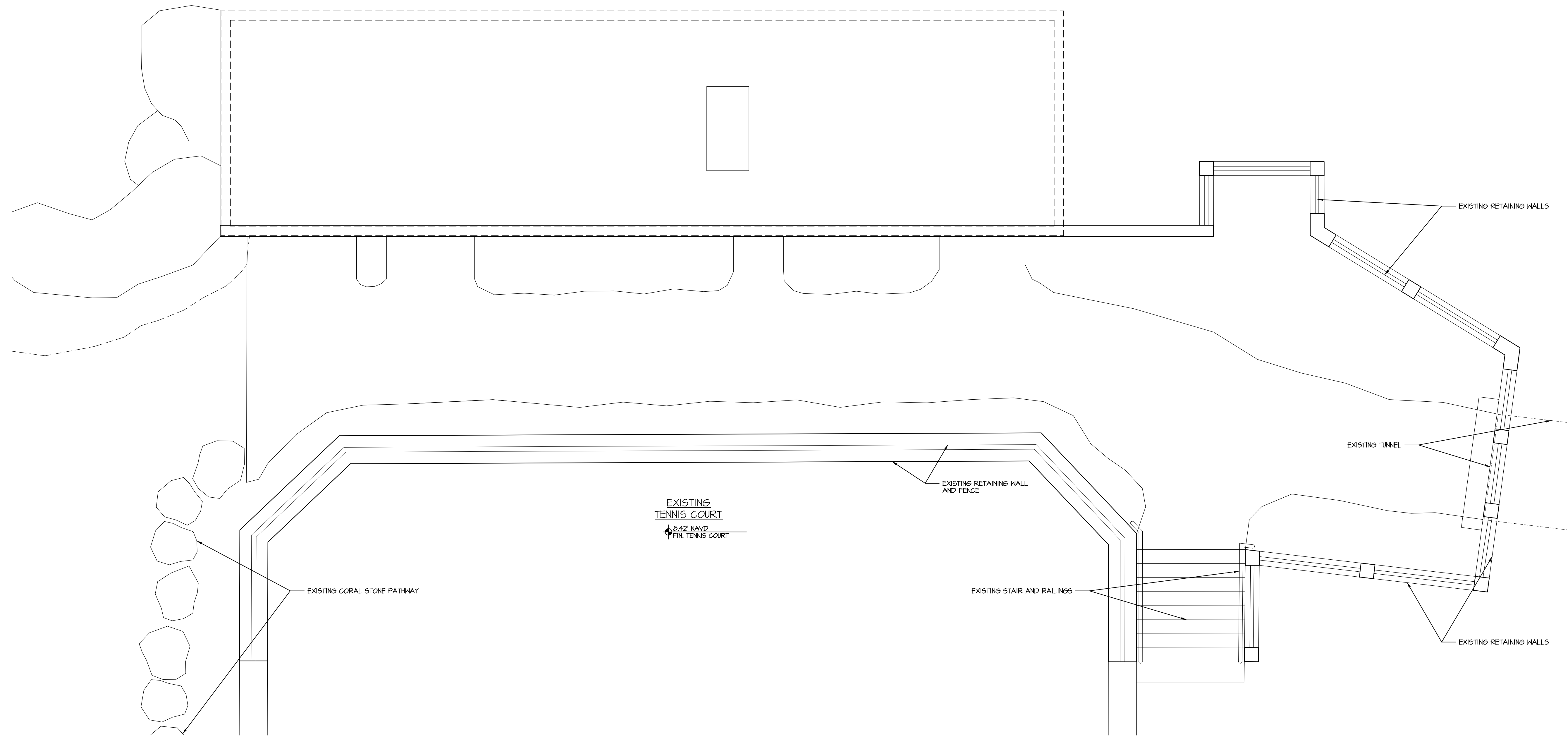
PROPOSED 1ST FLOOR PLAN

SHEET TITLE
DRAWING NO.

TB
A1.01B

JOB NUMBER: 26-110

TENNIS BUILDING - FLOOR PLANS



EXISTING UPPER LEVEL PLAN

SCALE 1/4" = 1'-0"

PROPOSED ADDITIONS AND RENOVATIONS AT:

2000 SOUTH OCEAN BOULEVARD
MANALAPAN

DAILEY JANSSEN ARCHITECTS
400 CLEMATIS STREET, SUITE 200, WEST PALM BEACH, FLORIDA 33401, TEL: 561-933-4101, LICENSE #AA-C001814

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EXISTING 2ND FLOOR PLAN

SHEET TITLE

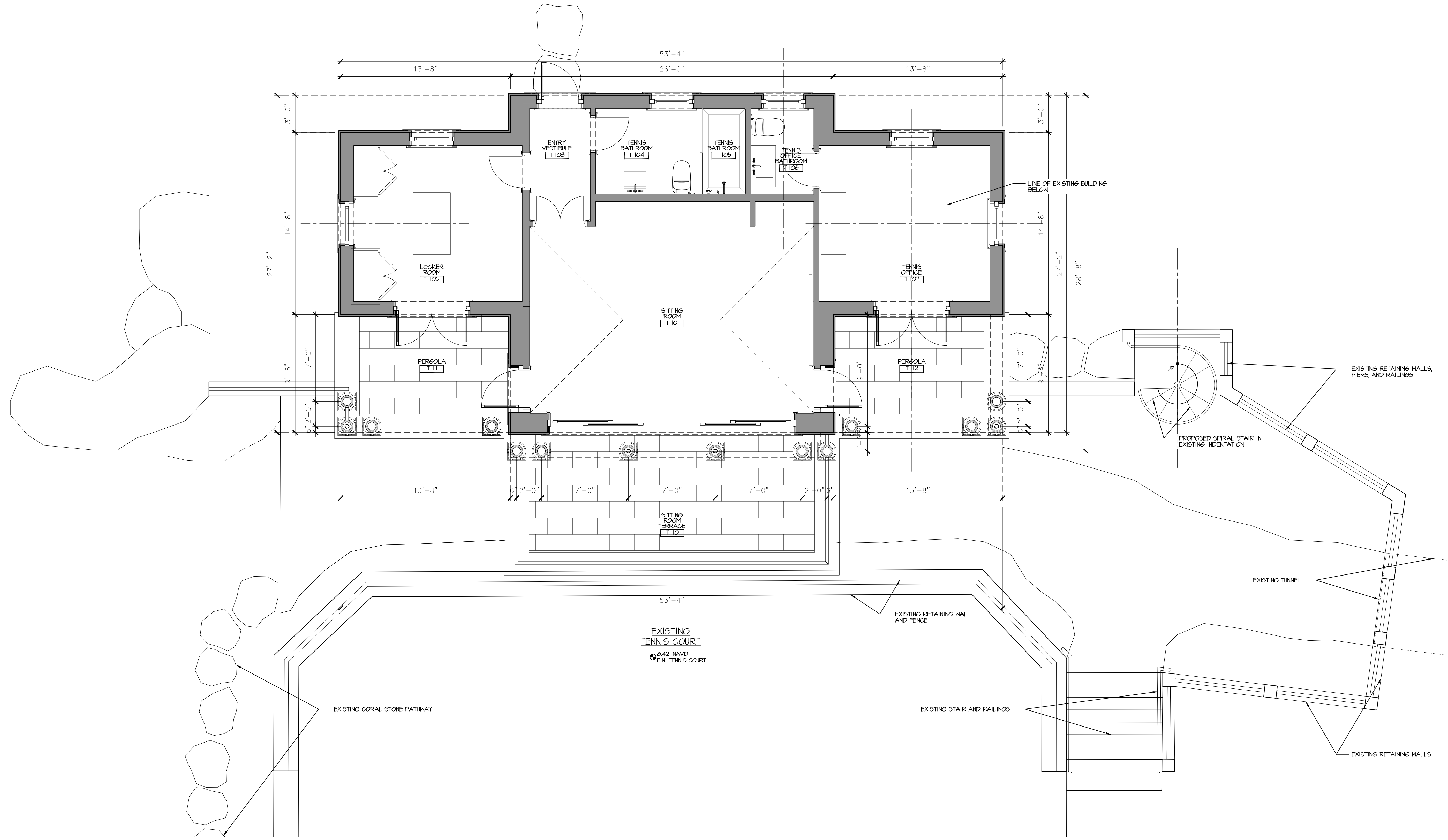
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A1.02A

JOB NUMBER

26-110

TENNIS BUILDING - FLOOR PLANS



PROPOSED UPPER LEVEL PLAN

SCALE 1/4" = 1'-0"

PROPOSED ADDITIONS AND RENOVATIONS AT:

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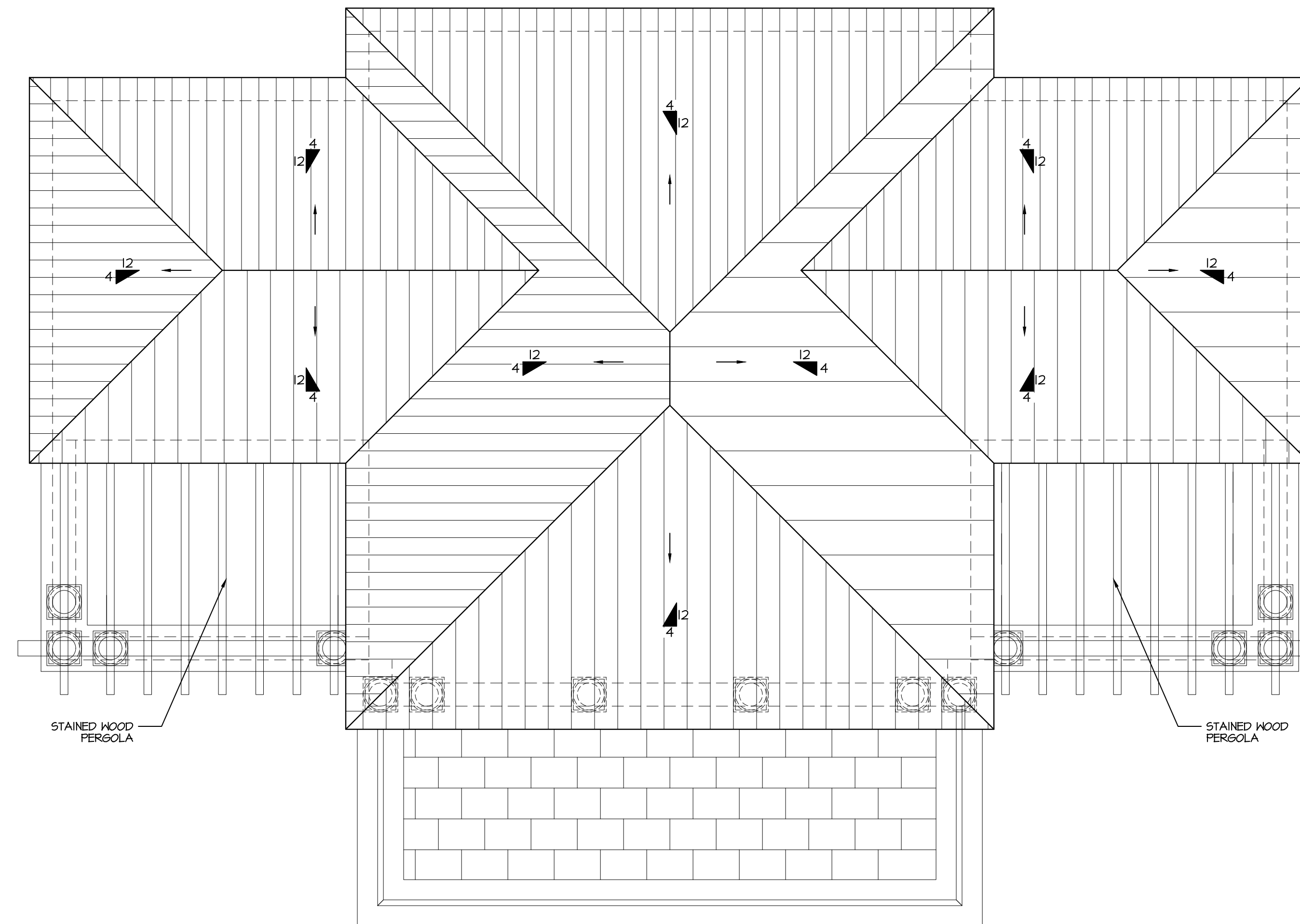
PROPOSED 2ND FLOOR PLAN

SHEET TITLE
DRAWING NO.

TB
A1.02B

JOB NUMBER: 26-110

TENNIS BUILDING - FLOOR PLANS



PROPOSED UPPER LEVEL PLAN

SCALE 1/4" = 1'-0"

PROPOSED ADDITIONS AND RENOVATIONS AT:

2000 SOUTH OCEAN BOULEVARD
MANALAPAN

DAILEY JANSSEN ARCHITECTS
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ROOF PLAN
TENNIS

SHEET TITLE

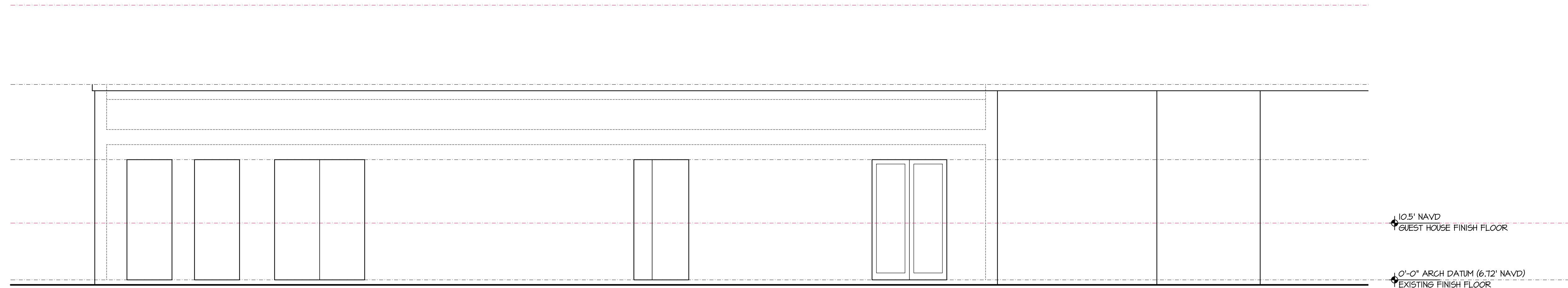
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JOB NUMBER

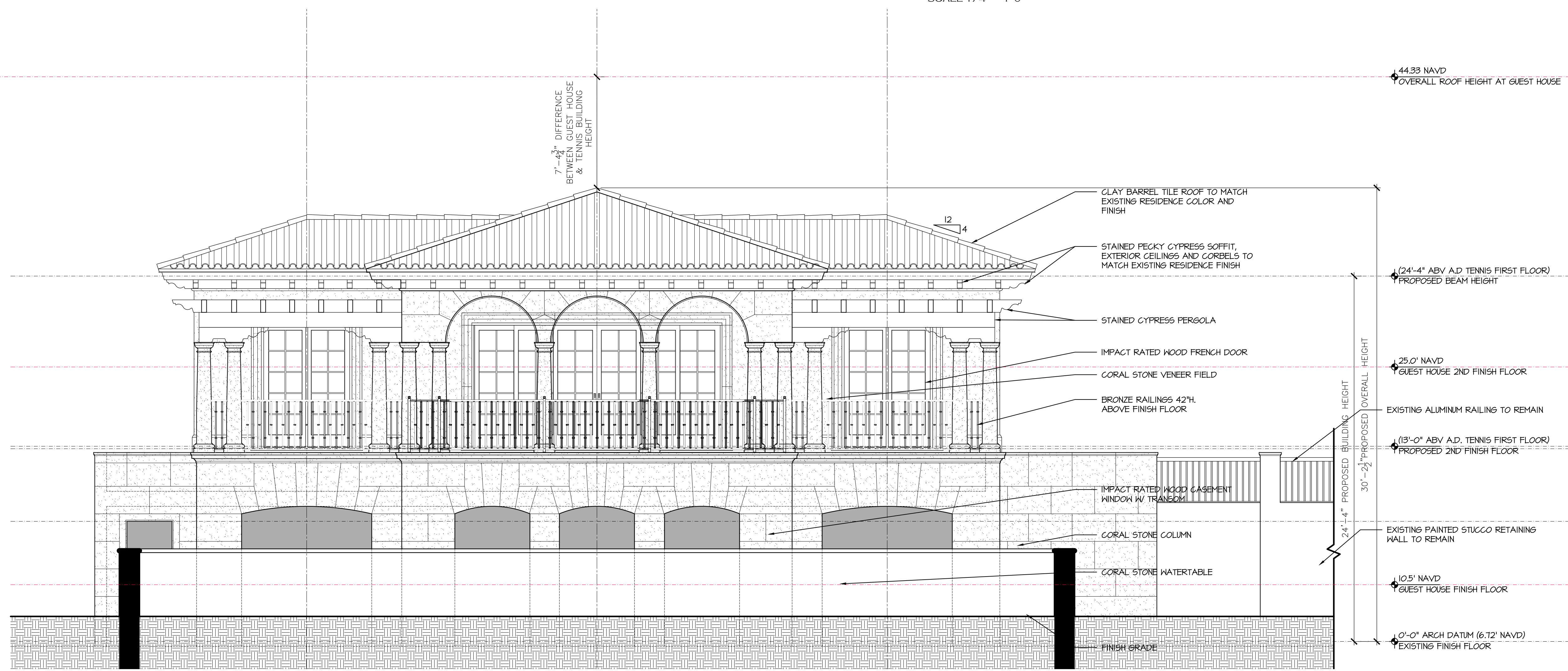
26-110

TENNIS BUILDING - ELEVATIONS



TENNIS BUILDING - EXISTING SOUTH ELEVATION

SCALE 1/4" = 1'-0"



TENNIS BUILDING - PROPOSED SOUTH ELEVATION

SCALE 1/4" = 1'-0"

PROPOSED ADDITIONS AND RENOVATIONS AT:
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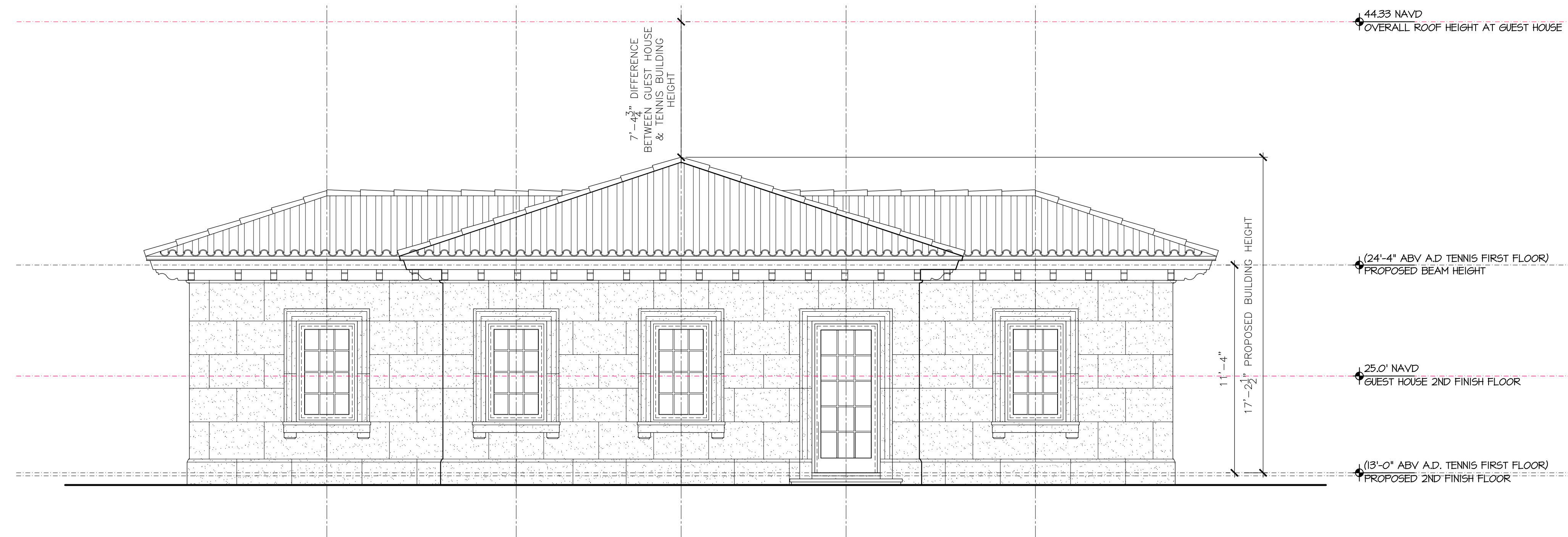
EXTERIOR ELEVATIONS TENNIS

SHEET TITLE
DRAWING NO.

TB
A2.01

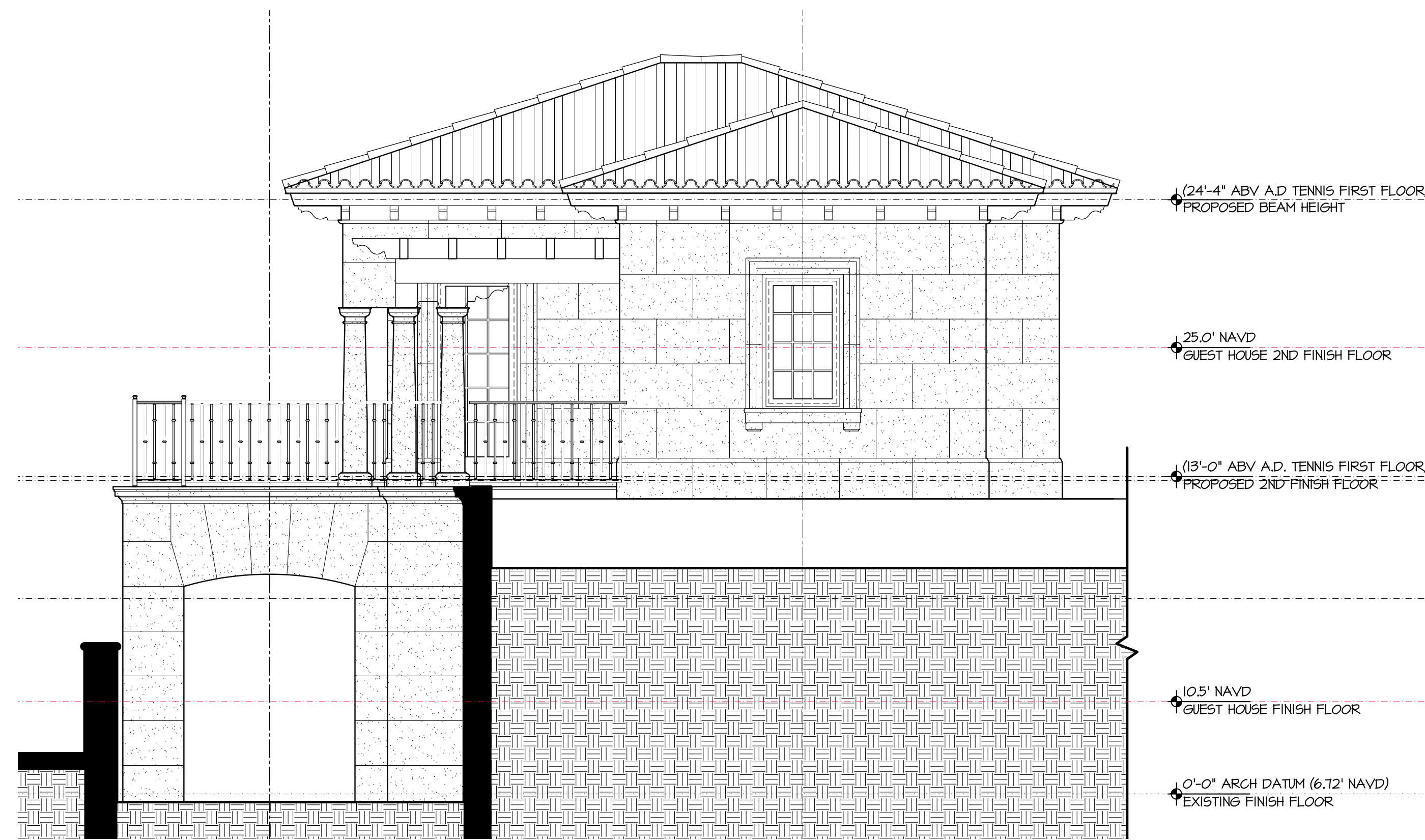
JOB NUMBER. 26-110

TENNIS BUILDING - ELEVATIONS



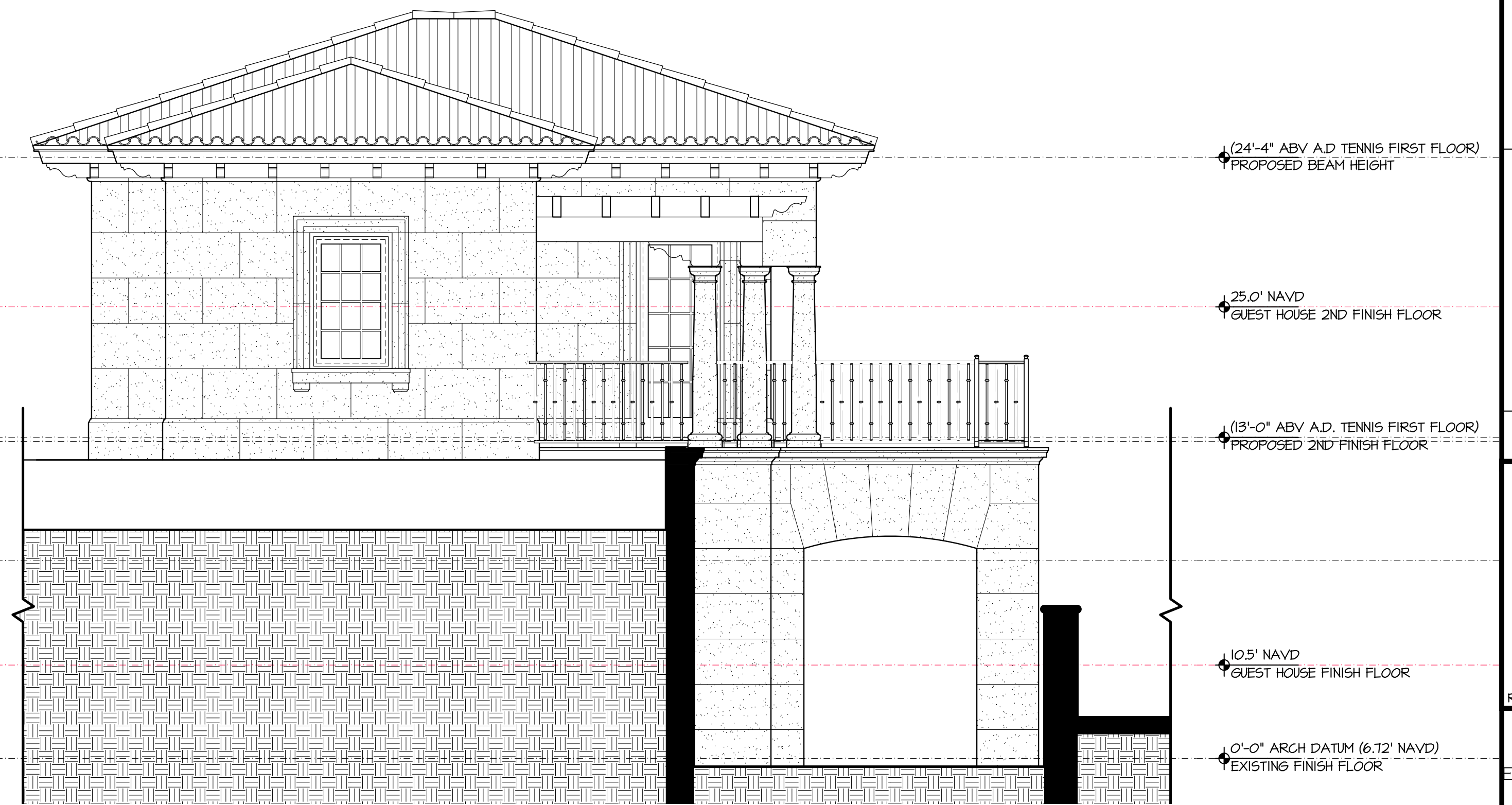
TENNIS BUILDING - PROPOSED NORTH ELEVATION

SCALE 1/4" = 1'-0"



TENNIS BUILDING - PROPOSED EAST ELEVATION

SCALE 1/4" = 1'-0"



TENNIS BUILDING - PROPOSED EAST ELEVATION

SCALE 1/4" = 1'-0"

PROPOSED ADDITIONS AND RENOVATIONS AT:

2000 SOUTH OCEAN BOULEVARD

PALM BEACH COUNTY, FLORIDA

DAILEY JANSSEN ARCHITECTS

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DATE: 11-06-2023

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EXTERIOR ELEVATIONS TENNIS

SHEET TITLE
DRAWING NO.

TB
A2.02

JOB NUMBER. 26-110



EXISTING VIEW TAKEN FROM WEST
- PATH BETWEEN BUILDING AND TENNIS COURT
TOWARD TUNNEL



EXISTING VIEW ACROSS TENNIS COURT




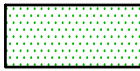


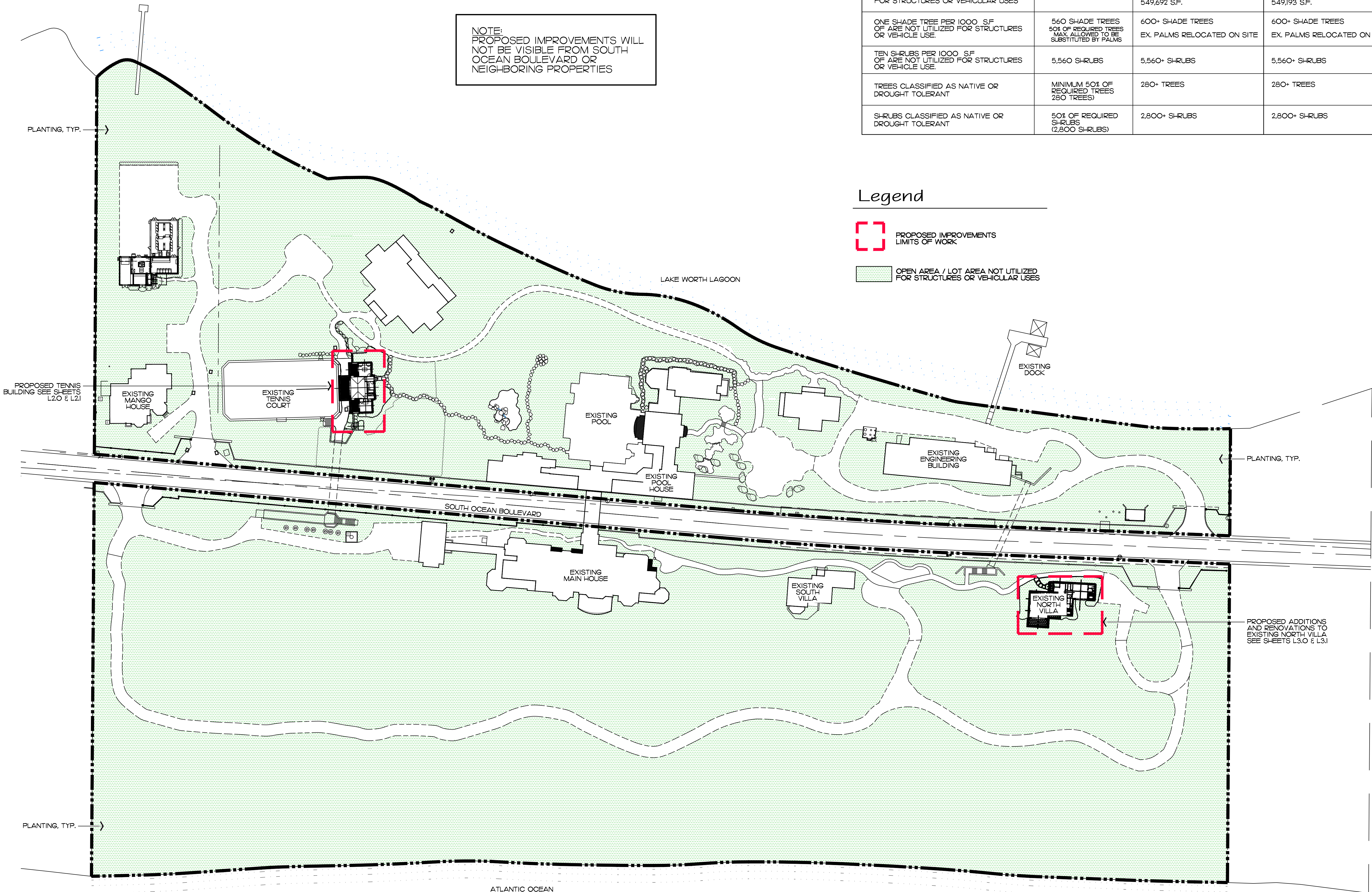
Landscape Requirements

LOT AREA	711,293.5 SF. (100%)		
DESCRIPTION	REQUIRED	PREVIOUSLY APPROVED	PROPOSED
OPEN AREA / LOT AREA NOT UTILIZED FOR STRUCTURES OR VEHICULAR USES	-	77.28% 549,692 SF.	77.21% 549,193 SF.
ONE SHADE TREE PER 1000 SF OF ARE NOT UTILIZED FOR STRUCTURES OR VEHICULAR USES	560 SHADE TREES 50% OF REQUIRED TREES MAX. ALLOWED TO BE SUBSTITUTED BY PALMS	600+ SHADE TREES EX. PALMS RELOCATED ON SITE	600+ SHADE TREES EX. PALMS RELOCATED ON SITE
TEN SHRUBS PER 1000 SF OF ARE NOT UTILIZED FOR STRUCTURES OR VEHICULAR USES	5,560 SHRUBS	5,560+ SHRUBS	5,560+ SHRUBS
TREES CLASSIFIED AS NATIVE OR DROUGHT TOLERANT	MINIMUM 50% OF REQUIRED TREES (280 TREES)	280+ TREES	280+ TREES
SHRUBS CLASSIFIED AS NATIVE OR DROUGHT TOLERANT	50% OF REQUIRED SHRUBS (2,800 SHRUBS)	2,800+ SHRUBS	2,800+ SHRUBS

NOTE:
PROPOSED IMPROVEMENTS WILL NOT BE VISIBLE FROM SOUTH OCEAN BOULEVARD OR NEIGHBORING PROPERTIES

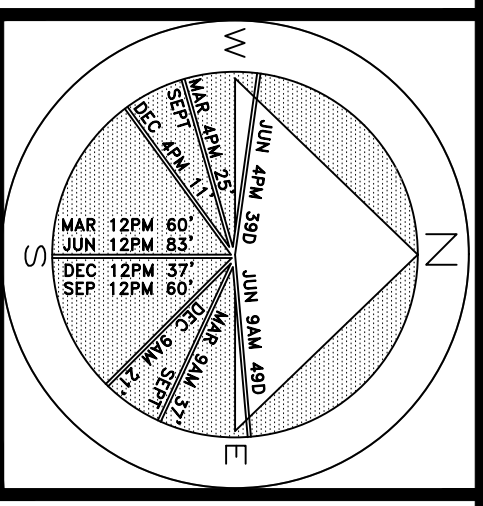
Legend

-  PROPOSED IMPROVEMENTS LIMITS OF WORK
-  OPEN AREA / LOT AREA NOT UTILIZED FOR STRUCTURES OR VEHICULAR USES



ENVIRONMENTAL DESIGN GROUP
 139 North County Road 5700-8 Palm Beach, FL 33480
 Phone 561.832.4800 Mobile 561.313.4424
 Landscape Architecture
 Land Planning
 Landscape Management
 Dustin M. Mizell, M.L.A. #6666784
 dustin@environmentaldesigngroup.com

Private Residence
 2000 South Ocean Boulevard
 Manalapan
 F L O R I D A



JOB NUMBER: # 23158.00 LA
 DRAWN BY: Jean Twomey
 Allison Padilla
 DATE: 05.01.2026

SHEET L1.0

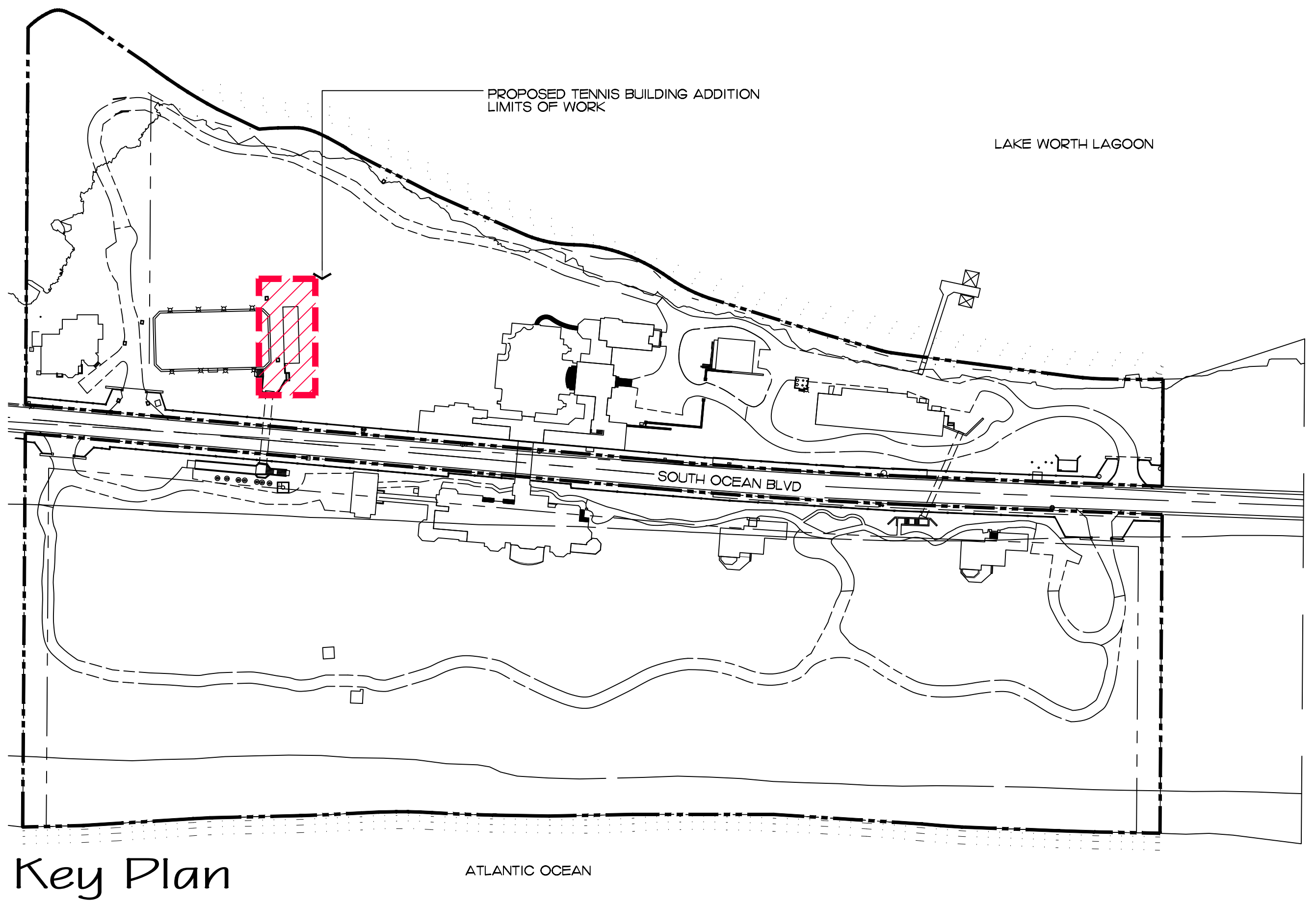
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2500 sq. ft.
 AREA IN SQ. FT.



Key Plan

SCALE: 1" = 100'

NOTES:

EXISTING NATURAL STONE BOULDERS SURROUNDING BUILDING WILL BE RELOCATED AS NEEDED DURING CONSTRUCTION. LANDSCAPE ARCHITECT TO FIELD LOCATE NEW LOCATION.

ANY EXISTING VEGETATION, DESIGNATED TO REMAIN, ACCIDENTALLY DAMAGED DURING CONSTRUCTION SHALL BE REPLACED BY CONTRACTOR.

CONTRACTOR / ON-SITE GARDENER TO PROTECT AND RELOCATE EXISTING SHRUBS, DESIGNATED TO BE REMOVED, ON-SITE AS MUCH AS POSSIBLE.

NO EXISTING TREES OR PALMS WILL BE REMOVED.

SEE SHEET L2.1 FOR NEW LOCATIONS OF RELOCATED TREES.

RE-LOCATED PLANTING TO BE STORED, AND CARED FOR, IN ANOTHER ON-SITE LOCATION DURING CONSTRUCTION AS NEEDED.

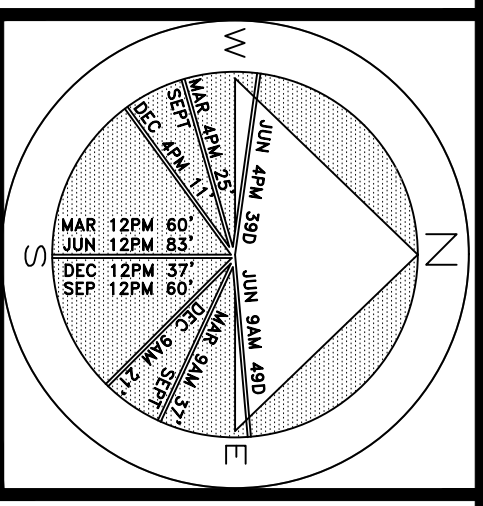
ENVIRONMENT DESIGN GROUP

139 North County Road 5100-B Palm Beach, FL 33480
 Phone 561.832.4600 Mobile 561.313.4424

Landscape Architecture
 Land Planning
 Landscape Management

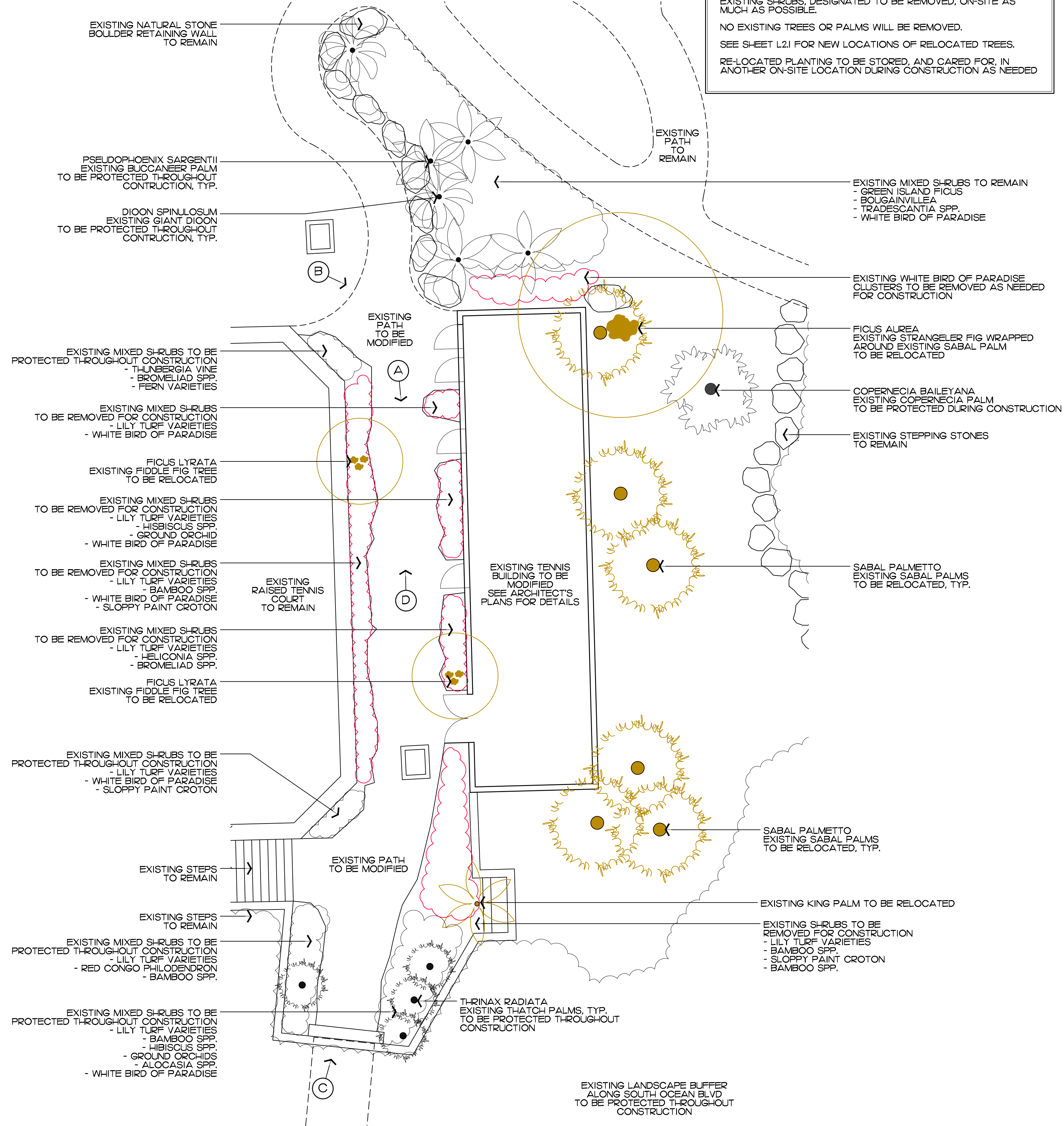
Dustin M. Mizell, M.A. RLA #6666784
 dustin@environmentdesigngroup.com

Private Residence
 2000 South Ocean Boulevard
 Manalapan

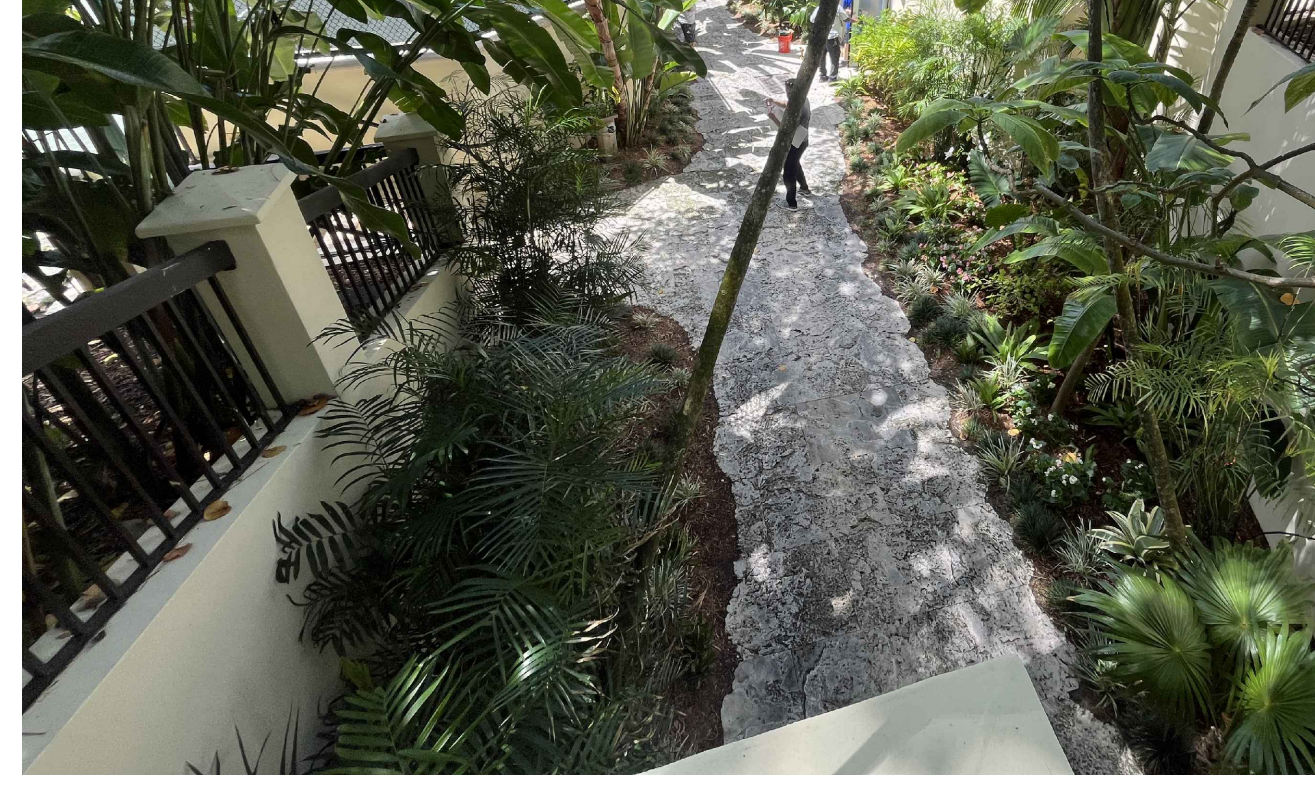
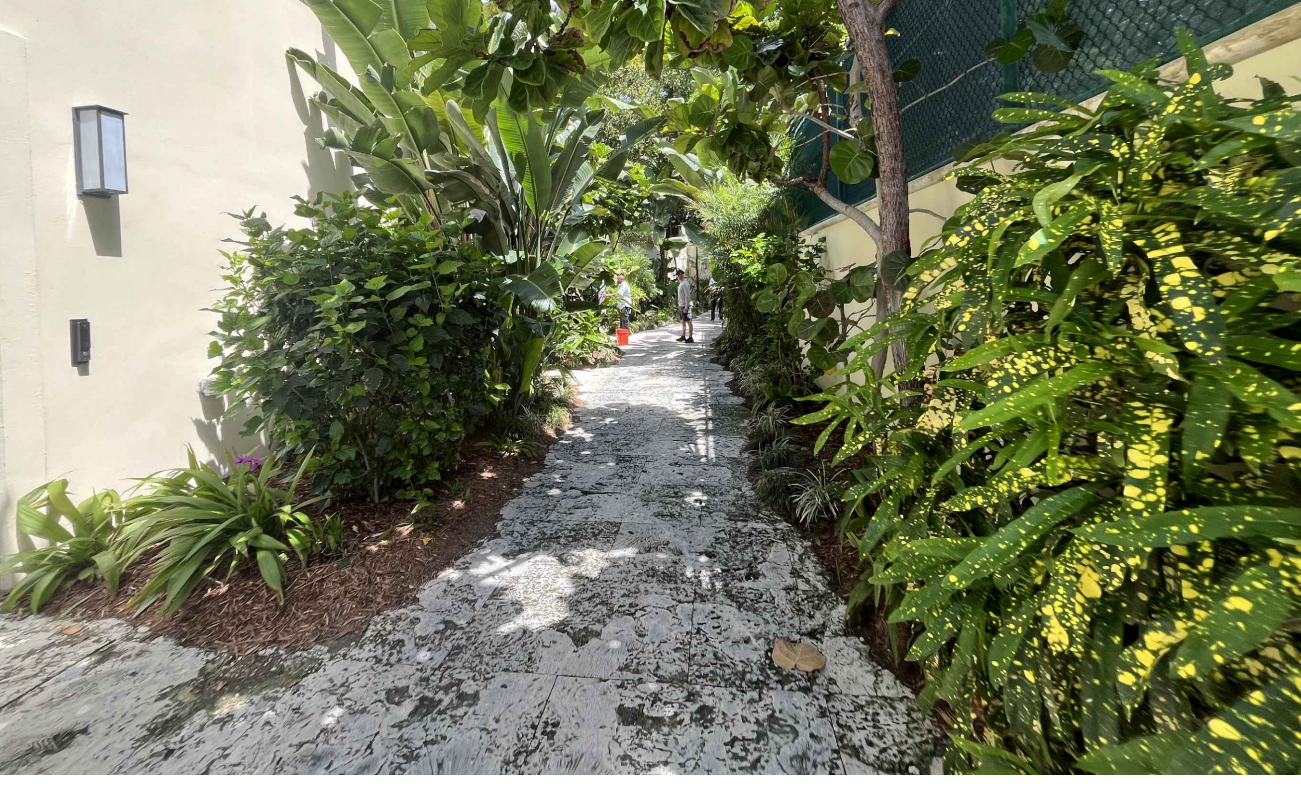


JOB NUMBER: # 23158.00 LA
 DRAWN BY: Jean Twomey
 Allison Padilla
 DATE: 05.01.2026

SHEET L2.0



Existing Conditions / Reference Images

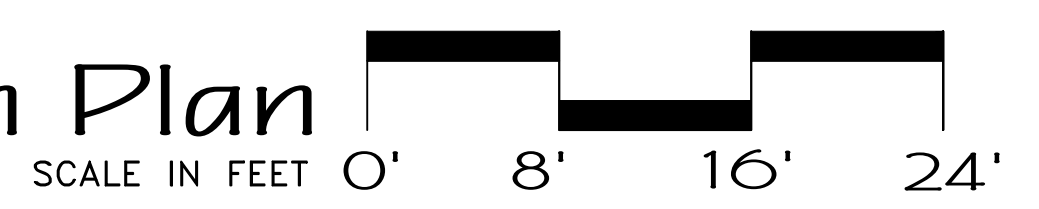


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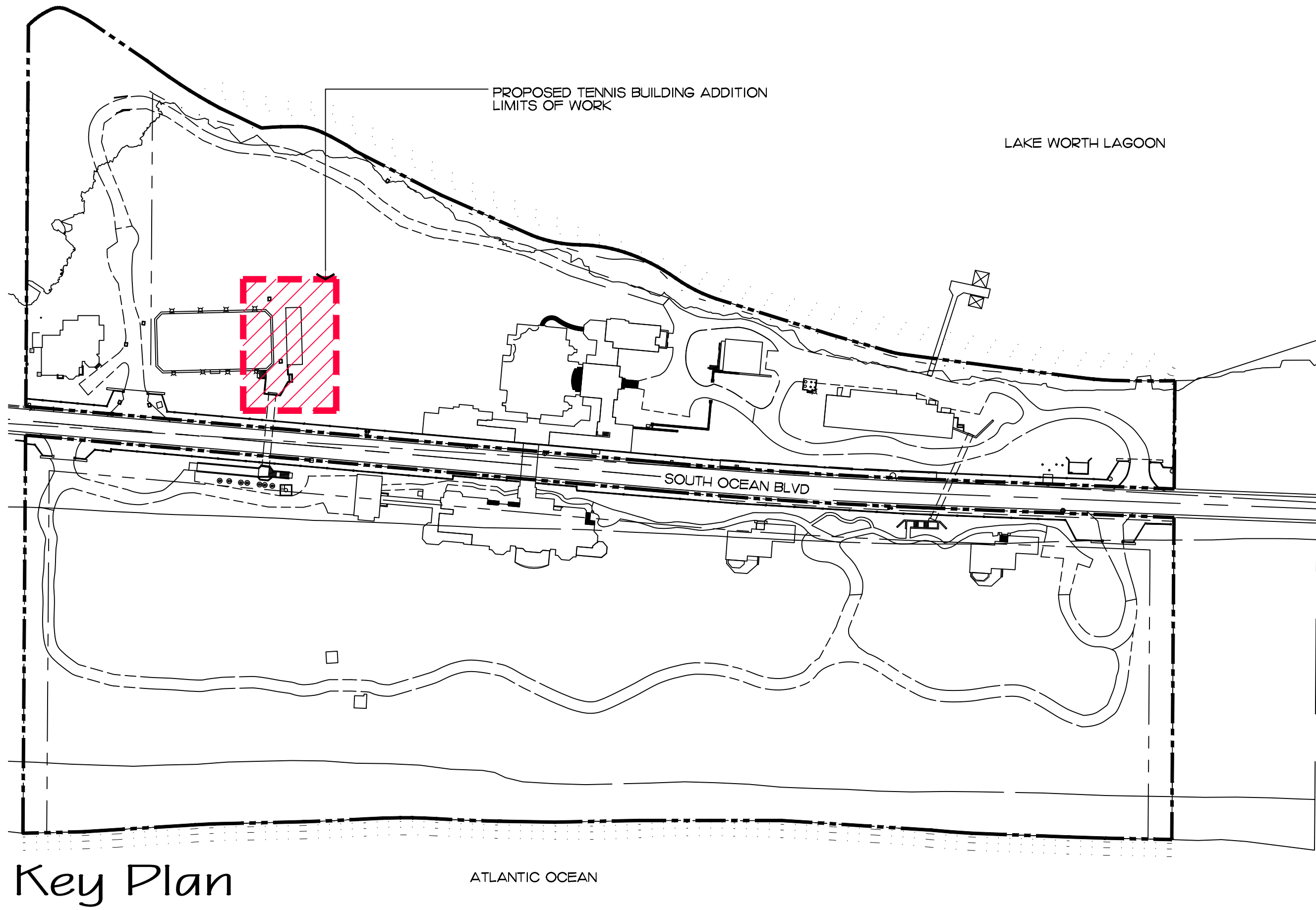
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Tennis Court Building - Existing Vegetation Demo & Action Plan



AREA IN SQ. FT.



Key Plan

SCALE: 1" = 100'

Proposed Shrubs

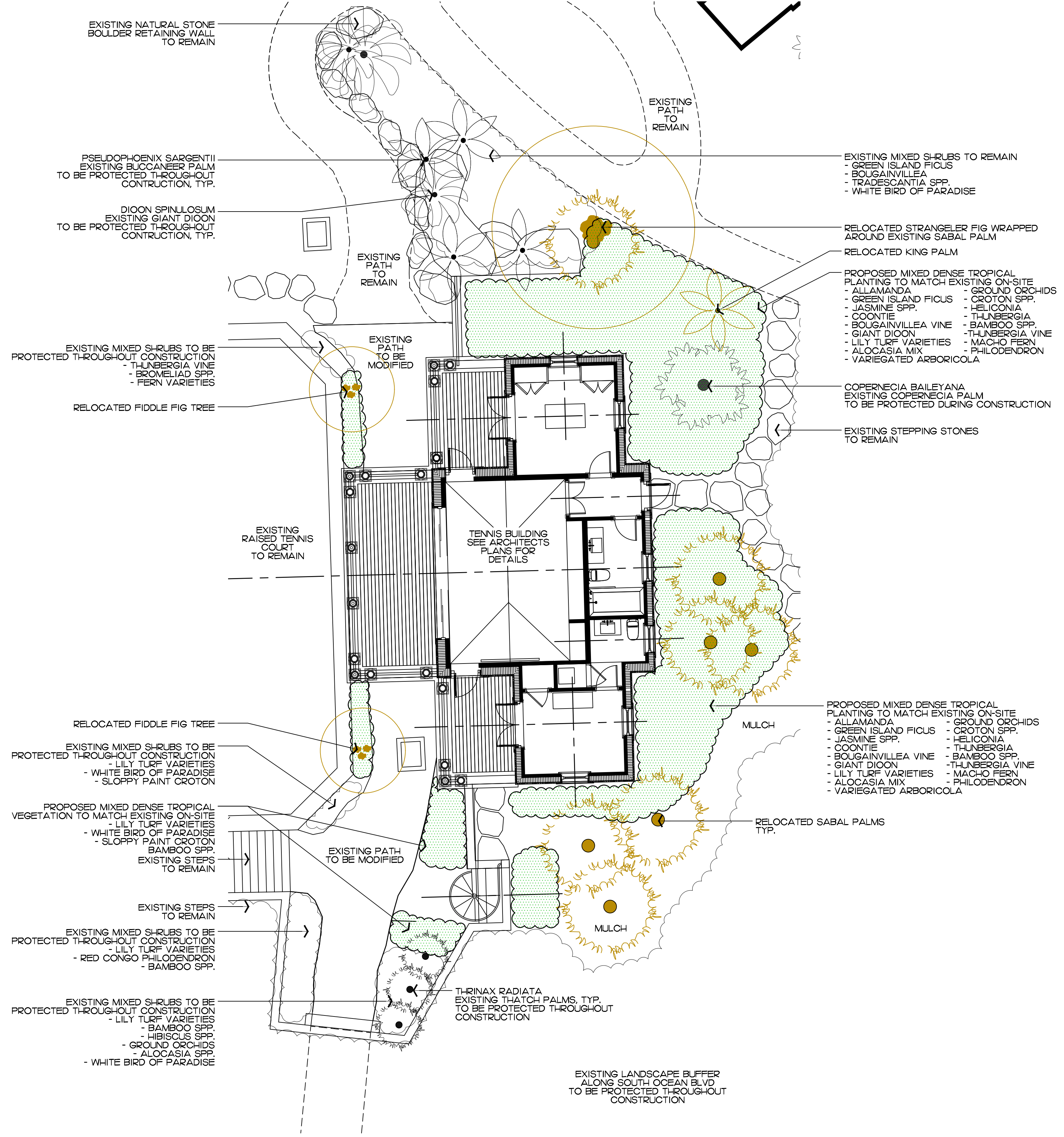
SYMBOL	PLANT NAME	DENSE TROPICAL PLANTING TO MATCH EXISTING ON-SITE	
		QTY.	SIZE
	ALLAMANDA	20	1 GAL, 6" HT.
	GROUND ORCHIDS	20	3 GAL, 12" HT.
	GREEN ISLAND FICUS	30	3 GAL, 12" HT.
	CROTON SPP.	15	7 GAL, 24" HT.
	JASMINE SPP.	15	7 GAL, 24" HT.
	HELICONIA	15	7 GAL, 24" HT.
	VARIATED ARBORICOLA	10	7 GAL, 24" HT.
	COONTIE	20	7 GAL, 24" HT.
	BOUGAINVILLEA VINE	4	15 GAL, 48" HT.
	BAMBOO SPP.	3	25 GAL, 8' HT.
	GIANT DIOON	3	15 GAL, 48" HT.
	THUNBERGIA VINE	4	15 GAL, 48" HT.
	MACHO FERN	15	3 GAL, 18" HT.
	LILY TURF VARIETIES	100	3 GAL, 36" HT.
	ALOCASIA VARIETIES	20	7 GAL, 36" HT.
PHILODENDRON VARIETIES	4	15 GAL, 36" HT.	
BIRD OF PARADISE	15	7 GAL, 36" HT.	

FINAL PLANT LOCATIONS TO BE LOCATED ON-SITE BY LANDSCAPE ARCHITECTS

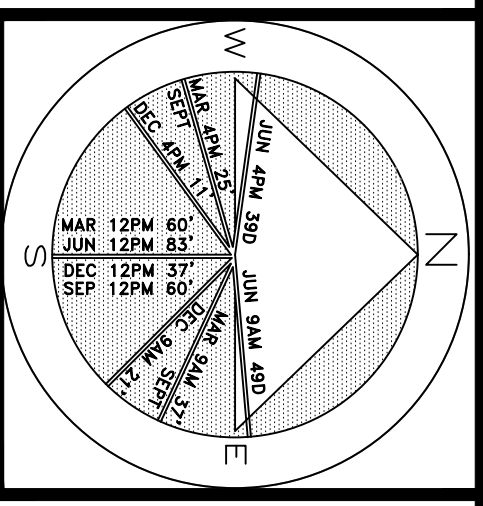
Existing Vegetation - Dense Tropical Planting



* PROPOSED PLANTING TO MATCH



Private Residence
2000 South Ocean Boulevard
Manalapan



JOB NUMBER: # 23158.00 LA
 DRAWN BY: Jean Twomey
 Allison Padilla
 DATE: 05.01.2026

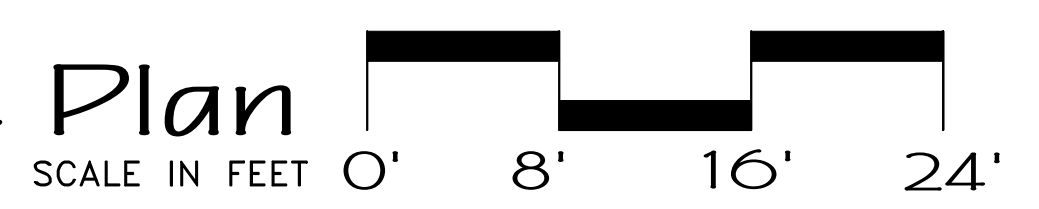
SHEET L2.1

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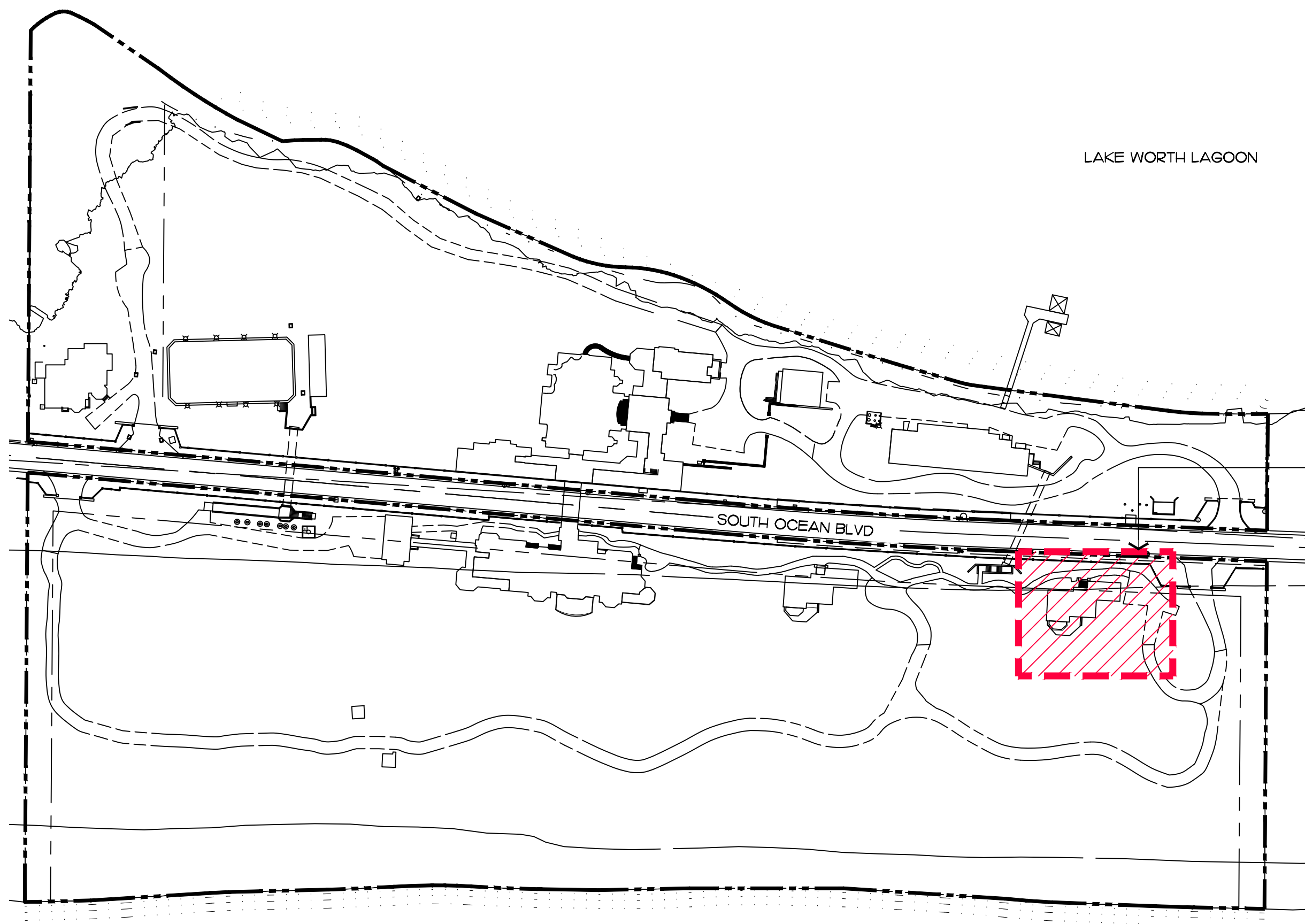
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Tennis Court Building - Proposed Landscape Plan

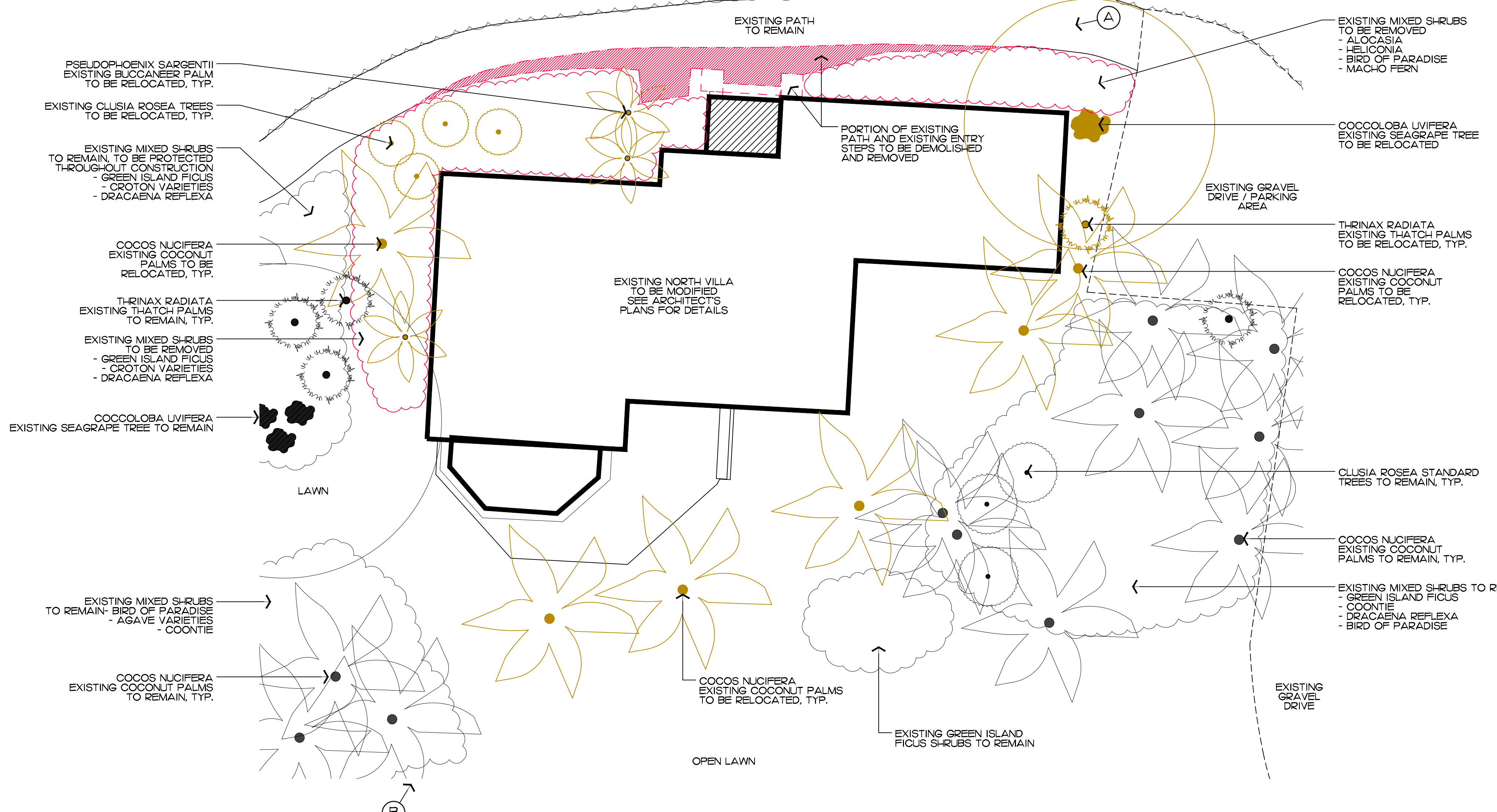
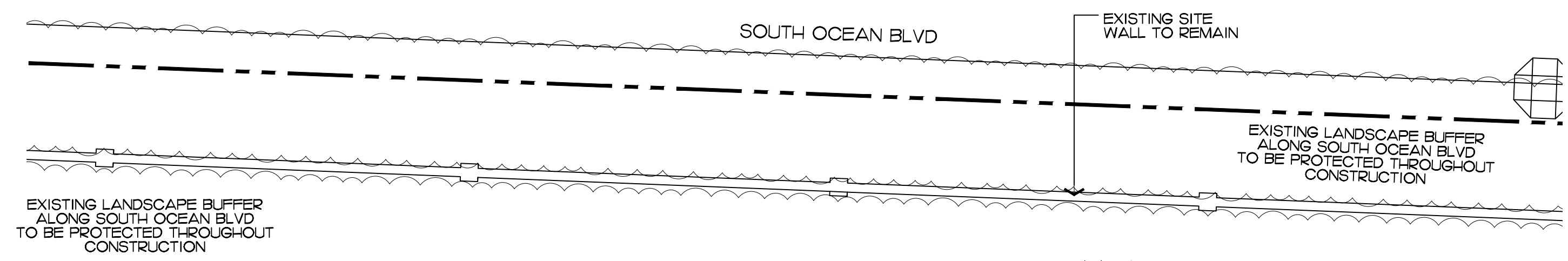


100 sq. ft.
 AREA IN SQ. FT.

Existing Conditions / Reference Images

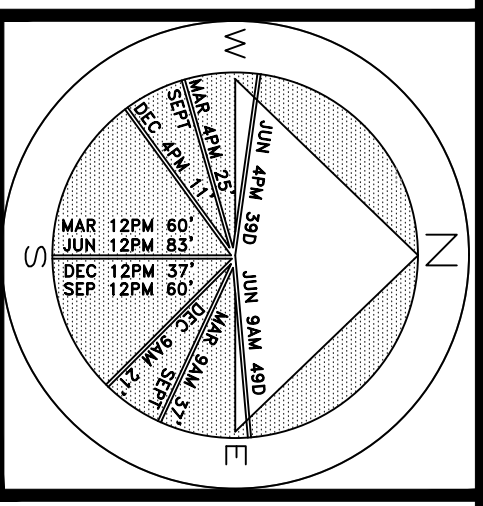


Key Plan
 SCALE: 1" = 100'



NOTES:
 EXISTING NATURAL STONE BOULDERS SURROUNDING BUILDING WILL BE RELOCATED AS NEEDED DURING CONSTRUCTION. LANDSCAPE ARCHITECT TO FIELD LOCATE NEW LOCATION.
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 CONTRACTOR / ON-SITE GARDENER TO PROTECT AND RELOCATE EXISTING SHRUBS DESIGNATED TO BE REMOVED, ON-SITE AS MUCH AS POSSIBLE.
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Private Residence
2000 South Ocean Boulevard
Manalapan



JOB NUMBER: # 23158.00 LA
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 Allison Padilla
 DATE: 05.01.2026

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North Villa - Existing Vegetation Demo & Action Plan

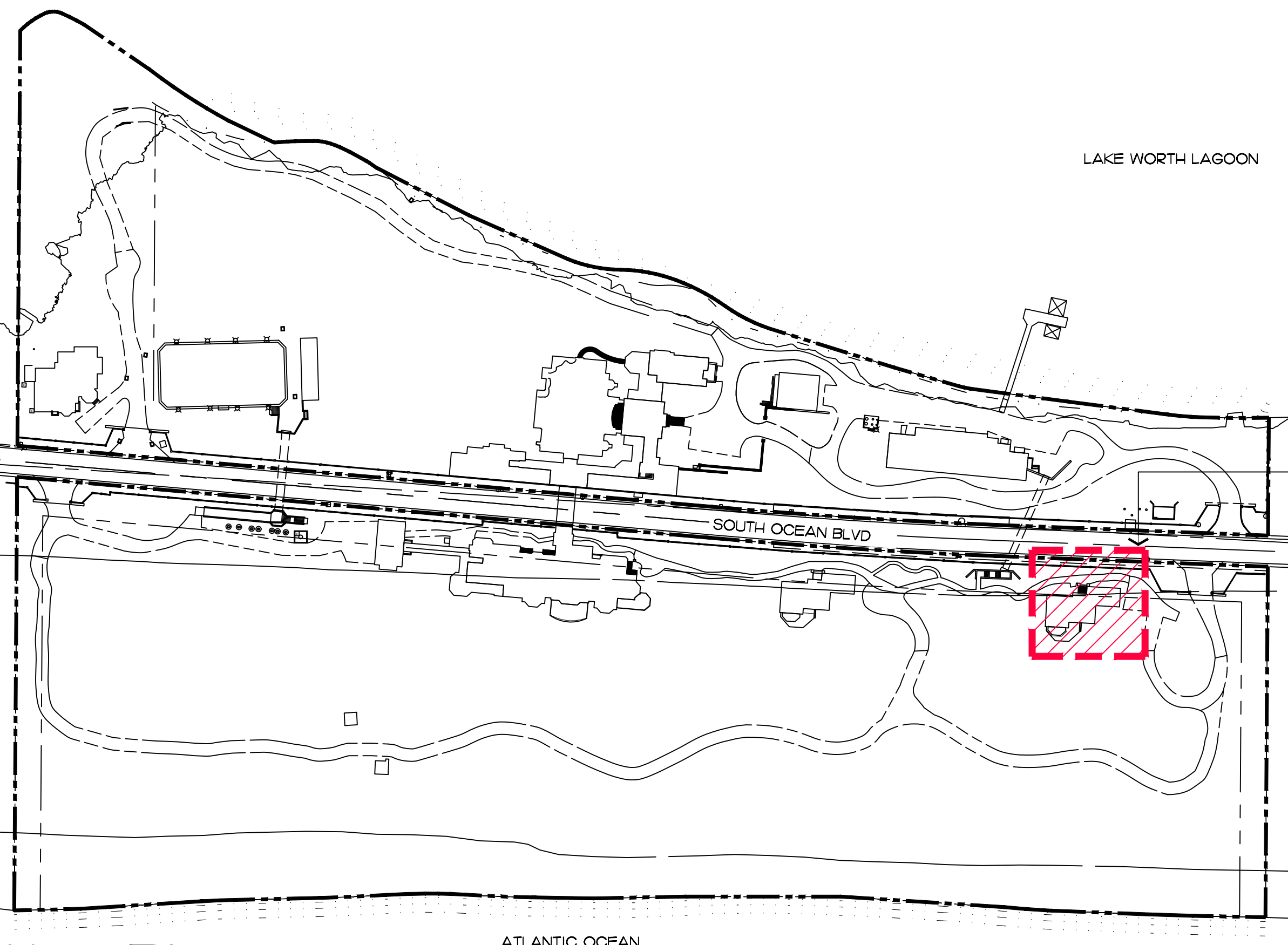


SHEET L3.0
 AREA IN SQ. FT. 256 sf.

Existing Vegetation - Dense Coastal Planting



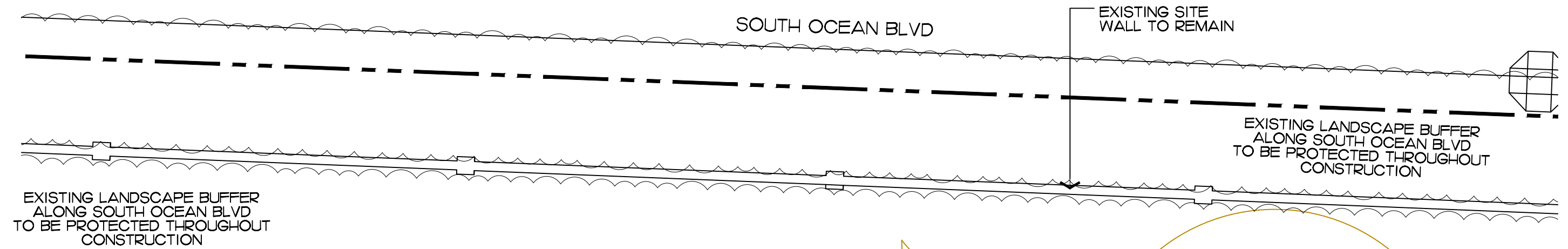
* PROPOSED PLANTING TO MATCH



Key Plan

SCALE: 1" = 100'

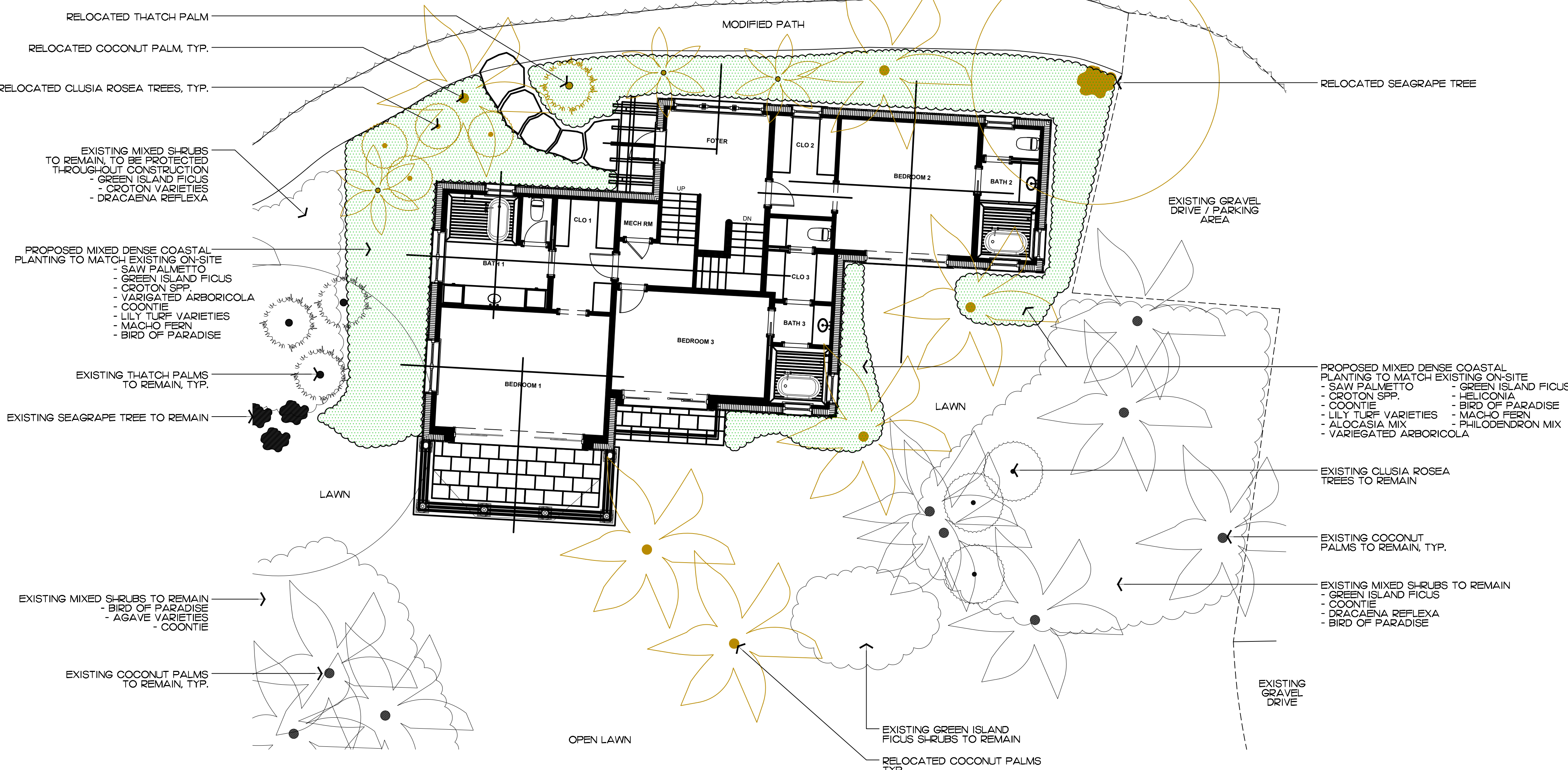
SCALE: 1" = 100'



Proposed Shrubs

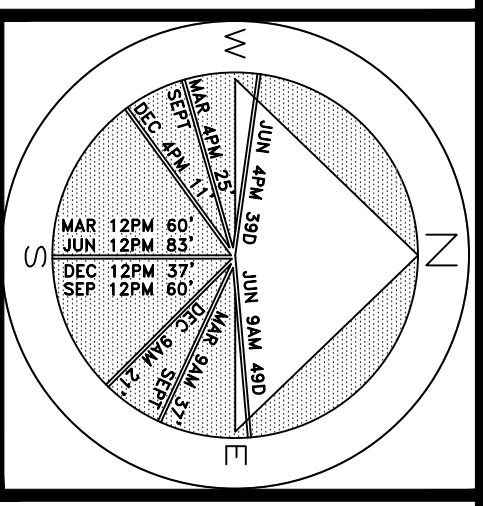
SYMBOL	PLANT NAME	QTY.	SIZE
	SAW PALMETTO	10	3 GAL, 18" HT.
	GREEN ISLAND FICUS	20	3 GAL, 12" HT.
	CROTON SPP.	30	7 GAL, 24" HT.
	HELICONIA	15	7 GAL, 24" HT.
	VARIGATED ARBORESCENS	15	7 GAL, 24" HT.
	COONTIE	15	3 GAL, 12" HT.
	MACHO FERN	10	3 GAL, 18" HT.
	LILY TURF VARIETIES	20	7 GAL, 12" HT.
	ALOCASIA VARIETIES	4	15 GAL., 36" HT.
	PHILODENDRON VARIETIES	3	25 GAL., 36" HT.
	BIRD OF PARADISE	3	15 GAL., 36" HT.

FINAL PLANT LOCATIONS TO BE LOCATED ON-SITE BY LANDSCAPE ARCHITECTS



ENVIRONMENT DESIGN GROUP
 139 North County Road 5120-B Palm Beach, FL 33480
 Phone 561.832.4800 Mobile 561.313.4424
 Landscape Architecture
 Land Planning
 Landscape Management
 Dustin M. Mizell, M.L.A. #6666784
 Dustin@environmentdesigngroup.com

Private Residence
 2000 South Ocean Boulevard
 Manalapan



JOB NUMBER: # 23158.00 LA
 DRAWN BY: Jean Twomey
 Allison Padilla
 DATE: 05.01.2026

2026
 COPYRIGHT: The following drawings are instruments of service to the Landscape Architect. They are not products of design. All ideas, designs, arrangements and plans indicated or represented by this/these drawings are owned by and the property of the designer, and were created, evolved and developed for use on and in connection with this project. None of such ideas, designs, arrangements or plans shall be used by or disclosed to any person, firm or corporation without the written permission of the Landscape Architect.

2026
 DISCLAIMER: Construction, as the term is generally understood, and that ENVIRONMENT DESIGN GROUP does not provide landscape architectural services during construction, including on-site monitoring, site visits, shop drawing review, design clarification, etc. The client agrees to indemnify and hold harmless ENVIRONMENT DESIGN GROUP from any liability arising from, acts or omissions in the performance of said services during construction by the client, and his/her agents, employees, or subcontractors.

48 HOURS BEFORE DIGGING
 CALL TOLL FREE
1-800-432-4770
 SUNSHINE STATE ONE CALL
 OF FLORIDA, INC.

North Villa - Proposed Landscape Plan

SCALE IN FEET 0' 8' 16' 24'

SHEET L3.1

AREA IN SQ. FT. 256 sf.



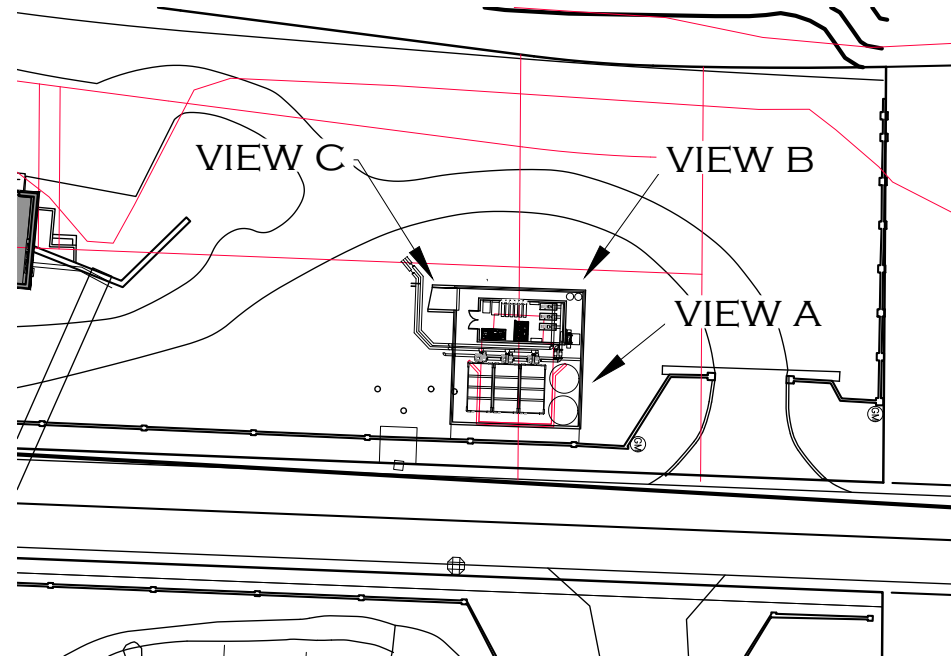
EXISTING COOLING TOWER
AND ENCLOSURE - VIEW A



EXISTING COOLING TOWER
AND ENCLOSURE - VIEW B



EXISTING COOLING TOWER
AND ENCLOSURE - VIEW C



**TOWN OF MANALAPAN
AGENDA ITEM SUMMARY**

Meeting Date: June 23rd, 2026

Agenda Item No.: RA. b.iii.

Agenda Item Name: **Site Plan Review SPR 26-01** – 100 S. Ocean Boulevard

BACKGROUND:

Site Plan Review SPR 26-01 100 SOB - Timothy Nardi, agent for MPB Property, LLC, is requesting Site Plan Modification Approval to modify the prior approved site plan by changing the existing copy of the monument sign and the existing wall sign and use of low voltage back lighting in accordance with Sec. 151.666 (A) of the Town Zoning Code. The subject property address is 100 South Ocean Boulevard Eau Resort.

MOTION:

- Move to approve/disapprove Site Plan Review SPR 26-01

ATTACHMENTS:

- Site Plan Review Application
- Development Drawings

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 James C. Gavigan, Jr.

STATE OF FLORIDA, COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 19th day of May 2026,

by James C. Gavigan, Jr. as authorized agent for MPB Property LLC.

Personally known ~~or Produced Identification~~

~~Type of Identification~~

Notary Signature



SEAL
INGRIDA. SAEZ
Commission # HH 290504
Expires July 21, 2026

Print Notary Name

CHECK BELOW WHERE APPLICABLE
(Payable by check only)

ARCHITECTURAL REVIEW – Level 1 \$450	PUD or PUD AMENDMENT \$1,500	
ARCHITECTURAL REVIEW – Level 2 \$850	SITE PLAN REVIEW \$1,000	X
ARCHITECTURAL REVIEW – Level 3 \$1,800	SPECIAL EXCEPTION USE \$1,000	
ARCHITECTURAL REVIEW – Level 4 \$2,500	VARIANCE \$2,000	
PAVER AGREEMENT \$500	ZONING TEXT/MAP OR COMP PLAN AMENDMENT \$2,500	

(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 WITH NARRATIVE AND PLANS BY THE DEADLINE DATE

1. This Application pages 3-4 for Project Levels 1 thru 3, and pages 1-6 for Level 4 Projects.
2. Agent's Authorization Letter (Required if owner does not sign/notarize application and/or is not presenting).
3. Application fee (see page 7).
4. Model, if applicable (see page 8).
5. Narrative letter describing the project.
6. Samples, renderings, pdfs, jpegs and Power Point photos are due 15 days prior to meeting.



CONSENT

I hereby give CONSENT to Shutts & Bowen, LLP to act on my behalf, to submit or have submitted this application for changes to the signage at Eau Palm Beach Resort and Spa and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s). Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge of the property I have an ownership interest in is the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand, this application, related material and all attachments become official records of the jurisdictional municipality. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application.

OWNER/CONTRACT PURCHASER: I am the [] Owner [] Contract Purchaser [X] Authorized Signatory

Tim Nardi
(Name - type, stamp or print clearly)
100 S. Ocean Blvd
(Address)

(Signature)
Manalapan, FL 33462
(City, State, Zip)

AGENT:

James C. Gavigan, Jr.
(Name - type, stamp or print clearly)
525 Okeechobee Blvd. Suite 1100
(Address)

Shutts & Bowen, LLP
(Name of firm)
West Palm Beach, FL 33401
(City, State, Zip)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

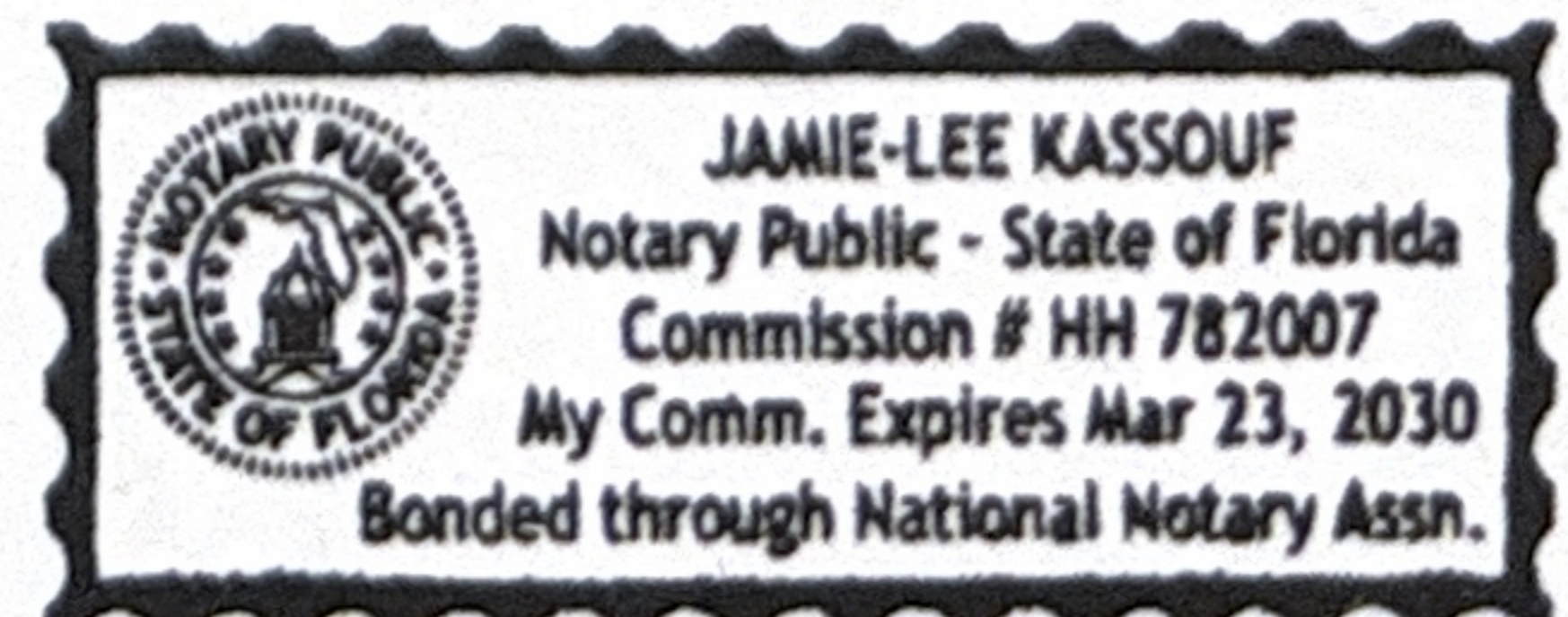
The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 19 day of MAY, 2026 by TIM NARDI (name of person acknowledging). He/she is personally known to me or has produced DRIVING LICENSE (type of identification) as identification and did/did not take an oath (circle correct response).

JAMIE-LEE KASSOUF
(Name - type, stamp or print clearly)

(Signature)

My Commission Expires on: March 23, 2030

NOTARY'S SEAL OR STAMP





NARRATIVE

DATE: May 19, 2026
TO: Town of Manalapan, Building & Zoning Dept.
RE: EAU PALM BEACH RESORT AND SPA

REQUEST

On behalf of MPB Property, LLC. (“**Applicant**”), Shutts & Bowen LLP (“**Agent**”) submits this request for a Site Plan Review (“**SPR**”) for changes to the existing signage at the Eau Palm Beach Resort and Spa, located on an 8.01-acre site at the intersection of S. Ocean Boulevard and E. Ocean Avenue (“**Site**”) in the Town of Manalapan (“**Town**”).

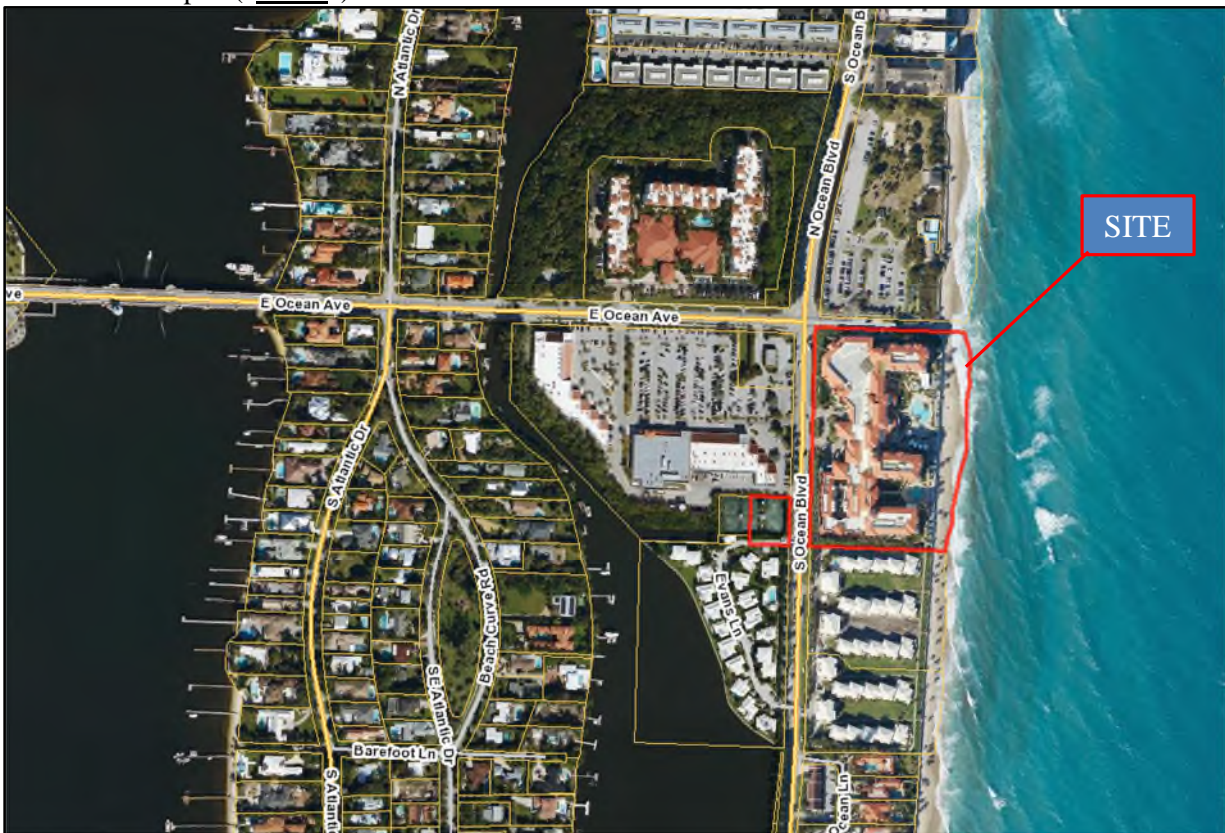


FIGURE 1 – Location map

Property Address:	100 S. Ocean Blvd. (<i>Figure 1</i>)
Parcel Control Number (“PCN”):	42434502000010021
Zoning:	Commercial District (“ C3 District ”)
Municipality:	Town of Manalapan (“ Town ”)

The Applicant proposes to update and modernize the two existing wall signs for the Eau Palm beach Resort and Spa. The first sign is located at the main entrance on S. Ocean Boulevard, and the second sign is located at the intersection of S. Ocean Boulevard and E. Ocean Avenue. See the plans included with the submittal for the details.

- Both signs will be identical in size.
- The total sign area will be 29.04 square feet for each sign.
- Signs will be backlit with LED's and have a clear lexan backer.

Existing:



Main entrance on S. Ocean Boulevard



Intersection of S. Ocean Boulevard and E. Ocean Avenue

Proposed New:



Main entrance on S. Ocean Boulevard



Intersection of S. Ocean Boulevard and E. Ocean Avenue

Existing:



Proposed New:





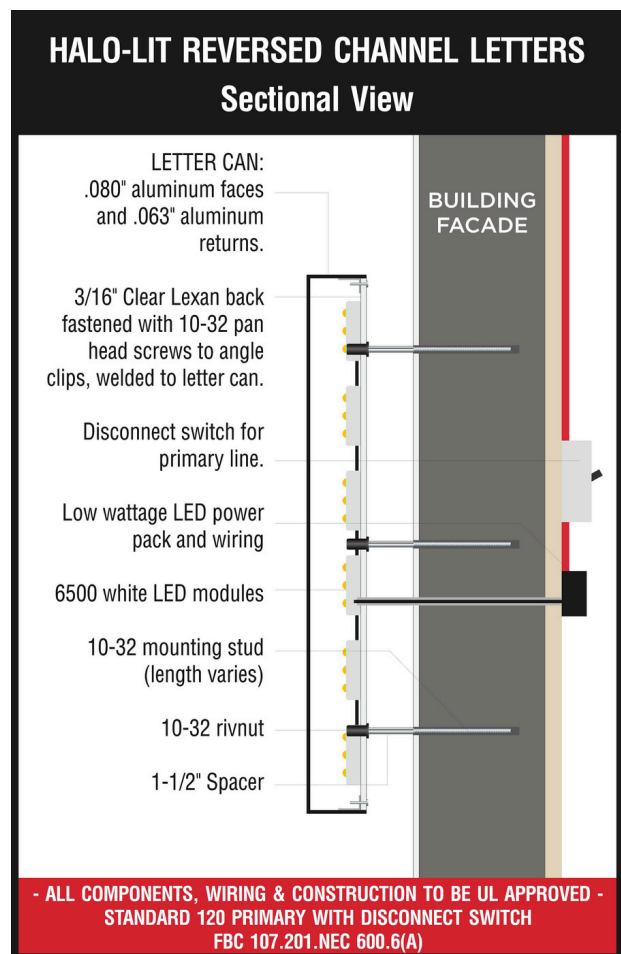
They both would be identical in size.

The square footage is 29.04 each

The sign would be engineer sealed for mounting.

The lighting is LED the letters have a clear lexan backer.

The lighting is low voltage.



Existing:



Proposed New:



Proposed New with Backlit sign:



Existing:

Proposed New:



Proposed New with Backlit sign:



TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: June 23rd, 2026

Agenda Item No.: PH. 1

Agenda Item Name: **Ordinance #401**

BACKGROUND:

Ordinance #401 - AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING THE MANALAPAN CODE OF ORDINANCES AT CHAPTER 151. ZONING. TO PROVIDE FOR A REVISED AND AMENDED OFFICIAL ZONING MAP THAT COMBINES ZONING DISTRICT R1-F AND PORTIONS OF ZONING DISTRICT R3-A INTO ZONING DISTRICT R1-D, AND WHICH ELIMINATES METES AND BOUNDS DESCRIPTIONS FOR ALL ZONING DISTRICTS FROM THE CODE; 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. **(First Reading)**

This ordinance updates the Town's zoning map by consolidating the R1-F zoning district and certain R3-A properties west of Lands End Road into the R1-D zoning district. The purpose is to streamline the Town's zoning structure, eliminate an unnecessary zoning district, and provide affected property owners with equal or greater development opportunities while avoiding the creation of any nonconforming lots or uses. The ordinance also modernizes the zoning code by removing detailed metes-and-bounds descriptions of zoning district boundaries and instead relying on the Town's Official Zoning Map as the authoritative source for zoning designations.

MOTION:

- Move to approve/disapprove Ordinance #401 on First Reading.

ATTACHMENTS:

- Ordinance #401

ORDINANCE NO. 401

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING THE MANALAPAN CODE OF ORDINANCES AT CHAPTER 151. ZONING. TO PROVIDE FOR A REVISED AND AMENDED OFFICIAL ZONING MAP THAT COMBINES ZONING DISTRICT R1-F AND PORTIONS OF ZONING DISTRICT R3-A INTO ZONING DISTRICT R1-D, AND WHICH ELIMINATES METES AND BOUNDS DESCRIPTIONS FOR ALL ZONING DISTRICTS FROM THE CODE; 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, Town Staff has undertaken a comprehensive review of the Town's Zoning Code, including each zoning district; and

WHEREAS, the result of this comprehensive review is a recommendation to the Town Commission to combine Zoning District R1-F and the properties in Zoning District R3-A located west of Lands End Road into Zoning District R1-D in order to provide certain lots with greater development potential without creating any legal non-conformities, and at the same time simplifying the Town's zoning scheme by eliminating one zoning district (R1-F) and compressing another (R3-A); and

WHEREAS, the rezoning of all R1-F properties, and properties in Zoning District R3-A located west of Lands End Road to R1-D will not take away any vested rights held by those lot owners and to the contrary, will either leave those vested rights unchanged or will expand them; and

WHEREAS, for clarity and specificity, Lot 1300 located east of Land's End Road currently zoned R-C1 is not included in this rezoning exercise and will retain its R-C1 zoning designation. Only the portion of the lot identified with the address of 1300 which is physically located west of Lands End Road and which is currently zoned R3-A will be rezoned to R1-D; and

WHEREAS, Town staff further recommends removing metes and bounds descriptions of all zoning districts from this part of the Town Code, and replacing such descriptions with a reference to the Official Zoning Map for an accurate depiction of all

zoning districts; and

WHEREAS, upon the recommendation of Town zoning and administration staff, the Town Commission has determined that the rezoning and other amendments to the Town's zoning code contained in this ordinance 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 151. Zoning, Sections 151.020 – 151.022, to provide for a revised and amended official zoning map which incorporates Zoning District R1-F as well as properties in Zoning District R3-A located west of Lands End Road into Zoning District R1-D; and to remove reference to Zoning District R1-F from the revised and amended map; and to delete metes and bounds descriptions of the boundaries of all zoning districts from the code; providing that Sections 151.020 – 151.022 shall hereafter read as follows:

ESTABLISHMENT AND DEFINITION OF ZONING DISTRICTS

§ - 151.020 ESTABLISHMENT OF ZONING DISTRICTS.

For the purpose of protecting, promoting and improving the public health, safety, morals and general welfare of the Town and its inhabitants, the Town is hereby divided into the following Zoning Districts:

- (A) *R1-A*. Residential, low density (single-family).
- (B) *R1-B*. Residential, low density (single-family).
- (C) *R1-C*. Residential, low density (single-family).
- (D) *R1-D*. Residential, low density (single-family).
- (E) *R1-E*. Residential, low density (single-family, recreational).

- (F) Reserved R1-F. Residential, low density (single-family).
- (G) R2-A. Residential, medium density (single-family, Townhouses, and municipal buildings and facilities).
- (H) R3-A. Residential, medium density (single-family, two-family or Townhouses).
- (I) R3-B. Residential, medium density (single-family, two-family, Townhouses, multi-family).
- (J) R-C1. Residential-commercial (limited) (medium density; low intensity of use).
- (K) R-C2. Residential (limited)-commercial (medium density; low intensity of use).
- (L) C3. Commercial (limited) (medium density of use).
- (M) WS. Water area/open space.

§ - 151.021 DISTRICT BOUNDARIES.

The boundaries of the Zoning Districts established in Sec. 151.020 above are as depicted on the "Official Zoning Map of the Town of Manalapan, Florida" formally adopted as the official zoning map for the Town pursuant to Sec. 151.022 below set forth in the following section.

- ~~(A) District R1-A (Formerly District "A"). Bounded on the south by the southerly line or boundary of the Town; on the east by the waters of the Atlantic Ocean; on the north by the northerly line of the property now or formerly owned by Felix LaTour, which northerly line is approximately 795 feet north from the southerly boundary of the Town; and on the west by the waters of Lake Worth.~~
- ~~(B) District R1-B. Bounded on the south by the northerly line of the property now or formerly owned by Felix LaTour, which line is also the northerly boundary of Residence District R1-A; on the east by the waters of the Atlantic Ocean; on the north by that line which is 355 feet north of and parallel to the south boundary of Lot 12 as shown and designated on Commissioners' Map Gedney vs. Pierson Partition Chancery No. 8802, dated February 22, 1932, made by Fugate and Brockway Engineers, as described in the deed recorded in Deed Book 854, Page 3, Palm Beach County, Florida, public records; and on the west by the waters of Lake Worth that separate the Island of Palm Beach from Hypoluxo Island.~~

- ~~(C) *District R1-C*. Bounded on the south by that line which is 355 feet north of and parallel to the south boundary of Lot 12 as shown and designated on Commissioners' Map Gedney vs. Pierson Partition Chancery No. 8802, dated February 22, 1932, made by Fugate and Brockway Engineers, as described in the deed recorded in Deed Book 854, Page 3, Palm Beach County, Florida, public records, which southerly line is also the northerly boundary of Residence District "R1-B"; on the east by the waters of the Atlantic Ocean; on the west by the waters of Lake Worth; and on the north by a line which is the southern lot line of Lot 1, according to Map No. 1, Hypoluxo Beach, a subdivision of the county, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for the county, recorded in Plat Book 16, Page 2 and the easterly and westerly extensions of the lot line, if any, to the intersection with the east and west boundaries~~
- ~~(D) *District R1-D (formerly District "D")*. Constituted by all that part, parcel or portion of Hypoluxo Island, which lies within the corporate limits of the Town with the exception of the land included in District R3-A, District R-C1 and District WS.~~
- ~~(E) *District R1-E*. Beginning at the point of intersection of the centerline of Lands End Road and the westerly extension of the north line of Lot 62, Replat of Plat No. 2, Point Manalapan, as the replat is recorded in Plat Book 26, page 130, Public Records of the county; thence northerly along the centerline of Lands End Road and the northerly extension thereof to the point of intersection of the extended centerline of Lands End Road and a line parallel to and 385 feet northerly from, measured at right angles to the north line of Lot 76 of the Replat of Plat No. 2, Point Manalapan; thence easterly along the parallel line a distance of one hundred fifty (150) feet; thence southerly along a course at right angles to the preceding course a distance of 255 feet and the intersection of the south boundary of District "R-C1"; thence easterly along the southern boundary of District "R-C1" to the waters of Lake Worth on the eastern shores of Hypoluxo Island; thence southerly meandering the east shoreline of Hypoluxo Island and westerly meandering the continuation of the east shoreline of Hypoluxo Island to the northeast corner of Lot 62, as shown on the aforementioned replat of Plat No. 2, Point Manalapan; thence~~

westerly along the north line of the Lot 62 and westerly extension thereof to the point of beginning.

(F) ~~District R1-F~~. A parcel of land in Sections 10 and 15, Township 45 South, Range 43, the county, being more particularly described as follows:

(1) ~~Beginning at the Southeasterly corner of Lot 63 Replat of Plat No. 2, Point Manalapan as same is recorded in Plat Book 76, at Page 130, Public Records of the county, run thence North 75°04'00" West along the Southerly line of the Lot 63 a distance of 130.94 feet to a point and from the point run thence by the following numbered courses: South 09°57'40" East, 80.65 feet; thence South 02°46'44" West, 54.12 feet; thence South 05°09'54" East, 40.93 feet; thence South 01°29'53" East, 44.59 feet; thence South 01°13'26" East, 49.22 feet; thence South 04°17'33" West, 33.91 feet; thence South 02°18'09" West, 53.26 feet; thence South 00°05'42" East, 48.67 feet; thence South 04°12'30" East, 60.95 feet; thence South 01°59'19" East, 64.91 feet; thence South 00°20'16" West, 80.78 feet; thence South 07°27'35" East, 42.33 feet; thence South 01°38'35" West, 69.41 feet; thence South 07°37'13" West, 56.11 feet; thence South 03°54'49" West, 45.57 feet; thence South 01°38'13" East, 42.58 feet, thence South 11°57'12" East, 69.33 feet; thence South 01°35'32" East, 106.69 feet; thence South 00°32'57" West, 137.99 feet; thence South 09°48'21" West, 27.68 feet; thence South 15°43'39" West, 56.16 feet; thence South 05°54'00" West, 33.99 feet; thence South 04°30'10" West, 28.91 feet; thence South 09°16'10" East 66.17 feet; thence South 04°53'46" East, 107.85 feet; thence South 04°53'49" East, 104.60 feet; thence South 05°19'32" West, 89.22 feet; thence South 08°18'56" West, 202.61 feet; thence South 03°22'52" West, 110.04 feet; thence South 00°46'01" West, 99.24 feet; thence South 01°04'51" East, 275.21 feet; thence South 07°54'58" East, 141.75 feet; thence South 13°34'32' East, 80.68 feet; thence South 20°27'04" East, 67.21 feet; thence South 23°41'55" East, 75.20 feet; thence South 34°11'17" East, 42.63 feet; thence South 51°44'12" East, 27.60 feet; thence North 86°22'05" East, 27.94 feet; thence North 81°19'58" East, 93.78 feet; thence North 78°07'15" East, 38.31 feet; thence North 65°44'54" East, 27.77 feet; thence North 44°05'33"~~

East, 45.92 feet; thence North 01°33'05" East, 74.23 feet; thence North 00°09'08" East, 131.65 feet; thence North 01°45'47" West, 83.04 feet; thence;
(2) Thence continue Northerly meandering the shores of Lake Worth a distance of 2,332 feet, more or less, to a point in the Southerly Right of Way Line of Audubon Causeway as same is shown on aforesaid Replat of Plat No. 2, Point Manalapan; thence North 75°04'00" West along the Right of Way Line 195.53 feet; thence North 14°56'00" East 40.00 feet to the point of beginning.

(G) *District R2-A*. Bounded on the east by the waters of the Atlantic Ocean; on the west by the waters of Lake Worth; on the south by a line which is the southern lot line of Lot 1, according to Map No. 1, Hypoluxe Beach, a subdivision in the county, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for the county, recorded in Plat Book 16, Page 2, and the easterly and westerly extensions of the lot line, if any, to the intersection with the east and the west boundaries hereof; and on the north by the north line of the Lot 1 and its easterly and westerly extensions to the east and the west boundaries hereof; the south boundary thereof being the north boundary of District R1-C, the north boundary thereof being the south boundary of District R3-B and the north boundary being also described as a line, parallel to the southerly right-of-way line of East Ocean Avenue (formerly known as Lantana Avenue), extending from the shores of the Atlantic Ocean westerly to the shores of Lake Worth and lying 1,348.18 feet south of the southerly boundary of the right-of-way of East Ocean Avenue.

(H) *District R3-A (formerly District "G")*. Beginning at the northwest corner of Lot 78, Plat No. 5, Point Manalapan, as the plat is recorded in Plat Book 28, Page 206, Public Records of the county, and from the point of beginning run easterly along the north line of the Lot 78 and the extension thereof a distance of 226.55 feet to the centerline of Lands End Road as shown on the Plat No. 5; thence southerly along the centerline of the Lands End Road a distance of 201.38 feet; thence easterly along a line parallel to and 200 feet southerly from, measured at right angles to, the north line of the Plat No. 5 to the point where the aforementioned parallel line intersects the easterly boundary of the Plat No. 5; thence northerly along the easterly boundary of the Plat No. 5 to the northeast corner of Lot 83 as

~~shown on the Plat No. 5; thence easterly along a line parallel to and 335 feet southerly from, measured at right angles to the north line of Section 10, Township 45 south, range 43 east, the county, a distance of 420 feet more or less to the eastern shore of Hypoluxo Island; thence southerly meandering the east shore line of Hypoluxo Island to the point where the shore line intersects the northern boundary of District "RC-1"; thence westerly along the northern boundary of District "R-C1" to the northwest corner of the District "R-C1"; thence southerly along the westerly boundary of District "R-C1" also being the southerly extension of the centerline of Lands End Road as shown on the aforementioned Plat No. 5, to the point where the centerline of Lands End Road intersects a line parallel to and 255 feet northerly from, measured at right angles to the north line of Lot No. 76, Replat of Plat No. 2, Point Manalapan, as recorded in Plat Book 26, Page 130, Public Records of the county; thence westerly along the parallel line a distance of 175 feet to the western shore of Hypoluxo Island; thence northerly along the western shore of Hypoluxo Island a distance of 728 feet more or less to the point of beginning.~~

~~(I) District R3-B (formerly District "F"). Bounded on the south by a line parallel to the southerly right-of-way line of East Ocean Avenue extending from the shores of the Atlantic Ocean westerly to the shores of Lake Worth and lying 1,348.18 feet south of the southerly boundary of the right-of-way of East Ocean Avenue; on the east by the waters of the Atlantic Ocean; on the north by the southerly boundary of District RC-2 and on the west by the waters of Lake Worth.~~

~~(J) District R-C1 (formerly District "H") Beginning at the southwest corner of Tract "X," Plat No. 5, Point Manalapan as the plat is recorded in Plat Book No. 28, Page 206, Public Records of the county, and from the point of beginning run east along a line perpendicular to the east right of way line of Lands End Road a distance of 600 feet, more or less, to the eastern shore of Hypoluxo Island; thence southerly meandering the east shore line of Hypoluxo Island to the point where the shore line intersects the northern boundary of District "OS"; thence westerly along the northern boundary of District "OS" to the intersection of the northern boundary of District "OS" and a line parallel to and 150 feet westerly from measured at right~~

~~angles to, the southerly extension of the centerline of Lands End Road, as shown on the Plat No. 5; thence northerly along the parallel line a distance of 255 feet, thence westerly along a line perpendicular to the southerly extension of the centerline of Lands End Road a distance of 150 feet and the intersection of the centerline with this course; thence northerly along the aforementioned southerly extension of the centerline of Lands End Road a distance of 225 feet; thence run easterly along a line perpendicular to the extension of the centerline a distance of twenty-five (25) feet to the point of beginning.~~

~~(K) District R-C2 (formerly part of District "E"). Bounded on the south by the northerly line of the property now or formerly owned by Spelean Prentice, which line is also the northerly boundary of District R3-B; on the east by the centerline of State Road A-1-A; on the north by the northerly line or boundary of the Town; and on the west by the waters of Lake Worth that separate the Island of Palm Beach from Hypoluxe Island.~~

~~(L) District "C3" (formerly part of R-C2; District R-C2 was formerly "E"). Bounded on the south by the northerly line of the property now or formerly owned by Spelean Prentice, which line is also the northerly boundary of District R3-B; on the east by the waters of the Atlantic Ocean; on the north by the northerly line or boundary of the Town; and on the west by the centerline of State Road A-1-A.~~

~~(M) District "WS" (formerly District "I"). The area constituting this District shall be all of that area of the Town, in both land and water areas, not now described as being a part of any of the described Districts.~~

§ - 151.022 ZONING MAP.

(A) The zoning map entitled Zoning Map of Manalapan, dated April 1988, prepared in the office of Executive Management and Engineering Consultants, Inc., depicting Zoning Districts R1-A, R1-B, R1-C, R1-D, R1-E, R1-F, R2-A, R3-A, R3-B, R-C1, R-C2, C3 and WS, is adopted in pursuance of Ordinance 97, as amended, and is and shall be the original official Zoning Map of the Town. An amended zoning map, dated April 2026, prepared by the Town depicting Zoning Districts R1-A, R1-B, R1-C, R1-D, R1-E, R2-A, R3-A, R3-B, R-C1, R-C2, C3 and WS is adopted pursuant

to Ordinance 403 and upon such adoption shall supersede the 1988 zoning map and shall thereafter be the amended and revised official Zoning Map of the Town.

- (B) The boundaries of the Zoning Districts may be shown upon a zoning map which depicts the Zoning Districts described herein and which the Town Commission may approve by ordinance resolution adopted at any time. Any such approved zoning map or future successor amended approved zoning map is hereby adopted by reference and is made a part hereof, and is entitled "Official Zoning Map of the Town of Manalapan, Florida."
- (C) The approved zoning map and all the notations, references and other information shown thereon are hereby made a part of this chapter as if such information set forth on the map were all fully described and set out herein. This zoning map, properly approved and adopted, shall remain at all times on file in the office of the Town Clerk. The boundaries of such Zoning Districts as are shown upon the zoning map adopted by this section, or any subsequent amendment thereto which in the future may be adopted by this section, are hereby adopted and approved, and the regulations of this chapter governing the use of land and buildings, the height of buildings, building site areas, the size of yards about buildings and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every Zoning District shown upon such zoning map. Such an approved zoning map shall control the interpretation of Zoning District boundaries when in conflict with, inconsistent with or at variance with legal descriptions set forth in this chapter or elsewhere.

Section 3. The Code of Ordinances of the Town of Manalapan, Florida, is hereby amended at Chapter 151. Zoning, by repealing in their entirety Sections 151-250 through 151.268 that formerly provided land development regulations for the R1-F Zoning District which is now being combined into the R1-D Zoning District; further reserving these sections for future use:

~~R1-F RESIDENTIAL LOW DENSITY; SINGLE-FAMILY~~

~~§ 151.250 PURPOSE.~~

~~To provide for single-family residential development of spacious character together with recreational facilities, special exception uses and accessory uses as may be necessary or are normally compatible with residential surroundings. This District is established to provide for continuation, maintenance, establishment and development of spacious single-family residences which are compatible with water area/open space and which are compatible with residential surroundings. This District contains land considered appropriate for such development.~~

~~§ 151.251 PERMITTED USES.~~

~~Single family dwellings.~~

~~§ 151.252 ACCESSORY USES.~~

~~(A) Guest houses.~~

~~(B) Private garages.~~

~~(C) Private swimming pools.~~

~~(D) Private cabanas (pool house).~~

~~(E) Private docks.~~

~~(F) Home offices (All stock and/or trade must be kept entirely within the premises; the presence of any such "home office" may also not generate any additional traffic greater than the standard level of traffic generated within this zoning district or otherwise give external evidence of the office's existence except for permitted signs).~~

~~(G) Private fishing pier located as an extension of and from an incident and accessory to an existing permitted use.~~

~~(H) Other accessory uses and structures customarily incident to permitted or approved special exception uses.~~

~~§ 151.253 SPECIAL EXCEPTION USES.~~

~~Lighted tennis courts; subject to site plan review, fencing, screening with plantings and hours of operation.~~

~~§ 151.254 SUPPLEMENTARY LOT REGULATIONS~~

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

~~(A) No single-family dwelling shall be located, erected, constructed, added on to, repaired, reconstructed, or altered upon any lot or lot of record having an area of less than 14,780 square feet.~~

~~(B) Existing single-family development. A single-family residence or accessory structure existing at the time of adoption of this chapter which does not comply with the regulations for building lots in the zoning District in which it is located may be added on to provided the addition shall not increase the extent of the particular nonconformities.~~

~~(1) Docks. In accordance subsection (B) above, nonconforming docks in this zoning District may be lengthened, shortened, or otherwise amended within the District's allowable dock dimensions and regulations, so long as the extent of the nonconformity itself, such as a lot position or setback nonconformity, is not increased.~~

~~(C) Required area or space cannot be reduced. The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this chapter except as provided in this chapter; and if already less than the minimum required by this chapter, the area or dimension may be continued but shall not be further reduced except as provided in this chapter.~~

~~§ 151.255 HEIGHT.~~

~~(A) Height generally. No building shall exceed two (2) stories or twenty-eight (28) feet in height, whichever is less, and no accessory structures shall exceed one (1) story or fourteen (14) feet in height, whichever is less. Additionally, the allowable building height of all principal structures shall be limited as follows:~~

~~(1) A single story structure shall not exceed fourteen (14) feet in height except as provided in Section 151.257(A)(1)(d);~~

- ~~(2) A non-tiered two (2) story structure (one in which the side exterior walls of the second floor are not set back from the side exterior walls of the first floor) shall not exceed twenty-four (24) feet in height; and~~
- ~~(3) A tiered two (2) story structure (one in which the side exterior walls of the second floor are set back from the side exterior walls of the first floor and having a first floor such that the height of the intersection of the side exterior vertical walls and the roofing system do not exceed fourteen (14) feet above grade) shall not exceed twenty-eight (28) feet in height.~~
- ~~(4) Any two (2) story structure which fails to satisfy the side setback requirements for a tiered two (2) story structure, as set forth herein below, shall be subject to the regulations for and shall be treated as a non-tiered two (2) story structure for all purposes.~~
- ~~(B) *Accessory structures.* No accessory structure shall exceed either the building height or overall height of the main structure to which it is accessory.~~
- ~~(C) *Overall height of building.* Maximum overall height of a pitched roof building, or part of a building covered by a pitched roof, shall be the maximum allowable building height plus ten (10) feet, except as provided in Sections 151.255(D) and 151.257(A)(1)(d). Maximum overall height of a flat roof building, or part of a building covered by a flat roof, shall be the actual building height of the structure plus four (4) feet. Parapet walls extending above the maximum allowable building height shall be perforated fifty (50) percent or more on all vertical surfaces.~~
- ~~(D) *Permitted exceptions to height regulations.* Structures for the housing of elevators, stairways, skylights, or similar facilities, vertical radio antennae, television reception antennae except dish type, and church steeples may be erected no more than forty (40) percent above the height of the building on which it is located. However, the highest vertical projection of a chimney may exceed the overall height of the building on which it is located by no more than four (4) feet. All such structures, equipment and facilities located upon the roof area shall not cover in the aggregate a roof area greater than ten (10) percent of the ground floor area of such building or structure. Heating (including solar), ventilating and air conditioning equipment and facilities installed on the roof of a building shall be~~

completely and permanently site screened from view at all points on the lot lines to the permitted height of buildings in the District in which the lot is located. See subsection [151.561\(F\)](#) for flag pole regulations.

~~§ 151.256 FRONT SETBACK.~~

~~No structure shall be located, erected, constructed, added on to, repaired, reconstructed or altered unless it is set back at least twenty-five (25) feet from any street line, right-of-way line or alley whichever is greater.~~

~~§ 151.257 SIDE SETBACK.~~

~~(A) Single-family dwellings and accessory structures shall have the following side setbacks:~~

~~(1) A single story structure shall have side yard setbacks as follows:~~

~~(a) The side yard width shall not be less than twenty (20) percent of the average width of the lot or lot of record;~~

~~(b) No side yard shall be less than ten (10) feet.~~

~~(c) Additionally, for a single story structure, in no case shall the height of the intersection of the side exterior vertical walls and the roofing system exceed fourteen (14) feet above grade (as defined in Section 151.003) for the vertical walls along the side lot or property lines.~~

~~(d) However, in order to provide for a "great room" and/or a "vaulted foyer" front entrance, a "vertical volume section" shall be permitted. Maximum building height for a "vertical volume section" shall not exceed twenty-four (24) feet above grade (as defined in Section 151.003), provided that the vertical side walls that form such vertical volume section are set back no less than thirty (30) feet from the side lot or property lines. For a single story structure to which a vertical volume section has been incorporated, the maximum overall building height shall not exceed thirty (30) feet above grade when measured at the highest point of the roofing system.~~

~~(2) A non-tiered two (2) story structure (one in which the side exterior walls of the second floor are not set back from the side exterior walls of the first floor) shall~~

- ~~have a setback from the side lot lines such that the aggregate of the side yards shall have a width of not less than forty (40) percent of the average width of the lot or lots of record or equal to the height of the building, whichever is greater, provided, however, that no side yard shall be less than fifteen (15) feet.~~
- ~~(3) A tiered two (2) story structure (one in which the side exterior walls of the second floor are set back from the side exterior walls of the first floor and having a first floor such that the height of the intersection of the side exterior vertical walls and the roofing system do not exceed fourteen (14) feet above grade) shall have side setbacks as follows:~~
- ~~(a) All single story walls along the side lot or property lines where the height of the intersection of the vertical wall and the roofing system do not exceed fourteen (14) feet above grade (as defined in Section 151.003), shall have an aggregate setback of twenty (20) percent of the average width of the lot or lots of record, provided, however, that no side yard shall be less than ten (10) feet.~~
- ~~(b) All second or two (2) story walls along the side lot or property lines or walls where the height of the intersection of the vertical wall and the roofing system exceed fourteen (14) feet above grade (as defined in Section 151.003), shall have an aggregate setback from the side lot lines of thirty (30) percent of the average width of the lot or lot of record, provided, however, that all side yard second story walls must be setback at least fifteen (15) feet from the side lot or property line.~~
- ~~(B) All other structures shall have a side setback from the side lot lines not less than the height of the structure above grade or ten (10) feet, whichever is greater.~~
- ~~(C) If any side yard of any such structure fronts on any street, the greater of the front setback requirements or the side setback requirement shall control.~~
- ~~(D) An encroachment of no more than two (2) feet into the front, side and/or rear setbacks is allowed in order to accommodate roof overhangs and architectural elements that are at least two (2) feet above grade.~~

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

~~§ 151.258 REAR SETBACK.~~

~~No structure except a dock shall be located, erected, constructed, added on to, repaired, reconstructed or altered:~~

- ~~(A) Unless the structure is set back at least twenty five (25) feet from any seawall, bulkhead line, fill line, or mean high water line of the waters of Lake Worth (including Spanish River), whichever is closer to the structure; provided, however, within the setback, walls, fences or screens shall nevertheless be permitted provided they do not exceed four (4) feet in height measured on either side of the wall, fence or screen, do not have or exceed fifty (50) percent surface area obstructed to light and air on the plane of the wall, fence or screen, and do not have the obstructed area unevenly distributed over the plane of the wall, fence or screen.~~
- ~~(B) If any rear yard of a lot or lot of record or if any portion of any such rear yard fronts on any street such that the lot or lot of record is a through lot, then the greater of the front setback requirement or the rear setback requirement shall control.~~

~~§ 151.259 BUILDING SEPARATION.~~

~~Except for private garages accessory to single-family dwellings and except for District R2-A, the minimum distance between any two (2) buildings shall be as follows:~~

- ~~(A) Ten (10) feet if both buildings are one (1) story in height;~~
- ~~(B) Fifteen (15) feet if any one (1) building is one (1) story in height and any part of the other building is two (2) stories in height;~~
- ~~(C) Twenty (20) feet if any part of both buildings is two (2) stories in height;~~
- ~~(D) Twenty five (25) feet if any one (1) building is one (1) story in height and any part of the other building exceeds thirty (30) feet in height by virtue of permitted height exceptions;~~

- (E) ~~Thirty (30) feet if any part of one (1) building is two (2) stories in height and any part of the other building exceeds thirty (30) feet in height by virtue of permitted height exceptions; or~~
- (F) ~~Thirty five (35) feet if any part of both buildings exceeds thirty (30) feet in height by virtue of permitted height exceptions.~~

~~§ 151.260 GROUND FLOOR AREA; LOT COVERAGE PERMITTED SQUARE FOOTAGE; ROOF PITCH.~~

- (A) ~~Ground floor area.~~ No single family dwelling shall have a ground floor square foot area in less than two thousand five hundred (2,500) square feet.
- (B) ~~Permitted square footage.~~ When computing total square footage, any and all areas which are "under roof", including all portions of the second floor which are under roof shall be counted as floor area (e.g., on a 10,000 square foot lot, a non-tiered two (2) story structure having 2,500 square foot on each floor equals fifty (50) percent of the total lot area). Areas "under roof" specifically include but are not limited to, all habitable and uninhabitable space, covered balconies, covered lanais, covered porches, covered patios (whether enclosed or open) and porticos. However, the area covered by roof overhang or eave, which does not protrude from the exterior wall by more than two (2) feet, shall not be counted against the permitted square footage and covered balconies, covered lanais, covered porches, covered patios and porticos will be counted at fifty (50) percent of their floor area. Maximum permitted total square footage, expressed as a percentage of total lot area shall be as follows:
 - (1) ~~Total permitted square footage shall not exceed forty (40) percent of the total lot area for any lot or lot of record upon which the principal structure is a single story structure;~~
 - (2) ~~Total permitted square footage shall not exceed fifty (50) percent of the total lot area for any lot or lot of record upon which the principal structure is a "non-tiered" two (2) story structure; and~~

~~(3) Total permitted square footage shall not exceed sixty (60) percent of the total lot area for any lot or lot of record upon which the principal structure is a "tiered" two (2) story structure.~~

~~(4) Additionally, each lot or lot of record shall be required to maintain at least thirty-five (35) percent of the total lot area as green space (as defined in Section 151.003).~~

~~§ 151.261 PRIVATE GARAGES.~~

~~No private garage shall have its entrance facing the street. No open carports shall be permitted. Each private garage shall have a minimum interior area of twenty (20) feet in length and twenty (20) feet in width for the exclusive use of parking two (2) automobiles.~~

~~§ 151.262 BOATS AND TRAILERS.~~

~~No boats or trailers of any kind shall be kept, maintained or stored on any lot or lot of record except within an enclosed garage or except when docked or moored. These restrictions shall not apply to the storage of non-motorized boats (by way of example and not limitation, kayaks and paddle boards) which are either screened from the view of abutting neighbors or residences located on the opposite waterbody bank, or which are kept on or adjacent to a dock or seawall.~~

~~§ 151.263 BOATHOUSES; DOCKS AND PIERS.~~

~~(A) *Boathouses.* Boathouses are not permitted.~~

~~(B) *Docks.* No dock shall be located, erected, constructed, added on to, expanded, extended, replaced, reconstructed or altered upon or projecting from any lot or lot of record unless in strict conformance with DEP and ACOE permit regulations. A permit from these agencies is required prior to issuance of a permit by the Town. Additionally, the construction, alteration and the like of all docks must meet the following Town regulations:~~

~~(1) All docks projecting from any lot or lot of record located on the west side of Lands End Road shall project waterward from the associated lot or lot of record or seawall, a minimum length necessary (evidenced by bathymetric surveys)~~

~~to reach a terminus and mooring area located in a water depth of three (3) feet of water at MLW. The maximum length of any such dock projecting from any lot or lot of record on the west side of Lands End Road is eighty (80) feet. On the east side of Lands End Road docks shall project a minimum length necessary to reach a terminus and mooring area located in a water depth of three (3) feet at mean low water (MLW) evidenced by bathymetric surveys, and may project in accordance with the following dock lengths; no more than seventy-five (75) feet, inclusive of dolphin pilings for lots 1700—1730; no more than fifty-five (55) feet inclusive of dolphin pilings for lots 1650—1690; no more than thirty-five (35) feet inclusive of dolphin pilings for lots 1620—1640; and no more than twenty (20) feet not inclusive of dolphin pilings for lot 1520; all as depicted on the Town Zoning map.~~

- ~~(a) The required bathymetric surveys shall be taken from the seawall of the subject lot out across the water for a distance sufficient to demonstrate the width of the navigable waterway or channel (as defined in Section 151.003) in order to demonstrate that the dock in question will not prevent passage through the waterway or channel.~~
- ~~(b) Three (3) bathymetric surveys, one (1) each, shall be taken parallel to and originating from each lot line and the point from which the dock is to project in order to meet the requirements of (B)(1)(a).~~
- ~~(2) Notwithstanding the minimum and maximum dock lengths provided for this zoning district, no dock shall project waterward to the extent where its terminus and mooring area with associated boatlift(s), dolphin and other piling project into any U.S. Coast Guard defined and marked navigational channel or charted navigational channel.~~
- ~~(3) The dock and its stem shall be centered on the lot or lot of record or within ten (10) feet of such a center point, shall run parallel with the side lot lines of the lot or lot of record on which it is located, and shall be set back at least twenty-five (25) feet from the side property lines. However, on a lot or lot of record having a width of three hundred (300) feet or greater the proposed dock need not be centered but the dock and any portion of the dock, including any~~

~~associated dock accessory structure, vessel lifting device, or dolphin pilings, must be setback no less than fifty (50) feet from the extended side lot line of any lot or lot of record from which such dock projects.~~

- ~~(4) No dock finger(s) or projection(s) shall extend from the stem of a dock unless it is in a "T" or "L" configuration located at the furthest waterward projection of and centered against the stem of the dock, the total waterward projection of the stem and "T" or "L" addition not to exceed the maximum waterward projection specified herein above with the maximum terminus width limited to fifty (50) feet. However, if the subject dock projects from a lot or lot of record having a width greater than or equal to three hundred (300) feet a maximum dock terminus width of seventy-five (75) feet shall be permitted so long as the dock or any portion of the dock, including any associated dock accessory structures, vessel lifting devices, or dolphin pilings, is setback at least fifty (50) feet from the extended side lot lines.~~
- ~~(5) Davits are not permitted; other dock accessory structures and vessel lifting devices (boat elevators, boatlifts, platforms, and personal watercraft lifts) are permitted. Those dock accessory structures containing a flat surface or platform shall be included in all calculations related to a dock's size, location, maximum allowable width, and compliance with side setbacks. Those dock accessory structures or vessel lifting devices of a conventional design that generally consist of separate beams or rails supported by pilings (including boatlifts, boat elevators, and personal watercraft lifts) shall only be included in calculations related to a dock's maximum allowable width, and compliance with side setbacks. The limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to any dock accessory structure or vessel lifting device as part of the conventional or floating dock.~~
- ~~(6) Each dock may have no more than one (1) light for each ten (10) feet of total linear dock length, measured from the lot, lot of record or seawall to end of the dock stem plus that length measured from end to end of the dock terminus. Any and all allowed and/or prescribed dock lights shall conform to the requirements as set forth herein below.~~

- ~~(7) The width of the surface of each dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet.~~
- ~~(8) Dolphin pilings are permitted only if accessory to any dock; no more than four (4) dolphin pilings are permitted accessory to any dock and no dolphin pilings shall be located more than thirty five (35) feet from any portion of the dock to which such dolphin piling is accessory, except for docks located east of Lands End Road where only two (2) dolphin pilings are permitted.~~
- ~~(9) No gear, trash receptacle or equipment shall be permitted on any dock. Equipment specifically excludes power stations, fueling stations, ladders, water hoses, mooring lines, whips and bumper cushions.~~
- ~~(10) Dock boxes may be used but only attached abutting the seawall or located at the landward dock extremity; no dock box may be higher than thirty (30) inches and greater than twenty four (24) cubic feet.~~
- ~~(11) Only one (1) bench placed on a dock is permitted provided such bench is not more than five (5) feet in length, no more than thirty six (36) inches in height and no more than eighteen (18) inches in width.~~
- ~~(12) Dock color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.~~
- ~~(13) No surface of any dock shall be constructed or project in height higher than the level of any abutting seawall or five and one half (5½) feet above mean sea level, whichever is higher.~~
- ~~(14) Floating docks are permissible provided the following regulations are met:~~
- ~~(a) The width of the surface of each dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet with a total length not to exceed fourteen (14) feet except for concrete floating docks which shall not exceed eight (8) feet in width and fourteen (14) feet in length.~~
- ~~(b) Each floating dock shall have a light positioned on a post located at each corner that projects into the water. Each light installed shall be maintained in good working order, shall cast a clear white or yellow light, shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens, shall~~

~~operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.~~

- ~~(c) A licensed engineer shall certify that each floating dock shall be designed and constructed to meet the same standards applicable to conventional, stationary docks as related to the dock's ability to withstand the effects of a storm event.~~
- ~~(d) Each floating dock shall be designed so as to incorporate neoprene rollers, rubber washers or similar noise reduction components in all hinges and connections and between all parts of the dock to prevent any noise; and all pilings supporting the floating dock shall be positioned on the inside of the dock.~~
- ~~(e) A floating dock attached to, adjacent to, or associated with a conventional dock shall be considered one (1) dock. As such, the aggregate length of the conventional dock and floating dock shall not exceed the allowable maximum length set forth elsewhere in this section, and the limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to the floating dock as part of the conventional dock.~~
- ~~(15) No dock, dolphin pilings and/or boat or water vessel attached to it shall prevent passage through any navigable water channel or way as evidenced by bathymetric surveys which shall indicate the location and width of any navigable channel or way with respect to such dock.~~
- ~~(16) Docks are permitted to be accessory uses only and no more than one (1) dock, as an accessory use, may be on or project from any lot or lot of record. See also the definition of "ACCESSORY USE or BUILDINGS or STRUCTURES", and "DOCK". Any dock that is constructed prior to the principal single family residence or that remains on an otherwise vacant lot or lot of record may be used only by the owner of said lot or lot of record, and may only remain and be so used for a maximum of two years prior to the issuance~~

~~of a certificate of occupancy for the principal single family residence. The Town Commission may extend the two-year limit when a public need for such extension has been demonstrated to the satisfaction of the Town Commission, on a case-by-case basis. For any vacant lot or lot of record that contains a dock on August 1, 2020, the two-year period shall commence on August 1, 2020. For any lot or lot of record that becomes vacant after August 1, 2020, the two-year period shall commence on the date that the Building Official issues a certificate of completion for the dock on the otherwise vacant lot. Regardless of the timing, all such docks shall be maintained pursuant to all applicable Town codes and building codes for construction and maintenance of docks.~~

~~(17) — No dock or portion of a dock, including any dock accessory structure, vessel-lifting device, or dolphin piling, shall be located closer than twenty-five (25) feet to any other dock or portion thereof or any other dock's accessory structure, vessel-lifting device, or dolphin pilings or to any other lot or lot of record to which such dock is not accessory or to the closest portion of the side lot lines of the lot or lot of record from which the dock projects or the waterward projection or extension of such side lot lines.~~

~~(18) — Each dock may have no more than one (1) light for each ten (10) feet of total linear dock length, measured from the lot, lot of record or seawall to end of the dock stem plus that length measured from end to end of the dock terminus. Any and all allowed and/or prescribed dock lights shall conform to the requirements as set forth herein below.~~

~~(19) — Each dock shall have a light at its terminus and all light(s) installed shall be maintained in good working order, shall cast a clear white or yellow light, and shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens. All dock lights shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any,~~

~~(C) *Fishing piers.* A fishing pier is permitted as an accessory use and structure only where a dock is not established and cannot be established in conformance with all applicable statutes, ordinances, rules and regulations. No pier shall be located, erected, construction, added on to, expanded, extended, replaced, reconstructed or altered upon or projection from any lot or lot of record unless in strict conformance with the following and all other applicable statutes, ordinances, rules and regulations.~~

~~(1) No piers other than fishing piers are permitted.~~

~~(2) No fishing pier shall project waterward from any lot, lot of record or seawall, whichever is less, more than twenty (20) feet, provided, however, if the terminus of such fishing pier is unable to project six (6) feet beyond the mean high water line or the boles (trunks) of any proximate (within ten (10) feet) mangroves, then the length of such fishing pier may be extended waterward so its terminus does reach six (6) feet of length beyond such mean high water line or boles of such proximate mangroves, whichever is further, but in no event shall any fishing pier project waterward more than thirty five (35) feet.~~

~~(3) The width of the surface of each fishing pier shall be four (4) feet, no less and no more; and no portion of any fishing pier, except its integrated structural piling, shall horizontally project beyond the surface or perpendicular plane of the edge of the surface.~~

~~(4) The stem of each fishing pier shall be straight from beginning to end (terminus).~~

~~(5) The stem of each fishing pier shall be centered on the lot line of the lot or lot of record from which it projects waterward, or within ten (10) feet of such center point.~~

~~(6) The stem of each fishing pier shall be perpendicular to the seawall or, if no seawall, perpendicular to the average projection of the lot or lot of record running parallel to the water.~~

~~(7) No fishing pier finger or other projection shall extend from the stem of a fishing pier unless it is in a "T" or "L" configuration located at the furthest waterward projection of the fishing pier, the total waterward projection of the stem and "T" or "L" addition not to exceed the maximum waterward projection allowed, and~~

- ~~the total dimensions of such terminus not to exceed twelve (12) feet in length at the required four (4) feet in width for a maximum total area of forty-eight (48) square feet.~~
- ~~(8) The surface of any fishing pier shall not project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.~~
- ~~(9) Only hand rail facilities with stanchions and hand rails not exceeding in diameter one and one-half (1½) inches and with attached required lighting shall project in height above the surface of the fishing pier. Fishing pier pilings shall not project above the surface of the fishing pier. The hand rail facility may include intermediate rail(s) or cable(s) parallel to and between the hand rail and surface of the fishing pier.~~
- ~~(10) Hand rail facilities shall enclose the fishing pier in its entirety. Hand rail facilities shall be as inconspicuous as practicable. Hand rails shall be forty-two (42) inches, no more and no less, above the surface of the fishing pier and shall be designed, constructed and maintained for only the following purposes: safety, precluding use of the fishing pier as a dock, and providing as little visual and aesthetic impact as possible. Hand rails shall be and be maintained without break or interruption.~~
- ~~(11) No ladders, either fixed or removable, shall be permitted except one (1) safety ladder may be attached to or built into the fishing pier piling immediately landward of either the mean high water line or seaward of the boles of any proximate mangroves, whichever is more seaward.~~
- ~~(12) No boat or watercraft shall be permitted to be tied to, elevated at or from, or moored on, at or under any fishing pier at any time.~~
- ~~(13) No gear, trash receptacle, equipment, boat or watercraft or other personal property shall be permitted in or on any fishing pier, provided, however, fishing tackle and gear are permitted only so long as the fishing pier is in fact actually in use for fishing by a fisherperson.~~

- ~~(14) — Only one (1) bench placed at the terminus of a fishing pier is permitted, provided such bench is no more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.~~
- ~~(15) — No fish cleaning tables are permitted in or on any fishing pier.~~
- ~~(16) — Fishing pier color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.~~
- ~~(17) — Fishing piers are permitted to be accessory uses and accessory structures only and no more than one (1) fishing pier as an accessory use and structure may be on or project from any lot or lot of record.~~
- ~~(18) — No fishing pier or portion of a fishing pier shall be located closer than twenty-five (25) feet to any other fishing pier or portion thereof or any dock or portion thereof or any dolphin pilings for any dock or to any other lot or lot of record to which such fishing pier is not accessory or to the closest portion of the side lot line of the lot or lot of record from which the dock projects or the waterward projection or extension of such lot line.~~
- ~~(19) — Each fishing pier shall have solely and only one (1) light, which light shall be located at its terminus, shall be maintained in good working order, shall cast a clear white or yellow light, not to exceed sixty (60) watts, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project over the fishing pier surface higher than forty-eight (48) inches, shall be connected to a post of the hand railing and shall deflect not less than forty-five (45) degrees down.~~
- ~~(20) — No utilities other than electric service solely and only for the required one (1) light shall be allowed in, on or attached to any fishing pier.~~

~~(D) Docking boats.~~

- ~~(1) No boat, ship or water vessel exceeding in length fifty (50) percent of the bulkhead length of any lot shall be docked at any dock on or projecting from such lot.~~
- ~~(2) No portion of any docked boat, ship or water vessel shall project closer than twenty-five (25) feet to the closest portions of the side lot line of any lot or lot of record to which such dock is accessory or the waterward projection or~~

~~extension of such side lot lines or closer than twenty-five (25) feet to any lot or lot of record to which such dock is not accessory.~~

~~(3) The total of the length of any and all boats, ships or water vessels docked at any dock at any given time shall not exceed in length fifty (50) percent of the bulkhead length of the lot to which such dock is accessory and in no event shall any more than three (3) boats, ships or water vessels be docked at, tied to or rafted to any dock at any one time.~~

~~(4) No boat, ship or water vessel keel or hull may be supported, elevated, suspended or otherwise placed or maintained more than twelve (12) inches above the surface of and out of the water at high tide.~~

~~(5) No boat, ship or water vessel or any part thereof shall be placed, stored, or maintained upon the surface of any dock.~~

~~(6) Houseboats are strictly prohibited.~~

~~§ 151.264 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 or 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 structure, 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 rear setbacks for this zoning District; 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.~~

~~§ 151.265 OUTDOOR FIREPLACES AND BARBECUE PITS.~~

~~Outdoor fireplaces, barbecue pits and the like shall not exceed six (6) feet in height and shall not be located, erected, constructed, added on to, repaired, reconstructed or altered closer than five (5) feet to the lot line.~~

~~§ 151.266 GATES, WALLS, FENCES AND HEDGES.~~

~~Walls, fences or hedges may be located, erected, constructed, planted, added on to, repaired, reconstructed or altered within the required yard areas and shall conform to the following regulations:~~

- ~~(A) *Front yard.* Walls and fences located between the front building line and the street right-of-way line (the required front yard) shall not exceed four (4) feet in height, except as otherwise permitted for retaining walls in subsection (G) below; hedges located in the required front yard shall not exceed eight (8) feet in height, except on corner lots where hedges located in the required front yard shall not exceed ten (10) feet in height. The height of a wall, fence or hedge located in the required front yard, except for retaining walls pursuant to subsection (G) below, shall be measured from the street side of the wall, fence or hedge, from its top projection and shall not exceed the above specified height above the grade of the crown of the street at a point directly opposite any such point of measurement or zero datum (as defined in Section 151.003), whichever is greater. All front yard walls and~~

fences shall be and remain substantially landscaped and sight screened from the front up to the height of the fence or wall.

~~(B) *Side and rear yards.* All walls or fences located between the side building line and the side lot line (the required side yard) and all fences located between the rear building line and rear lot line (the required rear yard) shall not exceed four (4) feet in height except for a required street side yard of a corner lot and the required rear street yard of a through lot where they shall conform to the provisions of subsection (A) above, or except as otherwise permitted for retaining walls in subsection (G) below. No walls other than permitted retaining walls are permitted in the required rear yard of waterfront lots; however, walls are permitted in the rear yards of interior lots but shall not exceed four (4) feet in height above grade as measured from the lowest adjacent grade, unless otherwise permitted as a retaining wall pursuant to subsection (G) below. Except as set forth in subsection (A) above, hedges located along the side property lines shall not exceed sixteen (16) feet in height to a point located twenty five (25) feet from the seawall, bulkhead line, fill line or mean high water line of the waters of Lake Worth (including Spanish River) or the Atlantic Ocean ("the 25 foot zone"), whichever is closer to the structure, from which point to the actual seawall, bulkhead line, fill line or mean high water line of the waters of Lake Worth or the Atlantic Ocean, hedges are allowed at a maximum height of four (4) feet above grade as measured from the lowest adjacent grade. However, in those cases where the two (2) adjacent property owners wish to maintain the subject hedge at a height greater than four (4) feet, they may jointly apply for a waiver from the 25-foot zone provision. Granting of this waiver shall be administratively approved by the Town Manager upon submission of the waiver application on Town provided forms. Either property owner may revoke his/her consent to the waiver at any time. Furthermore, a waiver from the 25-foot zone does not run with the land and is not binding on any future owner. All hedges must be properly trimmed and maintained at all times.~~

~~(C) *Street right-of-way.* No wall or fence shall be located closer than five (5) feet to any street right-of-way and no hedge shall be located closer than two and one-half (2½) feet from any street right-of-way. However, any wall, fence or hedge that is in~~

~~existence as of May 26, 2009, which shall be made nonconforming at the passage of this chapter or any applicable amendment thereto, except for hedge height which must conform to current regulations, may be continued subject to the provisions of Section 151.643.~~

~~(D) *Plantings*. No plantings on or within five (5) feet of any front or rear yard wall or fence shall exceed the height herein allowed for such walls or fences, except for trees. The height of plantings located within five (5) feet of a side yard wall or fence shall be limited in accordance with subsection (B) hereinabove, except for trees. The height of hedges located within the required front yard shall be limited in accordance with subsection (A) hereinabove.~~

~~(E) *Gateposts*. Gateposts not exceeding three (3) feet in any horizontal dimension may be erected and/or constructed in connection with the erection and/or construction of a wall or fence, the gateposts not to exceed two (2) feet above that maximum height permitted for the wall or fence immediately contiguous to such gateposts.~~

~~(F) *Driveway gates*. Gates constructed at driveway entrances or that are intended for vehicular traffic of any kind shall all be considered "driveway gates" for the purposes of this section and must conform to the following requirements:~~

- ~~(1) Driveway gates must either slide along the ground or swing horizontally in order to open and close;~~
- ~~(2) Driveway gates must remain entirely on the lot or lot of record upon which they are installed;~~
- ~~(3) At no time shall any driveway gate, while open, closed or in the process of opening or closing, or while at rest, encroach upon any street right-of-way or adjacent property;~~
- ~~(4) Driveway gates must be installed in such a manner as to provide a minimum driveway area in front of and perpendicular to such gates of a size no less than nine (9) feet wide by twenty (20) feet deep, as measured from the street right-of-way line;~~

~~(5) Driveway gates shall be constructed of materials that allow the transmission of light and air through fifty (50) percent or greater of the surface area, distributed evenly;~~

~~(6) Rail spacing of driveway gates shall be approximately four (4) inches or greater, exclusive of decorative elements and finials.~~

~~(7) No such driveway gates shall exceed the height limitations for walls and fences as set forth in subsection (A) hereinabove. Driveway gateposts shall not exceed the maximum height of six (6) feet as measured from the adjacent grade.~~

~~(G) *Retaining walls.* Retaining walls without additional structures may be constructed in conjunction with the "new construction" or "substantial improvement" of a building at a maximum height required to comply with the property's applicable grade or zero datum elevation (as defined in Section 151.003), in accordance with the most current Flood Insurance Rate Map promulgated by the Federal Emergency Management Agency (FEMA). Prior to the issuance of a certificate of completion or certificate of occupancy for the associated residence, a complete as-built survey of the retaining wall, certified by a Florida-licensed engineer retained by the property owner, shall be provided to the Town. The engineer's certification required by this subsection must verify that all on-site retention requirements are being met without adverse drainage effects to adjacent neighboring properties.~~

~~(1) Additional structures or hedge material on top of or adjacent to retaining walls. Fences, railings, gates, or hedges may be constructed on top of or adjacent to retaining walls in conformance with the maximum height requirement provided below. Any fences, gates, or railings constructed on or adjacent to retaining walls pursuant to this paragraph must allow the transmission of light and air through fifty (50) percent or greater of the surface area. No privacy walls may be constructed on top of or adjacent to retaining walls.~~

~~(2) Maximum height requirement of retaining walls and additional structures. The maximum height of retaining walls plus any additional structures, such as fences, railings, gates, or hedge material may not exceed the maximum allowable heights for walls, fences, or hedges in the property's front, side, or~~

~~rear yard as provided in Subsections (A) or (B) above. Height shall be measured from the lowest adjacent grade, except for swimming pool fences or retaining wall railings required by the Florida Building Code or other applicable code, which shall be measured in accordance with the requirements of the Florida Building Code or other applicable code.~~

~~§ 151.267 BULKHEAD LINE.~~

~~No structures shall be located, erected or constructed seaward of any established bulkhead or bulkhead line, except erosion control devices such as bulkheads, groins or jetties.~~

~~§ 151.268 UTILITY SERVICE LINES.~~

~~All utility service lines and mains, including water, sewer, storm drainage, solid waste, telephone, cable television, gas, electrical and the like, shall be installed and maintained underground.~~

~~§§ 151.250 ~~151.269~~—151.289 - RESERVED.~~

Section 4. For clarity and specificity, Lot 1300 located east of Land's End Road currently zoned R-C1 is not included in this rezoning exercise and will retain its R-C1 zoning designation. Only the portion of the lot identified with the address of 1300 which is physically located west of Lands End Road and which is currently zoned R3-A will be rezoned to R1-D.

Section 5. Each and every other section and subsection of Chapter 151. Zoning, shall remain in full force and effect as previously adopted.

Section 6. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 7. 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 8. Specific authority is hereby given to codify this ordinance into the Code of Ordinances of the Town of Manalapan.

Section 9. This ordinance will take effect immediately upon adoption.

TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: June 23rd, 2026

Agenda Item No.: PH. 2

Agenda Item Name: **Ordinance #402**

BACKGROUND:

Ordinance #402 - AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING THE MANALAPAN CODE OF ORDINANCES AT CHAPTER 151. ZONING. CREATING AN ENTIRELY NEW DIVISION "BOATS, BOATHOUSES, DOCKS, BULKHEADS" UTILIZING RESERVED CODE SECTIONS 151.585 THROUGH 151.600; RELOCATING ALL EXISTING BOAT, DOCK, BOATHOUSE AND BULKHEAD ZONING REGULATIONS INTO THIS ONE NEW DIVISION; DIVIDING THE TOWN INTO 16 WATERWAY ZONES BASED ON CURRENT CODE REQUIREMENTS FOR DOCKS; REPEALING THE RELOCATED CODE PROVISIONS FROM EACH ZONING DISTRICT'S SET OF CODES; 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. (First Reading)

This ordinance, as a companion piece to Ordinance #401, reorganizes and consolidates all of the Town's regulations governing boats, boathouses, docks, and bulkheads into a single, dedicated section of the zoning code. Its purpose is to make these regulations easier to locate, understand, administer, and enforce by removing them from the individual zoning district regulations and placing them in one centralized division. The ordinance also establishes a system of waterway zones that reflects the Town's existing dock regulations, creating a more logical framework for managing waterfront development while maintaining consistency with current requirements.

MOTION:

- Move to approve/disapprove Ordinance #402 on First Reading.

ATTACHMENTS:

- Ordinance #402

ORDINANCE NO. 402

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING THE MANALAPAN CODE OF ORDINANCES AT CHAPTER 151. ZONING. CREATING AN ENTIRELY NEW DIVISION “BOATS, BOATHOUSES, DOCKS, BULKHEADS” UTILIZING RESERVED CODE SECTIONS 151.585 THROUGH 151.600; RELOCATING ALL EXISTING BOAT, DOCK, BOATHOUSE AND BULKHEAD ZONING REGULATIONS INTO THIS ONE NEW DIVISION; DIVIDING THE TOWN INTO 16 WATERWAY ZONES BASED ON CURRENT CODE REQUIREMENTS FOR DOCKS; REPEALING THE RELOCATED CODE PROVISIONS FROM EACH ZONING DISTRICT’S SET OF CODES; 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, Town Staff has undertaken a comprehensive review of the Town’s Zoning Code, including each zoning district; and

WHEREAS, the result of this comprehensive review is a recommendation to the Town Commission to consolidate all Town boat, dock, and bulkhead codes into one single division which divides the Town into “Waterway Zones” based on current dock regulations throughout the Town; and

WHEREAS, it is further recommended to thereafter repeal the relocated boat, dock, and bulkhead code provisions out of each individual zoning district’s set of codes; and

WHEREAS, upon the recommendation of Town zoning and administration staff, the Town Commission has determined that the amendments to the Town’s zoning code contained in this ordinance 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 151. Zoning, by creating an entirely new Division entitled “Boats, Boathouses, Docks, Bulkheads;” utilizing reserved code sections 151.585 et seq.; Dividing the Town into separate and distinct waterway zones; providing regulations; providing that Boats, Boathouses, Docks, Bulkheads shall hereafter read as follows:

BOATS, BOATHOUSES, DOCKS, BULKHEADS

Sec. 151.585 WATERWAY ZONE W-1 (Lands End Road, West Side Only, 1225 through 1735 - Zoning District R1-D, Portions Formerly R1-F, Portions Formerly R3-A).

1. BOATS AND TRAILERS.

No boats or trailers of any kind shall be kept, maintained or stored on any lot or lot of record except within an enclosed garage or except when docked or moored. These restrictions shall not apply to the storage of non-motorized boats (by way of example and not limitation, kayaks and paddle-boards) which are either screened from the view of abutting neighbors or residences located on the opposite waterbody bank, or which are kept on or adjacent to a dock or seawall.

2. BOATHOUSES; DOCKS.

(A) Boathouses. Boathouses are not permitted.

(B) Docks. No dock shall be located, erected, constructed, added on to, expanded, extended, replaced, reconstructed or altered upon or projecting from any lot or lot of record unless in strict conformance with DEP and ACOE permit regulations. A permit from these agencies is required prior to issuance of a permit by the Town. Additionally, the construction, alteration and the like of all docks must meet the following Town regulations:

(1) All docks projecting from any lot or lot of record located on the west side of Lands End Road shall project waterward from the associated lot or lot of record or seawall, a minimum length necessary (evidenced by bathymetric surveys)

- to reach a terminus and mooring area located in a water depth of three (3) feet of water at MLW. The maximum length of any such dock projecting from any lot or lot of record on the west side of Lands End Road is eighty (80) feet.
- (a) The required bathymetric surveys shall be taken from the seawall of the subject lot out across the water for a distance sufficient to demonstrate the width of the navigable waterway or channel (as defined in Section 151.003) in order to demonstrate that the dock in question will not prevent passage through the waterway or channel.
- (b) Three (3) bathymetric surveys, one (1) each, shall be taken parallel to and originating from each lot line and the point from which the dock is to project in order to meet the above requirements.
- (2) Notwithstanding the minimum and maximum dock lengths provided for this zoning district, no dock shall project waterward to the extent where its terminus and mooring area with associated boatlift(s), dolphin and other piling project into any U.S. Coast Guard defined and marked navigational channel or charted navigational channel.
- (3) Conventional docks including the stem shall be centered on the lot or lot of record or within ten (10) feet of such center point and shall run parallel with the side lot lines of the lot or lot of record on which it is located. On a lot or lot of record having a width of three hundred (300) feet or greater, the proposed dock need not be centered but the dock and any portion of the dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, must be setback no less than fifty (50) feet from the extended side lot line of any lot or lot of record from which such dock projects.
- (4) No dock finger or projection shall extend from the stem of a dock unless it is in a "T" or "L" configuration located at the furthest waterward projection of the dock, the total waterward projection of the stem and "T" or "L" addition not to exceed the maximum waterward projection specified herein above with the maximum terminus width limited to fifty (50) feet. However, if the subject dock projects from a lot or lot of record having a width greater than or equal to three hundred (300) feet, a maximum dock terminus width of seventy-five (75) feet

- shall be permitted so long as the dock or any portion of the dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, is setback at least fifty (50) feet from the extended side lot lines.
- (5) Davits are not permitted; other dock accessory structures and vessel-lifting devices (boat elevators, boatlifts, platforms, and personal watercraft lifts) are permitted. Those dock accessory structures consisting of a flat surface or platform shall be included in all calculations related to a dock's size, location, maximum allowable width, and compliance with side setbacks. Those dock accessory structures or vessel-lifting devices of a conventional design that generally consist of separate beams or rails supported by pilings (including boatlifts, boat elevators, and personal watercraft lifts) shall only be included in calculations related to a dock's maximum allowable width, and compliance with side setbacks. The limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to any dock accessory structure or vessel-lifting device as part of the conventional or floating dock.
- (6) No gear, trash receptacle or equipment shall be permitted on any dock. Equipment specifically excludes power stations, fueling stations, ladders, water hoses, mooring lines, whips and bumper cushions.
- (7) Dock boxes may be used but only attached abutting the seawall or located at the landward dock extremity; no dock box may be higher than thirty (30) inches and greater than twenty-four (24) cubic feet.
- (8) Only one (1) bench placed on a dock is permitted provided such bench is not more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (9) Dock color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
- (10) No surface of any dock shall be constructed or project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (11) Floating docks are permissible, provided the following regulations are met:

- (a) The width of the surface of each floating dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet with a total length not to exceed fourteen (14) feet except for concrete floating docks which shall not exceed eight (8) feet in width and fourteen (14) feet in length.
- (b) Each floating dock shall have a light positioned on a post located at each corner that projects into the water. Each light installed shall be maintained in good working order, shall cast a clear white or yellow light, shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.
- (c) A licensed engineer shall certify that each floating dock shall be designed and constructed to meet the same standards applicable to conventional, stationary docks as related to the dock's ability to withstand the effects of a storm event.
- (d) Each floating dock shall be designed so as to incorporate neoprene rollers, rubber washers or similar noise reduction components in all hinges and connections and between all parts of the dock to prevent any noise; and all pilings supporting the floating dock shall be positioned on the inside of the dock.
- (e) A floating dock attached to, adjacent to, or associated with a conventional dock shall be considered one (1) dock. As such, the aggregate length of the conventional dock and floating dock shall not exceed the allowable maximum length set forth elsewhere in this section, and the limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to the floating dock as part of the conventional dock.
- (12) No dock, dolphin pilings and/or boat or water vessel attached to it shall prevent passage through any navigable water channel or way as evidenced by

bathymetric surveys which shall indicate the location and width of any navigable channel or way with respect to such dock.

(13) Docks are permitted to be accessory uses only and no more than one (1) dock, as an accessory use, may be on or project from any lot or lot of record. See also the definition of "ACCESSORY USE or BUILDINGS or STRUCTURES", and "DOCK". Any dock that is constructed prior to the principal single family residence or that remains on an otherwise vacant lot or lot of record may be used only by the owner of said lot or lot of record, and may only remain and be so used for a maximum of two years prior to the issuance of a certificate of occupancy for the principal single family residence. The Town Commission may extend the two-year limit when a public need for such extension has been demonstrated to the satisfaction of the Town Commission, on a case-by-case basis. The two-year period shall commence on the date that the Building Official issues a certificate of completion for the dock on the otherwise vacant lot. Regardless of the timing, all such docks shall be maintained pursuant to all applicable Town codes and building codes for construction and maintenance of docks.

(14) No dock or portion of a dock, including any dock accessory structure, vessel-lifting device, or dolphin piling, shall be located closer than twenty-five (25) feet to any other dock or portion thereof or any other dock's accessory structure, vessel-lifting device, or dolphin pilings or to any other lot or lot of record to which such dock is not accessory or to the closest portion of the side lot lines of the lot or lot of record from which the dock projects or the waterward projection or extension of such side lot lines; except a shorter setback of up to not less than fifteen (15) feet may be permitted only to the extent necessary in order for the dock to be permitted by any other governmental body or agency having jurisdiction due to the location of sea grasses or due to the depth of the water or due to any other Town recognized environmental concern or matter.

(15) Each dock shall have a light at its terminus and all light(s) installed shall be maintained in good working order, shall cast a clear white or yellow light, and shall not exceed the intensity of a forty (40) watt tungsten filament incandescent

or equivalent (less than or equal to four hundred eighty (480) lumens. All dock lights shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(C) Docking boats.

(1) No boat, ship or water vessel exceeding in length fifty (50) percent of the bulkhead length of any lot shall be docked at any dock on or projecting from such lot.

(2) No portion of any docked boat, ship or water vessel shall project closer than twenty five (25) feet to the closest portions of the side lot line of any lot or lot of record to which such dock is accessory or the waterward projection or extension of such side lot lines or closer than twenty five (25) feet to any lot or lot of record to which such dock is not accessory.

(3) The total of the length of any and all boats, ships or water vessels docked at any dock at any given time shall not exceed in length fifty (50) percent of the bulkhead length of the lot to which such dock is accessory and in no event shall any more than three (3) boats, ships or water vessels be docked at, tied to or rafted to any dock at any one time.

(4) No boat, ship or water vessel keel or hull may be supported, elevated, suspended or otherwise placed or maintained more than twelve (12) inches above the surface of and out of the water at high tide.

(5) No boat, ship or water vessel or any part thereof shall be placed, stored, or maintained upon the surface of any dock.

(6) Houseboats are strictly prohibited.

(D) Fishing piers. A fishing pier is permitted as an accessory use and structure only where a dock is not established and cannot be established in conformance with all applicable statutes, ordinances, rules and regulations. No pier shall be located, erected, construction, added on to, expanded, extended, replaced, reconstructed or altered upon or projection from any lot or lot of record unless in

strict conformance with the following and all other applicable statutes, ordinances, rules and regulations.

- (1) No piers other than fishing piers are permitted.
- (2) No fishing pier shall project waterward from any lot, lot of record or seawall, whichever is less, more than twenty (20) feet, provided, however, if the terminus of such fishing pier is unable to project six (6) feet beyond the mean high water line or the boles (trunks) of any proximate (within ten (10) feet) mangroves, then the length of such fishing pier may be extended waterward so its terminus does reach six (6) feet of length beyond such mean high water line or boles of such proximate mangroves, whichever is further, but in no event shall any fishing pier project waterward more than thirty-five (35) feet.
- (3) The width of the surface of each fishing pier shall be four (4) feet, no less and no more; and no portion of any fishing pier, except its integrated structural piling, shall horizontally project beyond the surface or perpendicular plane of the edge of the surface.
- (4) The stem of each fishing pier shall be straight from beginning to end (terminus).
- (5) The stem of each fishing pier shall be centered on the lot line of the lot or lot of record from which it projects waterward, or within ten (10) feet of such center point.
- (6) The stem of each fishing pier shall be perpendicular to the seawall or, if no seawall, perpendicular to the average projection of the lot or lot of record running parallel to the water.
- (7) No fishing pier finger or other projection shall extend from the stem of a fishing pier unless it is in a "T" or "L" configuration located at the furthest waterward projection of the fishing pier, the total waterward projection of the stem and "T" or "L" addition not to exceed the maximum waterward projection allowed, and the total dimensions of such terminus not to exceed twelve (12) feet in length at the required four (4) feet in width for a maximum total area of forty-eight (48) square feet.

- (8) The surface of any fishing pier shall not project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (9) Only hand rail facilities with stanchions and hand rails not exceeding in diameter one and one-half (1½) inches and with attached required lighting shall project in height above the surface of the fishing pier. Fishing pier pilings shall not project above the surface of the fishing pier. The hand rail facility may include intermediate rail(s) or cable(s) parallel to and between the hand rail and surface of the fishing pier.
- (10) Hand rail facilities shall enclose the fishing pier in its entirety. Hand rail facilities shall be as inconspicuous as practicable. Hand rails shall be forty-two (42) inches, no more and no less, above the surface of the fishing pier and shall be designed, constructed and maintained for only the following purposes: safety, precluding use of the fishing pier as a dock, and providing as little visual and aesthetic impact as possible. Hand rails shall be and be maintained without break or interruption.
- (11) No ladders, either fixed or removable, shall be permitted except one (1) safety ladder may be attached to or built into the fishing pier piling immediately landward of either the mean high water line or seaward of the boles of any proximate mangroves, whichever is more seaward.
- (12) No boat or watercraft shall be permitted to be tied to, elevated at or from, or moored on, at or under any fishing pier at any time.
- (13) No gear, trash receptacle, equipment, boat or watercraft or other personal property shall be permitted in or on any fishing pier, provided, however, fishing tackle and gear are permitted only so long as the fishing pier is in fact actually in use for fishing by a fisherperson.
- (14) Only one (1) bench placed at the terminus of a fishing pier is permitted, provided such bench is no more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (15) No fish cleaning tables are permitted in or on any fishing pier.

- (16) Fishing pier color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
- (17) Fishing piers are permitted to be accessory uses and accessory structures only and no more than one (1) fishing pier as an accessory use and structure may be on or project from any lot or lot of record.
- (18) No fishing pier or portion of a fishing pier shall be located closer than twenty-five (25) feet to any other fishing pier or portion thereof or any dock or portion thereof or any dolphin pilings for any dock or to any other lot or lot of record to which such fishing pier is not accessory or to the closest portion of the side lot line of the lot or lot of record from which the dock projects or the waterward projection or extension of such lot line.
- (19) Each fishing pier shall have solely and only one (1) light, which light shall be located at its terminus, shall be maintained in good working order, shall cast a clear white or yellow light, not to exceed sixty (60) watts, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project over the fishing pier surface higher than forty-eight (48) inches, shall be connected to a post of the hand railing and shall deflect not less than forty-five (45) degrees down.
- (20) No utilities other than electric service solely and only for the required one (1) light shall be allowed in, on or attached to any fishing pier.

3. BULKHEAD LINE.

No structures shall be located, erected or constructed seaward of any established bulkhead or bulkhead line, except erosion control devices such as bulkheads, groins or jetties.

Sec. 151.586 WATERWAY ZONE W-2 (Lands End Road, South End East Side Only, 1700 through 1730 - Zoning District R1-D, Formerly R1-F).

1. BOATS AND TRAILERS.

No boats or trailers of any kind shall be kept, maintained or stored on any lot or lot of record except within an enclosed garage or except when docked or moored. These restrictions shall not apply to the storage of non-motorized boats (by way of example and

not limitation, kayaks and paddle-boards) which are either screened from the view of abutting neighbors or residences located on the opposite waterbody bank, or which are kept on or adjacent to a dock or seawall.

2. BOATHOUSES; DOCKS.

A. Boathouses. Boathouses are not permitted.

B. Docks. No dock shall be located, erected, constructed, added on to, expanded, extended, replaced, reconstructed or altered upon or projecting from any lot or lot of record unless in strict conformance with DEP and ACOE permit regulations. A permit from these agencies is required prior to issuance of a permit by the Town. Additionally, the construction, alteration and the like of all docks must meet the following Town regulations:

(1) Docks shall project a minimum length necessary to reach a terminus and mooring area located in a water depth of three (3) feet at mean low water (MLW) evidenced by bathymetric surveys, and may project no more than seventy-five (75) feet, inclusive of dolphin pilings for lots 1700—1730 as depicted on the Official Town Zoning Map.

(a) The required bathymetric surveys shall be taken from the seawall of the subject lot out across the water for a distance sufficient to demonstrate the width of the navigable waterway or channel (as defined in Section 151.003) in order to demonstrate that the dock in question will not prevent passage through the waterway or channel.

(b) Three (3) bathymetric surveys, one (1) each, shall be taken parallel to and originating from each lot line and the point from which the dock is to project in order to meet the above requirements.

(2) Notwithstanding the minimum and maximum dock lengths provided for this zoning district, no dock shall project waterward to the extent where its terminus and mooring area with associated boatlift(s), dolphin and other piling project into any U.S. Coast Guard defined and marked navigational channel or chartered navigational channel.

(3) Conventional docks including the stem shall be centered on the lot or lot of record or within ten (10) feet of such center point and shall run parallel with the

side lot lines of the lot or lot of record on which it is located. On a lot or lot of record having a width of three hundred (300) feet or greater, the proposed dock need not be centered but the dock and any portion of the dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, must be setback no less than fifty (50) feet from the extended side lot line of any lot or lot of record from which such dock projects.

- (4) No dock finger or projection shall extend from the stem of a dock unless it is in a "T" or "L" configuration located at the furthest waterward projection of the dock, the total waterward projection of the stem and "T" or "L" addition not to exceed the maximum waterward projection specified herein above with the maximum terminus width limited to fifty (50) feet. However, if the subject dock projects from a lot or lot of record having a width greater than or equal to three hundred (300) feet, a maximum dock terminus width of seventy-five (75) feet shall be permitted so long as the dock or any portion of the dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, is setback at least fifty (50) feet from the extended side lot lines.
- (5) Davits are not permitted; other dock accessory structures and vessel-lifting devices (boat elevators, boatlifts, platforms, and personal watercraft lifts) are permitted. Those dock accessory structures consisting of a flat surface or platform shall be included in all calculations related to a dock's size, location, maximum allowable width, and compliance with side setbacks. Those dock accessory structures or vessel-lifting devices of a conventional design that generally consist of separate beams or rails supported by pilings (including boatlifts, boat elevators, and personal watercraft lifts) shall only be included in calculations related to a dock's maximum allowable width, and compliance with side setbacks. The limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to any dock accessory structure or vessel-lifting device as part of the conventional or floating dock.
- (6) No gear, trash receptacle or equipment shall be permitted on any dock. Equipment specifically excludes power stations, fueling stations, ladders, water hoses, mooring lines, whips and bumper cushions.

- (7) Dock boxes may be used but only attached abutting the seawall or located at the landward dock extremity; no dock box may be higher than thirty (30) inches and greater than twenty-four (24) cubic feet.
- (8) Only one (1) bench placed on a dock is permitted provided such bench is not more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (9) Dock color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
- (10) No surface of any dock shall be constructed or project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (11) Floating docks are permissible, provided the following regulations are met:
- (a) The width of the surface of each floating dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet with a total length not to exceed fourteen (14) feet except for concrete floating docks which shall not exceed eight (8) feet in width and fourteen (14) feet in length.
 - (b) Each floating dock shall have a light positioned on a post located at each corner that projects into the water. Each light installed shall be maintained in good working order, shall cast a clear white or yellow light, shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.
 - (c) A licensed engineer shall certify that each floating dock shall be designed and constructed to meet the same standards applicable to conventional, stationary docks as related to the dock's ability to withstand the effects of a storm event.
 - (d) Each floating dock shall be designed so as to incorporate neoprene rollers, rubber washers or similar noise reduction components in all hinges and

connections and between all parts of the dock to prevent any noise; and all pilings supporting the floating dock shall be positioned on the inside of the dock.

- (e) A floating dock attached to, adjacent to, or associated with a conventional dock shall be considered one (1) dock. As such, the aggregate length of the conventional dock and floating dock shall not exceed the allowable maximum length set forth elsewhere in this section, and the limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to the floating dock as part of the conventional dock.
- (12) No dock, dolphin pilings and/or boat or water vessel attached to it shall prevent passage through any navigable water channel or way as evidenced by bathymetric surveys which shall indicate the location and width of any navigable channel or way with respect to such dock.
- (13) Docks are permitted to be accessory uses only and no more than one (1) dock, as an accessory use, may be on or project from any lot or lot of record. See also the definition of "ACCESSORY USE or BUILDINGS or STRUCTURES", and "DOCK". Any dock that is constructed prior to the principal single family residence or that remains on an otherwise vacant lot or lot of record may be used only by the owner of said lot or lot of record, and may only remain and be so used for a maximum of two years prior to the issuance of a certificate of occupancy for the principal single family residence. The Town Commission may extend the two-year limit when a public need for such extension has been demonstrated to the satisfaction of the Town Commission, on a case-by-case basis. The two-year period shall commence on the date that the Building Official issues a certificate of completion for the dock on the otherwise vacant lot. Regardless of the timing, all such docks shall be maintained pursuant to all applicable Town codes and building codes for construction and maintenance of docks.
- (14) No dock or portion of a dock, including any dock accessory structure, vessel-lifting device, or dolphin piling, shall be located closer than twenty-five (25) feet

to any other dock or portion thereof or any other dock's accessory structure, vessel-lifting device, or dolphin pilings or to any other lot or lot of record to which such dock is not accessory or to the closest portion of the side lot lines of the lot or lot of record from which the dock projects or the waterward projection or extension of such side lot lines; except a shorter setback of up to not less than fifteen (15) feet may be permitted only to the extent necessary in order for the dock to be permitted by any other governmental body or agency having jurisdiction due to the location of sea grasses or due to the depth of the water or due to any other Town recognized environmental concern or matter.

- (15) Each dock shall have a light at its terminus and all light(s) installed shall be maintained in good working order, shall cast a clear white or yellow light, and shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens. All dock lights shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(C) Docking boats.

- (1) No boat, ship or water vessel exceeding in length fifty (50) percent of the bulkhead length of any lot shall be docked at any dock on or projecting from such lot.
- (2) No portion of any docked boat, ship or water vessel shall project closer than twenty (20) feet to the closest portions of the side lot line of any lot or lot of record to which such dock is accessory or the waterward projection or extension of such side lot lines or closer than twenty (20) feet to any lot or lot of record to which such dock is not accessory.
- (3) The total of the length of any and all boats, ships or water vessels docked at any dock at any given time shall not exceed in length fifty (50) percent of the bulkhead length of the lot to which such dock is accessory and in no event shall any more than three (3) boats, ships or water vessels be docked at, tied to or rafted to any dock at any one time.

- (4) No boat, ship or water vessel keel or hull may be supported, elevated, suspended or otherwise placed or maintained more than twelve (12) inches above the surface of and out of the water at high tide.
- (5) No boat, ship or water vessel or any part thereof shall be placed, stored, or maintained upon the surface of any dock.
- (6) Houseboats are strictly prohibited.

(D) Fishing piers. A fishing pier is permitted as an accessory use and structure only where a dock is not established and cannot be established in conformance with all applicable statutes, ordinances, rules and regulations. No pier shall be located, erected, construction, added on to, expanded, extended, replaced, reconstructed or altered upon or projection from any lot or lot of record unless in strict conformance with the following and all other applicable statutes, ordinances, rules and regulations.

- (1) No piers other than fishing piers are permitted.
- (2) No fishing pier shall project waterward from any lot, lot of record or seawall, whichever is less, more than twenty (20) feet, provided, however, if the terminus of such fishing pier is unable to project six (6) feet beyond the mean high water line or the boles (trunks) of any proximate (within ten (10) feet) mangroves, then the length of such fishing pier may be extended waterward so its terminus does reach six (6) feet of length beyond such mean high water line or boles of such proximate mangroves, whichever is further, but in no event shall any fishing pier project waterward more than thirty-five (35) feet.
- (3) The width of the surface of each fishing pier shall be four (4) feet, no less and no more; and no portion of any fishing pier, except its integrated structural piling, shall horizontally project beyond the surface or perpendicular plane of the edge of the surface.
- (4) The stem of each fishing pier shall be straight from beginning to end (terminus).
- (5) The stem of each fishing pier shall be centered on the lot line of the lot or lot of record from which it projects waterward, or within ten (10) feet of such center point.

- (6) The stem of each fishing pier shall be perpendicular to the seawall or, if no seawall, perpendicular to the average projection of the lot or lot of record running parallel to the water.
- (7) No fishing pier finger or other projection shall extend from the stem of a fishing pier unless it is in a "T" or "L" configuration located at the furthest waterward projection of the fishing pier, the total waterward projection of the stem and "T" or "L" addition not to exceed the maximum waterward projection allowed, and the total dimensions of such terminus not to exceed twelve (12) feet in length at the required four (4) feet in width for a maximum total area of forty-eight (48) square feet.
- (8) The surface of any fishing pier shall not project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (9) Only hand rail facilities with stanchions and hand rails not exceeding in diameter one and one-half (1½) inches and with attached required lighting shall project in height above the surface of the fishing pier. Fishing pier pilings shall not project above the surface of the fishing pier. The hand rail facility may include intermediate rail(s) or cable(s) parallel to and between the hand rail and surface of the fishing pier.
- (10) Hand rail facilities shall enclose the fishing pier in its entirety. Hand rail facilities shall be as inconspicuous as practicable. Hand rails shall be forty-two (42) inches, no more and no less, above the surface of the fishing pier and shall be designed, constructed and maintained for only the following purposes: safety, precluding use of the fishing pier as a dock, and providing as little visual and aesthetic impact as possible. Hand rails shall be and be maintained without break or interruption.
- (11) No ladders, either fixed or removable, shall be permitted except one (1) safety ladder may be attached to or built into the fishing pier piling immediately landward of either the mean high water line or seaward of the boles of any proximate mangroves, whichever is more seaward.

- (12) No boat or watercraft shall be permitted to be tied to, elevated at or from, or moored on, at or under any fishing pier at any time.
- (13) No gear, trash receptacle, equipment, boat or watercraft or other personal property shall be permitted in or on any fishing pier, provided, however, fishing tackle and gear are permitted only so long as the fishing pier is in fact actually in use for fishing by a fisherperson.
- (14) Only one (1) bench placed at the terminus of a fishing pier is permitted, provided such bench is no more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (15) No fish cleaning tables are permitted in or on any fishing pier.
- (16) Fishing pier color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
- (17) Fishing piers are permitted to be accessory uses and accessory structures only and no more than one (1) fishing pier as an accessory use and structure may be on or project from any lot or lot of record.
- (18) No fishing pier or portion of a fishing pier shall be located closer than twenty-five (25) feet to any other fishing pier or portion thereof or any dock or portion thereof or any dolphin pilings for any dock or to any other lot or lot of record to which such fishing pier is not accessory or to the closest portion of the side lot line of the lot or lot of record from which the dock projects or the waterward projection or extension of such lot line.
- (19) Each fishing pier shall have solely and only one (1) light, which light shall be located at its terminus, shall be maintained in good working order, shall cast a clear white or yellow light, not to exceed sixty (60) watts, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project over the fishing pier surface higher than forty-eight (48) inches, shall be connected to a post of the hand railing and shall deflect not less than forty-five (45) degrees down.
- (20) No utilities other than electric service solely and only for the required one (1) light shall be allowed in, on or attached to any fishing pier.

3. BULKHEAD LINE.

No structures shall be located, erected or constructed seaward of any established bulkhead or bulkhead line, except erosion control devices such as bulkheads, groins or jetties.

Sec. 151.587 WATERWAY ZONE W-3 (Lands End Road, South End East Side Only, 1650 through 1690 - Zoning District R1-D, Formerly R1-F).

1. BOATS AND TRAILERS.

No boats or trailers of any kind shall be kept, maintained or stored on any lot or lot of record except within an enclosed garage or except when docked or moored. These restrictions shall not apply to the storage of non-motorized boats (by way of example and not limitation, kayaks and paddle-boards) which are either screened from the view of abutting neighbors or residences located on the opposite waterbody bank, or which are kept on or adjacent to a dock or seawall.

2. BOATHOUSES; DOCKS.

A. Boathouses. Boathouses are not permitted.

B. Docks. No dock shall be located, erected, constructed, added on to, expanded, extended, replaced, reconstructed or altered upon or projecting from any lot or lot of record unless in strict conformance with DEP and ACOE permit regulations. A permit from these agencies is required prior to issuance of a permit by the Town. Additionally, the construction, alteration and the like of all docks must meet the following Town regulations:

(1) Docks shall project a minimum length necessary to reach a terminus and mooring area located in a water depth of three (3) feet at mean low water (MLW) evidenced by bathymetric surveys, and may project no more than fifty-five (55) feet inclusive of dolphin pilings for lots 1650—1690 as depicted on the Official Town Zoning Map.

(a) The required bathymetric surveys shall be taken from the seawall of the subject lot out across the water for a distance sufficient to demonstrate the width of the navigable waterway or channel (as defined in Section 151.003) in order to demonstrate that the dock in question will not prevent passage through the waterway or channel.

- (b) Three (3) bathymetric surveys, one (1) each, shall be taken parallel to and originating from each lot line and the point from which the dock is to project in order to meet the above requirements.
- (2) Notwithstanding the minimum and maximum dock lengths provided for this zoning district, no dock shall project waterward to the extent where its terminus and mooring area with associated boatlift(s), dolphin and other piling project into any U.S. Coast Guard defined and marked navigational channel or charted navigational channel.
- (3) Conventional docks including the stem shall be centered on the lot or lot of record or within ten (10) feet of such center point and shall run parallel with the side lot lines of the lot or lot of record on which it is located. On a lot or lot of record having a width of three hundred (300) feet or greater, the proposed dock need not be centered but the dock and any portion of the dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, must be setback no less than fifty (50) feet from the extended side lot line of any lot or lot of record from which such dock projects.
- (4) No dock finger or projection shall extend from the stem of a dock unless it is in a "T" or "L" configuration located at the furthest waterward projection of the dock, the total waterward projection of the stem and "T" or "L" addition not to exceed the maximum waterward projection specified herein above with the maximum terminus width limited to fifty (50) feet. However, if the subject dock projects from a lot or lot of record having a width greater than or equal to three hundred (300) feet, a maximum dock terminus width of seventy-five (75) feet shall be permitted so long as the dock or any portion of the dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, is setback at least fifty (50) feet from the extended side lot lines.
- (5) Davits are not permitted; other dock accessory structures and vessel-lifting devices (boat elevators, boatlifts, platforms, and personal watercraft lifts) are permitted. Those dock accessory structures consisting of a flat surface or platform shall be included in all calculations related to a dock's size, location, maximum allowable width, and compliance with side setbacks. Those dock

- accessory structures or vessel-lifting devices of a conventional design that generally consist of separate beams or rails supported by pilings (including boatlifts, boat elevators, and personal watercraft lifts) shall only be included in calculations related to a dock's maximum allowable width, and compliance with side setbacks. The limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to any dock accessory structure or vessel-lifting device as part of the conventional or floating dock.
- (6) No gear, trash receptacle or equipment shall be permitted on any dock. Equipment specifically excludes power stations, fueling stations, ladders, water hoses, mooring lines, whips and bumper cushions.
- (7) Dock boxes may be used but only attached abutting the seawall or located at the landward dock extremity; no dock box may be higher than thirty (30) inches and greater than twenty-four (24) cubic feet.
- (8) Only one (1) bench placed on a dock is permitted provided such bench is not more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (9) Dock color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
- (10) No surface of any dock shall be constructed or project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (11) Floating docks are permissible, provided the following regulations are met:
- (a) The width of the surface of each floating dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet with a total length not to exceed fourteen (14) feet except for concrete floating docks which shall not exceed eight (8) feet in width and fourteen (14) feet in length.
- (b) Each floating dock shall have a light positioned on a post located at each corner that projects into the water. Each light installed shall be maintained in good working order, shall cast a clear white or yellow light, shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens, shall

operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

- (c) A licensed engineer shall certify that each floating dock shall be designed and constructed to meet the same standards applicable to conventional, stationary docks as related to the dock's ability to withstand the effects of a storm event.
 - (d) Each floating dock shall be designed so as to incorporate neoprene rollers, rubber washers or similar noise reduction components in all hinges and connections and between all parts of the dock to prevent any noise; and all pilings supporting the floating dock shall be positioned on the inside of the dock.
 - (e) A floating dock attached to, adjacent to, or associated with a conventional dock shall be considered one (1) dock. As such, the aggregate length of the conventional dock and floating dock shall not exceed the allowable maximum length set forth elsewhere in this section, and the limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to the floating dock as part of the conventional dock.
- (12) No dock, dolphin pilings and/or boat or water vessel attached to it shall prevent passage through any navigable water channel or way as evidenced by bathymetric surveys which shall indicate the location and width of any navigable channel or way with respect to such dock.
- (13) Docks are permitted to be accessory uses only and no more than one (1) dock, as an accessory use, may be on or project from any lot or lot of record. See also the definition of "ACCESSORY USE or BUILDINGS or STRUCTURES", and "DOCK". Any dock that is constructed prior to the principal single family residence or that remains on an otherwise vacant lot or lot of record may be used only by the owner of said lot or lot of record, and may only remain and be so used for a maximum of two years prior to the issuance of a certificate of

occupancy for the principal single family residence. The Town Commission may extend the two-year limit when a public need for such extension has been demonstrated to the satisfaction of the Town Commission, on a case-by-case basis. The two-year period shall commence on the date that the Building Official issues a certificate of completion for the dock on the otherwise vacant lot. Regardless of the timing, all such docks shall be maintained pursuant to all applicable Town codes and building codes for construction and maintenance of docks.

(14) No dock or portion of a dock, including any dock accessory structure, vessel-lifting device, or dolphin piling, shall be located closer than twenty-five (25) feet to any other dock or portion thereof or any other dock's accessory structure, vessel-lifting device, or dolphin pilings or to any other lot or lot of record to which such dock is not accessory or to the closest portion of the side lot lines of the lot or lot of record from which the dock projects or the waterward projection or extension of such side lot lines; except a shorter setback of up to not less than fifteen (15) feet may be permitted only to the extent necessary in order for the dock to be permitted by any other governmental body or agency having jurisdiction due to the location of sea grasses or due to the depth of the water or due to any other Town recognized environmental concern or matter.

(15) Each dock shall have a light at its terminus and all light(s) installed shall be maintained in good working order, shall cast a clear white or yellow light, and shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens. All dock lights shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(C) Docking boats.

(1) No boat, ship or water vessel exceeding in length fifty (50) percent of the bulkhead length of any lot shall be docked at any dock on or projecting from such lot.

(2) No portion of any docked boat, ship or water vessel shall project closer than twenty (20) feet to the closest portions of the side lot line of any lot or lot of record to which such dock is accessory or the waterward projection or extension of such side lot lines or closer than twenty (20) feet to any lot or lot of record to which such dock is not accessory.

(3) The total of the length of any and all boats, ships or water vessels docked at any dock at any given time shall not exceed in length fifty (50) percent of the bulkhead length of the lot to which such dock is accessory and in no event shall any more than three (3) boats, ships or water vessels be docked at, tied to or rafted to any dock at any one time.

(4) No boat, ship or water vessel keel or hull may be supported, elevated, suspended or otherwise placed or maintained more than twelve (12) inches above the surface of and out of the water at high tide.

(5) No boat, ship or water vessel or any part thereof shall be placed, stored, or maintained upon the surface of any dock.

(6) Houseboats are strictly prohibited.

(D) Fishing piers. A fishing pier is permitted as an accessory use and structure only where a dock is not established and cannot be established in conformance with all applicable statutes, ordinances, rules and regulations. No pier shall be located, erected, construction, added on to, expanded, extended, replaced, reconstructed or altered upon or projection from any lot or lot of record unless in strict conformance with the following and all other applicable statutes, ordinances, rules and regulations.

(1) No piers other than fishing piers are permitted.

(2) No fishing pier shall project waterward from any lot, lot of record or seawall, whichever is less, more than twenty (20) feet, provided, however, if the terminus of such fishing pier is unable to project six (6) feet beyond the mean high water line or the boles (trunks) of any proximate (within ten (10) feet) mangroves, then the length of such fishing pier may be extended waterward so its terminus does reach six (6) feet of length beyond such mean high water

- line or boles of such proximate mangroves, whichever is further, but in no event shall any fishing pier project waterward more than thirty-five (35) feet.
- (3) The width of the surface of each fishing pier shall be four (4) feet, no less and no more; and no portion of any fishing pier, except its integrated structural piling, shall horizontally project beyond the surface or perpendicular plane of the edge of the surface.
- (4) The stem of each fishing pier shall be straight from beginning to end (terminus).
- (5) The stem of each fishing pier shall be centered on the lot line of the lot or lot of record from which it projects waterward, or within ten (10) feet of such center point.
- (6) The stem of each fishing pier shall be perpendicular to the seawall or, if no seawall, perpendicular to the average projection of the lot or lot of record running parallel to the water.
- (7) No fishing pier finger or other projection shall extend from the stem of a fishing pier unless it is in a "T" or "L" configuration located at the furthest waterward projection of the fishing pier, the total waterward projection of the stem and "T" or "L" addition not to exceed the maximum waterward projection allowed, and the total dimensions of such terminus not to exceed twelve (12) feet in length at the required four (4) feet in width for a maximum total area of forty-eight (48) square feet.
- (8) The surface of any fishing pier shall not project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (9) Only hand rail facilities with stanchions and hand rails not exceeding in diameter one and one-half (1½) inches and with attached required lighting shall project in height above the surface of the fishing pier. Fishing pier pilings shall not project above the surface of the fishing pier. The hand rail facility may include intermediate rail(s) or cable(s) parallel to and between the hand rail and surface of the fishing pier.

- (10) Hand rail facilities shall enclose the fishing pier in its entirety. Hand rail facilities shall be as inconspicuous as practicable. Hand rails shall be forty-two (42) inches, no more and no less, above the surface of the fishing pier and shall be designed, constructed and maintained for only the following purposes: safety, precluding use of the fishing pier as a dock, and providing as little visual and aesthetic impact as possible. Hand rails shall be and be maintained without break or interruption.
- (11) No ladders, either fixed or removable, shall be permitted except one (1) safety ladder may be attached to or built into the fishing pier piling immediately landward of either the mean high water line or seaward of the boles of any proximate mangroves, whichever is more seaward.
- (12) No boat or watercraft shall be permitted to be tied to, elevated at or from, or moored on, at or under any fishing pier at any time.
- (13) No gear, trash receptacle, equipment, boat or watercraft or other personal property shall be permitted in or on any fishing pier, provided, however, fishing tackle and gear are permitted only so long as the fishing pier is in fact actually in use for fishing by a fisherperson.
- (14) Only one (1) bench placed at the terminus of a fishing pier is permitted, provided such bench is no more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (15) No fish cleaning tables are permitted in or on any fishing pier.
- (16) Fishing pier color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
- (17) Fishing piers are permitted to be accessory uses and accessory structures only and no more than one (1) fishing pier as an accessory use and structure may be on or project from any lot or lot of record.
- (18) No fishing pier or portion of a fishing pier shall be located closer than twenty-five (25) feet to any other fishing pier or portion thereof or any dock or portion thereof or any dolphin pilings for any dock or to any other lot or lot of record to which such fishing pier is not accessory or to the closest portion of the side

lot line of the lot or lot of record from which the dock projects or the waterward projection or extension of such lot line.

(19) Each fishing pier shall have solely and only one (1) light, which light shall be located at its terminus, shall be maintained in good working order, shall cast a clear white or yellow light, not to exceed sixty (60) watts, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project over the fishing pier surface higher than forty-eight (48) inches, shall be connected to a post of the hand railing and shall deflect not less than forty-five (45) degrees down.

(20) No utilities other than electric service solely and only for the required one (1) light shall be allowed in, on or attached to any fishing pier.

3. BULKHEAD LINE.

No structures shall be located, erected or constructed seaward of any established bulkhead or bulkhead line, except erosion control devices such as bulkheads, groins or jetties.

Sec. 151.588 WATERWAY ZONE W-4 (Lands End Road, South End East Side Only, 1620 through 1640 - Zoning District R1-D, Formerly R1-F).

1. BOATS AND TRAILERS.

No boats or trailers of any kind shall be kept, maintained or stored on any lot or lot of record except within an enclosed garage or except when docked or moored. These restrictions shall not apply to the storage of non-motorized boats (by way of example and not limitation, kayaks and paddle-boards) which are either screened from the view of abutting neighbors or residences located on the opposite waterbody bank, or which are kept on or adjacent to a dock or seawall.

2. BOATHOUSES; DOCKS.

A. *Boathouses.* Boathouses are not permitted.

B. *Docks.* No dock shall be located, erected, constructed, added on to, expanded, extended, replaced, reconstructed or altered upon or projecting from any lot or lot of record unless in strict conformance with DEP and ACOE permit regulations. A permit from these agencies is required prior to issuance of a permit by the Town.

Additionally, the construction, alteration and the like of all docks must meet the following Town regulations:

(1) Docks shall project a minimum length necessary to reach a terminus and mooring area located in a water depth of three (3) feet at mean low water (MLW) evidenced by bathymetric surveys, and may project no more than thirty-five (35) feet inclusive of dolphin pilings for lots 1620—1640 as depicted on the Official Town Zoning Map.

(a) The required bathymetric surveys shall be taken from the seawall of the subject lot out across the water for a distance sufficient to demonstrate the width of the navigable waterway or channel (as defined in Section 151.003) in order to demonstrate that the dock in question will not prevent passage through the waterway or channel.

(b) Three (3) bathymetric surveys, one (1) each, shall be taken parallel to and originating from each lot line and the point from which the dock is to project in order to meet the above requirements.

(2) Notwithstanding the minimum and maximum dock lengths provided for this zoning district, no dock shall project waterward to the extent where its terminus and mooring area with associated boatlift(s), dolphin and other piling project into any U.S. Coast Guard defined and marked navigational channel or charted navigational channel.

(3) Conventional docks including the stem shall be centered on the lot or lot of record or within ten (10) feet of such center point and shall run parallel with the side lot lines of the lot or lot of record on which it is located. On a lot or lot of record having a width of three hundred (300) feet or greater, the proposed dock need not be centered but the dock and any portion of the dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, must be setback no less than fifty (50) feet from the extended side lot line of any lot or lot of record from which such dock projects.

(4) No dock finger or projection shall extend from the stem of a dock unless it is in a "T" or "L" configuration located at the furthest waterward projection of the dock, the total waterward projection of the stem and "T" or "L" addition not to

- exceed the maximum waterward projection specified herein above with the maximum terminus width limited to fifty (50) feet. However, if the subject dock projects from a lot or lot of record having a width greater than or equal to three hundred (300) feet, a maximum dock terminus width of seventy-five (75) feet shall be permitted so long as the dock or any portion of the dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, is setback at least fifty (50) feet from the extended side lot lines.
- (5) Davits are not permitted; other dock accessory structures and vessel-lifting devices (boat elevators, boatlifts, platforms, and personal watercraft lifts) are permitted. Those dock accessory structures consisting of a flat surface or platform shall be included in all calculations related to a dock's size, location, maximum allowable width, and compliance with side setbacks. Those dock accessory structures or vessel-lifting devices of a conventional design that generally consist of separate beams or rails supported by pilings (including boatlifts, boat elevators, and personal watercraft lifts) shall only be included in calculations related to a dock's maximum allowable width, and compliance with side setbacks. The limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to any dock accessory structure or vessel-lifting device as part of the conventional or floating dock.
- (6) No gear, trash receptacle or equipment shall be permitted on any dock. Equipment specifically excludes power stations, fueling stations, ladders, water hoses, mooring lines, whips and bumper cushions.
- (7) Dock boxes may be used but only attached abutting the seawall or located at the landward dock extremity; no dock box may be higher than thirty (30) inches and greater than twenty-four (24) cubic feet.
- (8) Only one (1) bench placed on a dock is permitted provided such bench is not more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (9) Dock color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.

- (10) No surface of any dock shall be constructed or project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (11) Floating docks are permissible, provided the following regulations are met:
- (a) The width of the surface of each floating dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet with a total length not to exceed fourteen (14) feet except for concrete floating docks which shall not exceed eight (8) feet in width and fourteen (14) feet in length.
- (b) Each floating dock shall have a light positioned on a post located at each corner that projects into the water. Each light installed shall be maintained in good working order, shall cast a clear white or yellow light, shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.
- (c) A licensed engineer shall certify that each floating dock shall be designed and constructed to meet the same standards applicable to conventional, stationary docks as related to the dock's ability to withstand the effects of a storm event.
- (d) Each floating dock shall be designed so as to incorporate neoprene rollers, rubber washers or similar noise reduction components in all hinges and connections and between all parts of the dock to prevent any noise; and all pilings supporting the floating dock shall be positioned on the inside of the dock.
- (e) A floating dock attached to, adjacent to, or associated with a conventional dock shall be considered one (1) dock. As such, the aggregate length of the conventional dock and floating dock shall not exceed the allowable maximum length set forth elsewhere in this section, and the limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock

location shall be applied to the floating dock as part of the conventional dock.

- (12) No dock, dolphin pilings and/or boat or water vessel attached to it shall prevent passage through any navigable water channel or way as evidenced by bathymetric surveys which shall indicate the location and width of any navigable channel or way with respect to such dock.
- (13) Docks are permitted to be accessory uses only and no more than one (1) dock, as an accessory use, may be on or project from any lot or lot of record. See also the definition of "ACCESSORY USE or BUILDINGS or STRUCTURES", and "DOCK". Any dock that is constructed prior to the principal single family residence or that remains on an otherwise vacant lot or lot of record may be used only by the owner of said lot or lot of record, and may only remain and be so used for a maximum of two years prior to the issuance of a certificate of occupancy for the principal single family residence. The Town Commission may extend the two-year limit when a public need for such extension has been demonstrated to the satisfaction of the Town Commission, on a case-by-case basis. The two-year period shall commence on the date that the Building Official issues a certificate of completion for the dock on the otherwise vacant lot. Regardless of the timing, all such docks shall be maintained pursuant to all applicable Town codes and building codes for construction and maintenance of docks.
- (14) No dock or portion of a dock, including any dock accessory structure, vessel-lifting device, or dolphin piling, shall be located closer than twenty-five (25) feet to any other dock or portion thereof or any other dock's accessory structure, vessel-lifting device, or dolphin pilings or to any other lot or lot of record to which such dock is not accessory or to the closest portion of the side lot lines of the lot or lot of record from which the dock projects or the waterward projection or extension of such side lot lines; except a shorter setback of up to not less than fifteen (15) feet may be permitted only to the extent necessary in order for the dock to be permitted by any other governmental body or agency having

jurisdiction due to the location of sea grasses or due to the depth of the water or due to any other Town recognized environmental concern or matter.

(15) Each dock shall have a light at its terminus and all light(s) installed shall be maintained in good working order, shall cast a clear white or yellow light, and shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens. All dock lights shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(C) Docking boats.

(1) No boat, ship or water vessel exceeding in length fifty (50) percent of the bulkhead length of any lot shall be docked at any dock on or projecting from such lot.

(2) No portion of any docked boat, ship or water vessel shall project closer than twenty (20) feet to the closest portions of the side lot line of any lot or lot of record to which such dock is accessory or the waterward projection or extension of such side lot lines or closer than twenty (20) feet to any lot or lot of record to which such dock is not accessory.

(3) The total of the length of any and all boats, ships or water vessels docked at any dock at any given time shall not exceed in length fifty (50) percent of the bulkhead length of the lot to which such dock is accessory and in no event shall any more than three (3) boats, ships or water vessels be docked at, tied to or rafted to any dock at any one time.

(4) No boat, ship or water vessel keel or hull may be supported, elevated, suspended or otherwise placed or maintained more than twelve (12) inches above the surface of and out of the water at high tide.

(5) No boat, ship or water vessel or any part thereof shall be placed, stored, or maintained upon the surface of any dock.

(6) Houseboats are strictly prohibited.

(D) Fishing piers. A fishing pier is permitted as an accessory use and structure only where a dock is not established and cannot be established in conformance with all applicable statutes, ordinances, rules and regulations. No pier shall be located, erected, construction, added on to, expanded, extended, replaced, reconstructed or altered upon or projection from any lot or lot of record unless in strict conformance with the following and all other applicable statutes, ordinances, rules and regulations.

(1) No piers other than fishing piers are permitted.

(2) No fishing pier shall project waterward from any lot, lot of record or seawall, whichever is less, more than twenty (20) feet, provided, however, if the terminus of such fishing pier is unable to project six (6) feet beyond the mean high water line or the boles (trunks) of any proximate (within ten (10) feet) mangroves, then the length of such fishing pier may be extended waterward so its terminus does reach six (6) feet of length beyond such mean high water line or boles of such proximate mangroves, whichever is further, but in no event shall any fishing pier project waterward more than thirty-five (35) feet.

(3) The width of the surface of each fishing pier shall be four (4) feet, no less and no more; and no portion of any fishing pier, except its integrated structural piling, shall horizontally project beyond the surface or perpendicular plane of the edge of the surface.

(4) The stem of each fishing pier shall be straight from beginning to end (terminus).

(5) The stem of each fishing pier shall be centered on the lot line of the lot or lot of record from which it projects waterward, or within ten (10) feet of such center point.

(6) The stem of each fishing pier shall be perpendicular to the seawall or, if no seawall, perpendicular to the average projection of the lot or lot of record running parallel to the water.

(7) No fishing pier finger or other projection shall extend from the stem of a fishing pier unless it is in a "T" or "L" configuration located at the furthest waterward projection of the fishing pier, the total waterward projection of the stem and

- "T" or "L" addition not to exceed the maximum waterward projection allowed, and the total dimensions of such terminus not to exceed twelve (12) feet in length at the required four (4) feet in width for a maximum total area of forty-eight (48) square feet.
- (8) The surface of any fishing pier shall not project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (9) Only hand rail facilities with stanchions and hand rails not exceeding in diameter one and one-half (1½) inches and with attached required lighting shall project in height above the surface of the fishing pier. Fishing pier pilings shall not project above the surface of the fishing pier. The hand rail facility may include intermediate rail(s) or cable(s) parallel to and between the hand rail and surface of the fishing pier.
- (10) Hand rail facilities shall enclose the fishing pier in its entirety. Hand rail facilities shall be as inconspicuous as practicable. Hand rails shall be forty-two (42) inches, no more and no less, above the surface of the fishing pier and shall be designed, constructed and maintained for only the following purposes: safety, precluding use of the fishing pier as a dock, and providing as little visual and aesthetic impact as possible. Hand rails shall be and be maintained without break or interruption.
- (11) No ladders, either fixed or removable, shall be permitted except one (1) safety ladder may be attached to or built into the fishing pier piling immediately landward of either the mean high water line or seaward of the boles of any proximate mangroves, whichever is more seaward.
- (12) No boat or watercraft shall be permitted to be tied to, elevated at or from, or moored on, at or under any fishing pier at any time.
- (13) No gear, trash receptacle, equipment, boat or watercraft or other personal property shall be permitted in or on any fishing pier, provided, however, fishing tackle and gear are permitted only so long as the fishing pier is in fact actually in use for fishing by a fisherperson.

- (14) Only one (1) bench placed at the terminus of a fishing pier is permitted, provided such bench is no more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (15) No fish cleaning tables are permitted in or on any fishing pier.
- (16) Fishing pier color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
- (17) Fishing piers are permitted to be accessory uses and accessory structures only and no more than one (1) fishing pier as an accessory use and structure may be on or project from any lot or lot of record.
- (18) No fishing pier or portion of a fishing pier shall be located closer than twenty-five (25) feet to any other fishing pier or portion thereof or any dock or portion thereof or any dolphin pilings for any dock or to any other lot or lot of record to which such fishing pier is not accessory or to the closest portion of the side lot line of the lot or lot of record from which the dock projects or the waterward projection or extension of such lot line.
- (19) Each fishing pier shall have solely and only one (1) light, which light shall be located at its terminus, shall be maintained in good working order, shall cast a clear white or yellow light, not to exceed sixty (60) watts, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project over the fishing pier surface higher than forty-eight (48) inches, shall be connected to a post of the hand railing and shall deflect not less than forty-five (45) degrees down.
- (20) No utilities other than electric service solely and only for the required one (1) light shall be allowed in, on or attached to any fishing pier.

3. BULKHEAD LINE.

No structures shall be located, erected or constructed seaward of any established bulkhead or bulkhead line, except erosion control devices such as bulkheads, groins or jetties.

Sec. 151.589 WATERWAY ZONE W-5 (Lands End Road, South End East Side Only, Lot 1520 - Zoning District R1-D, Formerly R1-F).

1. BOATS AND TRAILERS.

No boats or trailers of any kind shall be kept, maintained or stored on any lot or lot of record except within an enclosed garage or except when docked or moored. These restrictions shall not apply to the storage of non-motorized boats (by way of example and not limitation, kayaks and paddle-boards) which are either screened from the view of abutting neighbors or residences located on the opposite waterbody bank, or which are kept on or adjacent to a dock or seawall.

2. BOATHOUSES; DOCKS.

A. Boathouses. Boathouses are not permitted.

B. Docks. No dock shall be located, erected, constructed, added on to, expanded, extended, replaced, reconstructed or altered upon or projecting from any lot or lot of record unless in strict conformance with DEP and ACOE permit regulations. A permit from these agencies is required prior to issuance of a permit by the Town. Additionally, the construction, alteration and the like of all docks must meet the following Town regulations:

(1) Docks shall project a minimum length necessary to reach a terminus and mooring area located in a water depth of three (3) feet at mean low water (MLW) evidenced by bathymetric surveys, and may project no more than twenty (20) feet not inclusive of dolphin pilings for lot 1520 as depicted on the Official Town Zoning Map.

(a) The required bathymetric surveys shall be taken from the seawall of the subject lot out across the water for a distance sufficient to demonstrate the width of the navigable waterway or channel (as defined in Section 151.003) in order to demonstrate that the dock in question will not prevent passage through the waterway or channel.

(b) Three (3) bathymetric surveys, one (1) each, shall be taken parallel to and originating from each lot line and the point from which the dock is to project in order to meet the above requirements.

(2) Notwithstanding the minimum and maximum dock lengths provided for this zoning district, no dock shall project waterward to the extent where its terminus and mooring area with associated boatlift(s), dolphin and other piling project

into any U.S. Coast Guard defined and marked navigational channel or chartered navigational channel.

- (3) Conventional docks including the stem shall be centered on the lot or lot of record or within ten (10) feet of such center point and shall run parallel with the side lot lines of the lot or lot of record on which it is located. On a lot or lot of record having a width of three hundred (300) feet or greater, the proposed dock need not be centered but the dock and any portion of the dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, must be setback no less than fifty (50) feet from the extended side lot line of any lot or lot of record from which such dock projects.
- (4) No dock finger or projection shall extend from the stem of a dock unless it is in a "T" or "L" configuration located at the furthest waterward projection of the dock, the total waterward projection of the stem and "T" or "L" addition not to exceed the maximum waterward projection specified herein above with the maximum terminus width limited to fifty (50) feet. However, if the subject dock projects from a lot or lot of record having a width greater than or equal to three hundred (300) feet, a maximum dock terminus width of seventy-five (75) feet shall be permitted so long as the dock or any portion of the dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, is setback at least fifty (50) feet from the extended side lot lines.
- (5) Davits are not permitted; other dock accessory structures and vessel-lifting devices (boat elevators, boatlifts, platforms, and personal watercraft lifts) are permitted. Those dock accessory structures consisting of a flat surface or platform shall be included in all calculations related to a dock's size, location, maximum allowable width, and compliance with side setbacks. Those dock accessory structures or vessel-lifting devices of a conventional design that generally consist of separate beams or rails supported by pilings (including boatlifts, boat elevators, and personal watercraft lifts) shall only be included in calculations related to a dock's maximum allowable width, and compliance with side setbacks. The limits on dolphin pilings, gear, trash receptacles, equipment,

- boxes, benches, color and dock location shall be applied to any dock accessory structure or vessel-lifting device as part of the conventional or floating dock.
- (6) No gear, trash receptacle or equipment shall be permitted on any dock. Equipment specifically excludes power stations, fueling stations, ladders, water hoses, mooring lines, whips and bumper cushions.
- (7) Dock boxes may be used but only attached abutting the seawall or located at the landward dock extremity; no dock box may be higher than thirty (30) inches and greater than twenty-four (24) cubic feet.
- (8) Only one (1) bench placed on a dock is permitted provided such bench is not more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (9) Dock color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
- (10) No surface of any dock shall be constructed or project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (11) Floating docks are permissible, provided the following regulations are met:
- (a) The width of the surface of each floating dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet with a total length not to exceed fourteen (14) feet except for concrete floating docks which shall not exceed eight (8) feet in width and fourteen (14) feet in length.
- (b) Each floating dock shall have a light positioned on a post located at each corner that projects into the water. Each light installed shall be maintained in good working order, shall cast a clear white or yellow light, shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

- (c) A licensed engineer shall certify that each floating dock shall be designed and constructed to meet the same standards applicable to conventional, stationary docks as related to the dock's ability to withstand the effects of a storm event.
- (d) Each floating dock shall be designed so as to incorporate neoprene rollers, rubber washers or similar noise reduction components in all hinges and connections and between all parts of the dock to prevent any noise; and all pilings supporting the floating dock shall be positioned on the inside of the dock.
- (e) A floating dock attached to, adjacent to, or associated with a conventional dock shall be considered one (1) dock. As such, the aggregate length of the conventional dock and floating dock shall not exceed the allowable maximum length set forth elsewhere in this section, and the limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to the floating dock as part of the conventional dock.
- (12) No dock, dolphin pilings and/or boat or water vessel attached to it shall prevent passage through any navigable water channel or way as evidenced by bathymetric surveys which shall indicate the location and width of any navigable channel or way with respect to such dock.
- (13) Docks are permitted to be accessory uses only and no more than one (1) dock, as an accessory use, may be on or project from any lot or lot of record. See also the definition of "ACCESSORY USE or BUILDINGS or STRUCTURES", and "DOCK". Any dock that is constructed prior to the principal single family residence or that remains on an otherwise vacant lot or lot of record may be used only by the owner of said lot or lot of record, and may only remain and be so used for a maximum of two years prior to the issuance of a certificate of occupancy for the principal single family residence. The Town Commission may extend the two-year limit when a public need for such extension has been demonstrated to the satisfaction of the Town Commission, on a case-by-case basis. The two-year period shall commence on the date that the Building Official

issues a certificate of completion for the dock on the otherwise vacant lot. Regardless of the timing, all such docks shall be maintained pursuant to all applicable Town codes and building codes for construction and maintenance of docks.

(14) No dock or portion of a dock, including any dock accessory structure, vessel-lifting device, or dolphin piling, shall be located closer than twenty-five (25) feet to any other dock or portion thereof or any other dock's accessory structure, vessel-lifting device, or dolphin pilings or to any other lot or lot of record to which such dock is not accessory or to the closest portion of the side lot lines of the lot or lot of record from which the dock projects or the waterward projection or extension of such side lot lines; except a shorter setback of up to not less than fifteen (15) feet may be permitted only to the extent necessary in order for the dock to be permitted by any other governmental body or agency having jurisdiction due to the location of sea grasses or due to the depth of the water or due to any other Town recognized environmental concern or matter.

(15) Each dock shall have a light at its terminus and all light(s) installed shall be maintained in good working order, shall cast a clear white or yellow light, and shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens. All dock lights shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(C) Docking boats.

(1) No boat, ship or water vessel exceeding in length fifty (50) percent of the bulkhead length of any lot shall be docked at any dock on or projecting from such lot.

(2) No portion of any docked boat, ship or water vessel shall project closer than twenty (20) feet to the closest portions of the side lot line of any lot or lot of record to which such dock is accessory or the waterward projection or

extension of such side lot lines or closer than twenty (20) feet to any lot or lot of record to which such dock is not accessory.

(3) The total of the length of any and all boats, ships or water vessels docked at any dock at any given time shall not exceed in length fifty (50) percent of the bulkhead length of the lot to which such dock is accessory and in no event shall any more than three (3) boats, ships or water vessels be docked at, tied to or rafted to any dock at any one time.

(4) No boat, ship or water vessel keel or hull may be supported, elevated, suspended or otherwise placed or maintained more than twelve (12) inches above the surface of and out of the water at high tide.

(5) No boat, ship or water vessel or any part thereof shall be placed, stored, or maintained upon the surface of any dock.

(6) Houseboats are strictly prohibited.

(D) Fishing piers. A fishing pier is permitted as an accessory use and structure only where a dock is not established and cannot be established in conformance with all applicable statutes, ordinances, rules and regulations. No pier shall be located, erected, construction, added on to, expanded, extended, replaced, reconstructed or altered upon or projection from any lot or lot of record unless in strict conformance with the following and all other applicable statutes, ordinances, rules and regulations.

(1) No piers other than fishing piers are permitted.

(2) No fishing pier shall project waterward from any lot, lot of record or seawall, whichever is less, more than twenty (20) feet, provided, however, if the terminus of such fishing pier is unable to project six (6) feet beyond the mean high water line or the boles (trunks) of any proximate (within ten (10) feet) mangroves, then the length of such fishing pier may be extended waterward so its terminus does reach six (6) feet of length beyond such mean high water line or boles of such proximate mangroves, whichever is further, but in no event shall any fishing pier project waterward more than thirty-five (35) feet.

(3) The width of the surface of each fishing pier shall be four (4) feet, no less and no more; and no portion of any fishing pier, except its integrated structural

- piling, shall horizontally project beyond the surface or perpendicular plane of the edge of the surface.
- (4) The stem of each fishing pier shall be straight from beginning to end (terminus).
 - (5) The stem of each fishing pier shall be centered on the lot line of the lot or lot of record from which it projects waterward, or within ten (10) feet of such center point.
 - (6) The stem of each fishing pier shall be perpendicular to the seawall or, if no seawall, perpendicular to the average projection of the lot or lot of record running parallel to the water.
 - (7) No fishing pier finger or other projection shall extend from the stem of a fishing pier unless it is in a "T" or "L" configuration located at the furthest waterward projection of the fishing pier, the total waterward projection of the stem and "T" or "L" addition not to exceed the maximum waterward projection allowed, and the total dimensions of such terminus not to exceed twelve (12) feet in length at the required four (4) feet in width for a maximum total area of forty-eight (48) square feet.
 - (8) The surface of any fishing pier shall not project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
 - (9) Only hand rail facilities with stanchions and hand rails not exceeding in diameter one and one-half (1½) inches and with attached required lighting shall project in height above the surface of the fishing pier. Fishing pier pilings shall not project above the surface of the fishing pier. The hand rail facility may include intermediate rail(s) or cable(s) parallel to and between the hand rail and surface of the fishing pier.
 - (10) Hand rail facilities shall enclose the fishing pier in its entirety. Hand rail facilities shall be as inconspicuous as practicable. Hand rails shall be forty-two (42) inches, no more and no less, above the surface of the fishing pier and shall be designed, constructed and maintained for only the following purposes: safety, precluding use of the fishing pier as a dock, and providing

- as little visual and aesthetic impact as possible. Hand rails shall be and be maintained without break or interruption.
- (11) No ladders, either fixed or removable, shall be permitted except one (1) safety ladder may be attached to or built into the fishing pier piling immediately landward of either the mean high water line or seaward of the boles of any proximate mangroves, whichever is more seaward.
 - (12) No boat or watercraft shall be permitted to be tied to, elevated at or from, or moored on, at or under any fishing pier at any time.
 - (13) No gear, trash receptacle, equipment, boat or watercraft or other personal property shall be permitted in or on any fishing pier, provided, however, fishing tackle and gear are permitted only so long as the fishing pier is in fact actually in use for fishing by a fisherperson.
 - (14) Only one (1) bench placed at the terminus of a fishing pier is permitted, provided such bench is no more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
 - (15) No fish cleaning tables are permitted in or on any fishing pier.
 - (16) Fishing pier color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
 - (17) Fishing piers are permitted to be accessory uses and accessory structures only and no more than one (1) fishing pier as an accessory use and structure may be on or project from any lot or lot of record.
 - (18) No fishing pier or portion of a fishing pier shall be located closer than twenty-five (25) feet to any other fishing pier or portion thereof or any dock or portion thereof or any dolphin pilings for any dock or to any other lot or lot of record to which such fishing pier is not accessory or to the closest portion of the side lot line of the lot or lot of record from which the dock projects or the waterward projection or extension of such lot line.
 - (19) Each fishing pier shall have solely and only one (1) light, which light shall be located at its terminus, shall be maintained in good working order, shall cast a clear white or yellow light, not to exceed sixty (60) watts, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project

over the fishing pier surface higher than forty-eight (48) inches, shall be connected to a post of the hand railing and shall deflect not less than forty-five (45) degrees down.

(20) No utilities other than electric service solely and only for the required one (1) light shall be allowed in, on or attached to any fishing pier.

3. BULKHEAD LINE.

No structures shall be located, erected or constructed seaward of any established bulkhead or bulkhead line, except erosion control devices such as bulkheads, groins or jetties.

Sec. 151.590 WATERWAY ZONE W-6 (Lands End Road Between Audubon Causeway and Churchill Way, East Side Only, 1400 through 1500 - Zoning District R1-D).

1. BOATS AND TRAILERS.

No boats or trailers of any kind shall be kept, maintained or stored on any lot or lot of record except within an enclosed garage or except when docked or moored. These restrictions shall not apply to the storage of non-motorized boats (by way of example and not limitation, kayaks and paddle-boards) which are either screened from the view of abutting neighbors or residences located on the opposite waterbody bank, or which are kept on or adjacent to a dock or seawall.

2. BOATHOUSES; DOCKS.

A. *Boathouses.* Boathouses are not permitted.

B. *Docks.* No dock shall be located, erected, constructed, added on to, expanded, extended, replaced, reconstructed or altered upon or projecting from any lot or lot of record unless in strict conformance with DEP and ACOE permit regulations. A permit from these agencies is required prior to issuance of a permit by the Town. Additionally, the construction, alteration and the like of all docks must meet the following Town regulations:

(1) Lots 1400-1500 located East of Lands End Road in Manatee Cove as depicted on the Town Zoning map may have only marginal docks that project waterward a maximum width of five (5) feet from the lot or lot of record or seawall.

- whichever is less. Marginal docks shall be centered on, and shall run parallel to the seawall of the lot or lot of record on which it is located. However, on a lot or lot of record having a width of three hundred (300) feet or greater, the proposed dock need not be centered but the dock and any portion of the dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, must be setback no less than fifty (50) feet from the extended side lot line of any lot or lot of record from which such dock projects.
- (2) Davits are not permitted; other dock accessory structures and vessel-lifting devices (boat elevators, boatlifts, platforms, and personal watercraft lifts) are permitted. However, for those lots surrounding Manatee Cove (lots 1400—1500 located north of Audubon Causeway as depicted on the Town Zoning map) any boat elevators and lifts shall be limited to the two (2) post variety which are attached or mounted to the side of the five (5) foot marginal dock or seawall itself and do not require water-ward pilings for support. Four (4) post boat elevators and lifts are strictly prohibited within Manatee Cove. Those dock accessory structures consisting of a flat surface or platform shall be included in all calculations related to a dock's size, location, maximum allowable width, and compliance with side setbacks. Those dock accessory structures or vessel-lifting devices of a conventional design that generally consist of separate beams or rails supported by pilings (including boatlifts, boat elevators, and personal watercraft lifts) shall only be included in calculations related to a dock's maximum allowable width, and compliance with side setbacks. The limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to any dock accessory structure or vessel-lifting device as part of the conventional or floating dock.
- (3) No gear, trash receptacle or equipment shall be permitted on any dock. Equipment specifically excludes power stations, fueling stations, ladders, water hoses, mooring lines, whips and bumper cushions.
- (4) Dock boxes may be used but only attached abutting the seawall or located at the landward dock extremity; no dock box may be higher than thirty (30) inches and greater than twenty-four (24) cubic feet.

- (5) Only one (1) bench placed on a dock is permitted provided such bench is not more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (6) Dock color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
- (7) No surface of any dock shall be constructed or project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (8) Floating docks are prohibited.
- (9) No dock, dolphin pilings and/or boat or water vessel attached to it shall prevent passage through any navigable water channel or way as evidenced by bathymetric surveys which shall indicate the location and width of any navigable channel or way with respect to such dock.
- (10) Docks are permitted to be accessory uses only and no more than one (1) dock, as an accessory use, may be on or project from any lot or lot of record. See also the definition of "ACCESSORY USE or BUILDINGS or STRUCTURES", and "DOCK". Any dock that is constructed prior to the principal single family residence or that remains on an otherwise vacant lot or lot of record may be used only by the owner of said lot or lot of record, and may only remain and be so used for a maximum of two years prior to the issuance of a certificate of occupancy for the principal single family residence. The Town Commission may extend the two-year limit when a public need for such extension has been demonstrated to the satisfaction of the Town Commission, on a case-by-case basis. The two-year period shall commence on the date that the Building Official issues a certificate of completion for the dock on the otherwise vacant lot. Regardless of the timing, all such docks shall be maintained pursuant to all applicable Town codes and building codes for construction and maintenance of docks.
- (11) No dock or portion of a dock, including any dock accessory structure, vessel-lifting device, or dolphin piling, shall be located closer than twenty-five (25) feet to any other dock or portion thereof or any other dock's accessory structure.

vessel-lifting device, or dolphin pilings or to any other lot or lot of record to which such dock is not accessory or to the closest portion of the side lot lines of the lot or lot of record from which the dock projects or the waterward projection or extension of such side lot lines; except a shorter setback of up to not less than fifteen (15) feet may be permitted only to the extent necessary in order for the dock to be permitted by any other governmental body or agency having jurisdiction due to the location of sea grasses or due to the depth of the water or due to any other Town recognized environmental concern or matter.

(12) Each dock shall have a light at its terminus and all light(s) installed shall be maintained in good working order, shall cast a clear white or yellow light, and shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens. All dock lights shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(C) Docking boats.

(1) No boat, ship or water vessel exceeding in length fifty (50) percent of the bulkhead length of any lot shall be docked at any dock on or projecting from such lot.

(2) No portion of any docked boat, ship or water vessel shall project closer than twenty (20) feet to the closest portions of the side lot line of any lot or lot of record to which such dock is accessory or the waterward projection or extension of such side lot lines or closer than twenty (20) feet to any lot or lot of record to which such dock is not accessory.

(3) The total of the length of any and all boats, ships or water vessels docked at any dock at any given time shall not exceed in length fifty (50) percent of the bulkhead length of the lot to which such dock is accessory and in no event shall any more than three (3) boats, ships or water vessels be docked at, tied to or rafted to any dock at any one time.

(4) No boat, ship or water vessel keel or hull may be supported, elevated, suspended or otherwise placed or maintained more than twelve (12) inches above the surface of and out of the water at high tide.

(5) No boat, ship or water vessel or any part thereof shall be placed, stored, or maintained upon the surface of any dock.

(6) Houseboats are strictly prohibited.

3. BULKHEAD LINE.

No structures shall be located, erected or constructed seaward of any established bulkhead or bulkhead line, except erosion control devices such as bulkheads, groins or jetties.

Sec. 151.591 WATERWAY ZONE W-7 (Spoonbill Road and the North side of Audubon Causeway Excluding Lot 1500 - Zoning District R1-D).

1. BOATS AND TRAILERS.

No boats or trailers of any kind shall be kept, maintained or stored on any lot or lot of record except within an enclosed garage or except when docked or moored. These restrictions shall not apply to the storage of non-motorized boats (by way of example and not limitation, kayaks and paddle-boards) which are either screened from the view of abutting neighbors or residences located on the opposite waterbody bank, or which are kept on or adjacent to a dock or seawall.

2. BOATHOUSES; DOCKS.

A. *Boathouses.* Boathouses are not permitted.

B. *Docks.* No dock shall be located, erected, constructed, added on to, expanded, extended, replaced, reconstructed or altered upon or projecting from any lot or lot of record unless in strict conformance with DEP and ACOE permit regulations. A permit from these agencies is required prior to issuance of a permit by the Town. Additionally, the construction, alteration and the like of all docks must meet the following Town regulations:

(1) Lots located on Spoonbill Road and on the north side of Audubon Causeway (excluding lot 1500) as depicted on the Town Zoning map may have only marginal docks that project waterward a maximum width of five (5) feet from

the lot or lot of record or seawall, whichever is less. Marginal docks shall be centered on, and shall run parallel to the seawall of the lot or lot of record on which it is located. However, on a lot or lot of record having a width of three hundred (300) feet or greater, the proposed dock need not be centered but the dock and any portion of the dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, must be setback no less than fifty (50) feet from the extended side lot line of any lot or lot of record from which such dock projects.

- (2) Davits are not permitted; other dock accessory structures and vessel-lifting devices (boat elevators, boatlifts, platforms, and personal watercraft lifts) are permitted. However, for those lots surrounding Manatee Cove (lots 20—120 all located north of Audubon Causeway and west of Spoonbill Road as depicted on the Town Zoning map) any boat elevators and lifts shall be limited to the two (2) post variety which are attached or mounted to the side of the five (5) foot marginal dock or seawall itself and do not require water-ward pilings for support. Four (4) post boat elevators and lifts are strictly prohibited within Manatee Cove. Those dock accessory structures consisting of a flat surface or platform shall be included in all calculations related to a dock's size, location, maximum allowable width, and compliance with side setbacks. Those dock accessory structures or vessel-lifting devices of a conventional design that generally consist of separate beams or rails supported by pilings (including boatlifts, boat elevators, and personal watercraft lifts) shall only be included in calculations related to a dock's maximum allowable width, and compliance with side setbacks. The limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to any dock accessory structure or vessel-lifting device as part of the conventional or floating dock.
- (3) No gear, trash receptacle or equipment shall be permitted on any dock. Equipment specifically excludes power stations, fueling stations, ladders, water hoses, mooring lines, whips and bumper cushions.

- (4) Dock boxes may be used but only attached abutting the seawall or located at the landward dock extremity; no dock box may be higher than thirty (30) inches and greater than twenty-four (24) cubic feet.
- (5) Only one (1) bench placed on a dock is permitted provided such bench is not more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (6) Dock color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
- (7) No surface of any dock shall be constructed or project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (8) Floating docks are prohibited.
- (9) No dock, dolphin pilings and/or boat or water vessel attached to it shall prevent passage through any navigable water channel or way as evidenced by bathymetric surveys which shall indicate the location and width of any navigable channel or way with respect to such dock.
- (10) Docks are permitted to be accessory uses only and no more than one (1) dock, as an accessory use, may be on or project from any lot or lot of record. See also the definition of "ACCESSORY USE or BUILDINGS or STRUCTURES", and "DOCK". Any dock that is constructed prior to the principal single family residence or that remains on an otherwise vacant lot or lot of record may be used only by the owner of said lot or lot of record, and may only remain and be so used for a maximum of two years prior to the issuance of a certificate of occupancy for the principal single family residence. The Town Commission may extend the two-year limit when a public need for such extension has been demonstrated to the satisfaction of the Town Commission, on a case-by-case basis. The two-year period shall commence on the date that the Building Official issues a certificate of completion for the dock on the otherwise vacant lot. Regardless of the timing, all such docks shall be maintained pursuant to all applicable Town codes and building codes for construction and maintenance of docks.

- (11) No dock or portion of a dock, including any dock accessory structure, vessel-lifting device, or dolphin piling, shall be located closer than twenty-five (25) feet to any other dock or portion thereof or any other dock's accessory structure, vessel-lifting device, or dolphin pilings or to any other lot or lot of record to which such dock is not accessory or to the closest portion of the side lot lines of the lot or lot of record from which the dock projects or the waterward projection or extension of such side lot lines; except a shorter setback of up to not less than fifteen (15) feet may be permitted only to the extent necessary in order for the dock to be permitted by any other governmental body or agency having jurisdiction due to the location of sea grasses or due to the depth of the water or due to any other Town recognized environmental concern or matter.
- (12) Each dock shall have a light at its terminus and all light(s) installed shall be maintained in good working order, shall cast a clear white or yellow light, and shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens. All dock lights shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(C) Docking boats.

- (1) No boat, ship or water vessel exceeding in length fifty (50) percent of the bulkhead length of any lot shall be docked at any dock on or projecting from such lot.
- (2) No portion of any docked boat, ship or water vessel shall project closer than twenty (20) feet to the closest portions of the side lot line of any lot or lot of record to which such dock is accessory or the waterward projection or extension of such side lot lines or closer than twenty (20) feet to any lot or lot of record to which such dock is not accessory.
- (3) The total of the length of any and all boats, ships or water vessels docked at any dock at any given time shall not exceed in length fifty (50) percent of the bulkhead length of the lot to which such dock is accessory and in no event shall

any more than three (3) boats, ships or water vessels be docked at, tied to or rafted to any dock at any one time.

(4) No boat, ship or water vessel keel or hull may be supported, elevated, suspended or otherwise placed or maintained more than twelve (12) inches above the surface of and out of the water at high tide.

(5) No boat, ship or water vessel or any part thereof shall be placed, stored, or maintained upon the surface of any dock.

(6) Houseboats are strictly prohibited.

3. BULKHEAD LINE.

No structures shall be located, erected or constructed seaward of any established bulkhead or bulkhead line, except erosion control devices such as bulkheads, groins or jetties.

Sec. 151.592 WATERWAY ZONE W-8 (Curlew Road South of Audubon Causeway, & 120 Spoonbill Road - Zoning District R1-D).

1. BOATS AND TRAILERS.

No boats or trailers of any kind shall be kept, maintained or stored on any lot or lot of record except within an enclosed garage or except when docked or moored. These restrictions shall not apply to the storage of non-motorized boats (by way of example and not limitation, kayaks and paddle-boards) which are either screened from the view of abutting neighbors or residences located on the opposite waterbody bank, or which are kept on or adjacent to a dock or seawall.

2. BOATHOUSES; DOCKS.

A. *Boathouses.* Boathouses are not permitted.

B. *Docks.* No dock shall be located, erected, constructed, added on to, expanded, extended, replaced, reconstructed or altered upon or projecting from any lot or lot of record unless in strict conformance with DEP and ACOE permit regulations. A permit from these agencies is required prior to issuance of a permit by the Town. Additionally, the construction, alteration and the like of all docks must meet the following Town regulations:

- (1) Lots 25—105 located on the water on Curlew Road and south of Audubon Causeway as depicted on the Town Zoning map; and lot 120 on the north side only, as depicted on the Town Zoning map may have a conventional dock including a mooring area of sufficient length to reach a water depth of three (3) feet at mean low water (MLW) (evidenced by bathymetric surveys) or a maximum length of ten (10) feet, whichever is less.
- (2) The required bathymetric surveys shall be taken from the seawall of the subject lot out across the water for a distance sufficient to demonstrate the width of the navigable waterway or channel (as defined in Section 151.003) in order to demonstrate that the dock in question will not prevent passage through the waterway or channel.
- (3) Three (3) bathymetric surveys, one (1) each, shall be taken parallel to and originating from each lot line and the point from which the dock is to project in order to meet the above requirements.
- (4) Conventional docks including the stem shall be centered on the lot or lot of record or within ten (10) feet of such center point and shall run parallel with the side lot lines of the lot or lot of record on which it is located. However, on a lot or lot of record having a width of three hundred (300) feet or greater, the proposed dock need not be centered but the dock and any portion of the dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, must be setback no less than fifty (50) feet from the extended side lot line of any lot or lot of record from which such dock projects.
- (5) No dock finger or projection shall extend from the stem of a dock unless it is in a "T" or "L" configuration located at the furthest waterward projection of the dock, the total waterward projection of the stem and "T" or "L" addition not to exceed the maximum waterward projection specified herein above with the maximum terminus width limited to fifty (50) feet. However, if the subject dock projects from a lot or lot of record having a width greater than or equal to three hundred (300) feet, a maximum dock terminus width of seventy-five (75) feet shall be permitted so long as the dock or any portion of the dock, including any

associated dock accessory structures, vessel-lifting devices, or dolphin pilings, is setback at least fifty (50) feet from the extended side lot lines.

- (6) Davits are not permitted; other dock accessory structures and vessel-lifting devices (boat elevators, boatlifts, platforms, and personal watercraft lifts) are permitted. However, for lot 120, any boat elevators and lifts shall be limited to the two (2) post variety which are attached or mounted to the side of the five (5) foot marginal dock or seawall itself and do not require water-ward pilings for support. Four (4) post boat elevators and lifts are strictly prohibited within Manatee Cove. Those dock accessory structures consisting of a flat surface or platform shall be included in all calculations related to a dock's size, location, maximum allowable width, and compliance with side setbacks. Those dock accessory structures or vessel-lifting devices of a conventional design that generally consist of separate beams or rails supported by pilings (including boatlifts, boat elevators, and personal watercraft lifts) shall only be included in calculations related to a dock's maximum allowable width, and compliance with side setbacks. The limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to any dock accessory structure or vessel-lifting device as part of the conventional or floating dock.
- (7) Docks located on lots 25—105 on Curlew Road and south of Audubon Causeway as depicted on the Town Zoning map may have no more than one (1) light for each ten (10) feet of total linear dock length, measured from the lot, lot of record or seawall to end of the dock stem plus that length measured from end to end of the dock terminus. Any and all dock lights installed shall conform to the requirements set forth in this section.
- (8) For lots 25—105 located on the water on Curlew Road and south of Audubon Causeway as depicted on the Town Zoning map, the width of the surface of each dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet. For any dock located on the west side of lot 120 (as depicted on the Town Zoning map), the width of the surface of such dock and each portion thereof shall not be more than five (5) feet.

- (9) For lots 25—105 located on the water on Curlew Road and south of Audubon Causeway as depicted on the Town Zoning map only two (2) dolphin pilings are permitted.
- (10) No gear, trash receptacle or equipment shall be permitted on any dock. Equipment specifically excludes power stations, fueling stations, ladders, water hoses, mooring lines, whips and bumper cushions.
- (11) Dock boxes may be used but only attached abutting the seawall or located at the landward dock extremity; no dock box may be higher than thirty (30) inches and greater than twenty-four (24) cubic feet.
- (12) Only one (1) bench placed on a dock is permitted provided such bench is not more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (13) Dock color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
- (14) No surface of any dock shall be constructed or project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (15) Floating docks are permissible for those lots or lots of record that are located south of Audubon Causeway on the water and on Curlew Road, provided the following regulations are met:
- (a) The width of the surface of each floating dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet with a total length not to exceed fourteen (14) feet except for concrete floating docks which shall not exceed eight (8) feet in width and fourteen (14) feet in length.
- (b) Each floating dock shall have a light positioned on a post located at each corner that projects into the water. Each light installed shall be maintained in good working order, shall cast a clear white or yellow light, shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may

be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(c) A licensed engineer shall certify that each floating dock shall be designed and constructed to meet the same standards applicable to conventional, stationary docks as related to the dock's ability to withstand the effects of a storm event.

(d) Each floating dock shall be designed so as to incorporate neoprene rollers, rubber washers or similar noise reduction components in all hinges and connections and between all parts of the dock to prevent any noise; and all pilings supporting the floating dock shall be positioned on the inside of the dock.

(e) A floating dock attached to, adjacent to, or associated with a conventional dock shall be considered one (1) dock. As such, the aggregate length of the conventional dock and floating dock shall not exceed the allowable maximum length set forth elsewhere in this section, and the limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to the floating dock as part of the conventional dock.

(16) No dock, dolphin pilings and/or boat or water vessel attached to it shall prevent passage through any navigable water channel or way as evidenced by bathymetric surveys which shall indicate the location and width of any navigable channel or way with respect to such dock.

(17) Docks are permitted to be accessory uses only and no more than one (1) dock, as an accessory use, may be on or project from any lot or lot of record. See also the definition of "ACCESSORY USE or BUILDINGS or STRUCTURES", and "DOCK". Any dock that is constructed prior to the principal single family residence or that remains on an otherwise vacant lot or lot of record may be used only by the owner of said lot or lot of record, and may only remain and be so used for a maximum of two years prior to the issuance of a certificate of occupancy for the principal single family residence. The Town Commission may extend the two-year limit when a public need for such extension has been

demonstrated to the satisfaction of the Town Commission, on a case-by-case basis. The two-year period shall commence on the date that the Building Official issues a certificate of completion for the dock on the otherwise vacant lot. Regardless of the timing, all such docks shall be maintained pursuant to all applicable Town codes and building codes for construction and maintenance of docks.

(18) No dock or portion of a dock, including any dock accessory structure, vessel-lifting device, or dolphin piling, shall be located closer than twenty-five (25) feet to any other dock or portion thereof or any other dock's accessory structure, vessel-lifting device, or dolphin pilings or to any other lot or lot of record to which such dock is not accessory or to the closest portion of the side lot lines of the lot or lot of record from which the dock projects or the waterward projection or extension of such side lot lines; except a shorter setback of up to not less than fifteen (15) feet may be permitted only to the extent necessary in order for the dock to be permitted by any other governmental body or agency having jurisdiction due to the location of sea grasses or due to the depth of the water or due to any other Town recognized environmental concern or matter.

(19) Each dock shall have a light at its terminus and all light(s) installed shall be maintained in good working order, shall cast a clear white or yellow light, and shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens. All dock lights shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(C) *Docking boats.*

(1) No boat, ship or water vessel exceeding in length fifty (50) percent of the bulkhead length of any lot shall be docked at any dock on or projecting from such lot.

(2) No portion of any docked boat, ship or water vessel shall project closer than twenty (20) feet to the closest portions of the side lot line of any lot or lot of

record to which such dock is accessory or the waterward projection or extension of such side lot lines or closer than twenty (20) feet to any lot or lot of record to which such dock is not accessory.

(3) The total of the length of any and all boats, ships or water vessels docked at any dock at any given time shall not exceed in length fifty (50) percent of the bulkhead length of the lot to which such dock is accessory and in no event shall any more than three (3) boats, ships or water vessels be docked at, tied to or rafted to any dock at any one time.

(4) No boat, ship or water vessel keel or hull may be supported, elevated, suspended or otherwise placed or maintained more than twelve (12) inches above the surface of and out of the water at high tide.

(5) No boat, ship or water vessel or any part thereof shall be placed, stored, or maintained upon the surface of any dock.

(6) Houseboats are strictly prohibited.

3. BULKHEAD LINE.

No structures shall be located, erected or constructed seaward of any established bulkhead or bulkhead line, except erosion control devices such as bulkheads, groins or jetties.

Sec. 151.593 WATERWAY ZONE W-9 (110 & 120 Churchill Way - Zoning District R1-E).

1. BOATS AND TRAILERS.

No boats or trailers of any kind shall be kept, maintained or stored on any lot or lot of record except within an enclosed garage or except when docked or moored. These restrictions shall not apply to the storage of non-motorized boats (by way of example and not limitation, kayaks and paddle-boards) which are either screened from the view of abutting neighbors or residences located on the opposite waterbody bank, or which are kept on or adjacent to a dock or seawall.

2. BOATHOUSES; DOCKS.

(A) Boathouses. Boathouses are not permitted.

(B) Docks. No dock shall be located, erected, constructed, added on to, expanded, extended, replaced, reconstructed or altered upon or projecting from any lot or lot of record unless in strict conformance with DEP and ACOE permit regulations. A permit from these agencies is required prior to issuance of a permit by the Town. Additionally, the construction, alteration and the like of all docks must meet the following Town regulations:

(1) For lots 110 and 120, as depicted on the Town Zoning map, only marginal docks that project waterward a maximum width of five (5) feet from the associated lot or lot of record or seawall, whichever is less, shall be allowed.

(2) All docks shall be centered on the lot or lot of record or within ten (10) feet of such a center point and shall run parallel with the seawall of the lot or lot of record on which it is located. However, on a lot or lot of record having a width of three hundred (300) feet or greater the proposed dock need not be centered but the dock and any portion of the dock, including any associated dock accessory structure, vessel-lifting device, or dolphin pilings, must be setback no less than fifty (50) feet from the extended side lot line of any lot or lot of record from which such dock projects.

(3) Davits are not permitted; other dock accessory structures and vessel-lifting devices (boat elevators, boatlifts, platforms, and personal watercraft lifts) are permitted. However, for those lots bordering Manatee Cove (lots 110 and 120 as depicted on the Town Zoning map) any boat elevators and lifts shall be limited to the two (2) post variety which are attached or mounted to the side of the five (5) foot marginal dock or seawall itself and do not require water-ward pilings for support. Four (4) post boat elevators and lifts are strictly prohibited within Manatee Cove. Those dock accessory structures containing a flat surface or platform shall be included in all calculations related to a dock's size, location, maximum allowable width, and compliance with side setbacks. Those dock accessory structures or vessel-lifting devices of a conventional design that generally consist of separate beams or rails supported by pilings (including boatlifts, boat elevators, and personal watercraft lifts) shall only be included in calculations related to a dock's maximum allowable width, and compliance with

- side setbacks. The limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to any dock accessory structure or vessel-lifting device as part of the conventional or floating dock.
- (4) No more than three (3) lights are permitted on docks that are located on lots 110 and 120, as depicted on the Town Zoning map. All allowed and/or prescribed dock lights shall conform to the requirements as set forth hereinbelow.
- (5) Dolphin pilings and free standing pilings of any kind are strictly prohibited.
- (6) No gear, trash receptacle or equipment shall be permitted on any dock. Equipment specifically excludes power stations, fueling stations, ladders, water hoses, mooring lines, whips and bumper cushions.
- (7) Dock boxes may be used but only attached abutting the seawall or located at the landward dock extremity; no dock box may be higher than thirty (30) inches and greater than twenty-four (24) cubic feet.
- (8) Only one (1) bench placed on a dock is permitted provided such bench is not more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (9) Dock color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
- (10) No surface of any dock shall be constructed or project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (11) Floating docks are permissible provided the following regulations are met:
- (a) The width of the surface of each dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet with a total length not to exceed fourteen (14) feet except for concrete floating docks which shall not exceed eight (8) feet in width and fourteen (14) feet in length.
- (b) Each floating dock shall have a light positioned on a post located at each corner that projects into the water. Each light installed shall be maintained in good working order, shall cast a clear white or yellow light, shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or

equivalent (less than or equal to four hundred eighty (480) lumens, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(c) A licensed engineer shall certify that each floating dock shall be designed and constructed to meet the same standards applicable to conventional, stationary docks as related to the dock's ability to withstand the effects of a storm event.

(d) Each floating dock shall be designed so as to incorporate neoprene rollers, rubber washers or similar noise reduction components in all hinges and connections and between all parts of the dock to prevent any noise; and all pilings supporting the floating dock shall be positioned on the inside of the dock.

(e) A floating dock attached to a conventional dock shall be considered one (1) dock and the aggregate length of the conventional dock and floating dock shall not exceed the allowable maximum length set forth elsewhere in this section.

(12) No dock, dolphin pilings and/or boat or water vessel attached to it shall prevent passage through any navigable water channel or way as evidenced by bathymetric surveys which shall indicate the location and width of any navigable channel or way with respect to such dock.

(13) Docks are permitted to be accessory uses only and no more than one (1) dock, as an accessory use, may be on or project from any lot or lot of record. See also the definition of "ACCESSORY USE or BUILDINGS or STRUCTURES", and "DOCK". Any dock that is constructed prior to the principal single family residence or that remains on an otherwise vacant lot or lot of record may be used only by the owner of said lot or lot of record, and may only remain and be so used for a maximum of two years prior to the issuance of a certificate of occupancy for the principal single family residence. The Town Commission may extend the two-year limit when a public need for such extension has been

demonstrated to the satisfaction of the Town Commission, on a case-by-case basis. The two-year period shall commence on the date that the Building Official issues a certificate of completion for the dock on the otherwise vacant lot. Regardless of the timing, all such docks shall be maintained pursuant to all applicable Town codes and building codes for construction and maintenance of docks.

(14) No dock or portion of a dock, including any dock accessory structure, vessel-lifting device, or dolphin piling, shall be located closer than twenty-five (25) feet to any other dock or portion thereof or any other dock's accessory structure, vessel-lifting device, or dolphin pilings or to any other lot or lot of record to which such dock is not accessory or to the closest portion of the side lot lines of the lot or lot of record from which the dock projects or the waterward projection or extension of such side lot lines.

(15) Each dock shall have a light at its terminus and all light(s) installed shall be maintained in good working order. All dock lights shall cast a clear white or yellow light, shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(C) *Docking boats.*

(1) No boat, ship or water vessel exceeding in length fifty (50) percent of the bulkhead length of any lot shall be docked at any dock on or projecting from such lot.

(2) No portion of any docked boat, ship or water vessel shall project closer than twenty-five (25) feet to the closest portions of the side lot line of any lot or lot of record to which such dock is accessory or the waterward projection or extension of such side lot lines or closer than twenty-five (25) feet to any lot or lot of record to which such dock is not accessory.

(3) The total of the length of any and all boats, ships or water vessels docked at any dock at any given time shall not exceed in length fifty (50) percent of the bulkhead length of the lot to which such dock is accessory and in no event shall any more than three (3) boats, ships or water vessels be docked at, tied to or rafted to any dock at any one time.

(4) No boat, ship or water vessel keel or hull may be supported, elevated, suspended or otherwise placed or maintained more than twelve (12) inches above the surface of and out of the water at high tide.

(5) No boat, ship or water vessel or any part thereof shall be placed, stored, or maintained upon the surface of any dock.

(6) Houseboats are strictly prohibited.

3. BULKHEAD LINE.

No structures shall be located, erected or constructed seaward of any established bulkhead or bulkhead line, except erosion control devices such as bulkheads, groins or jetties.

Sec. 151.594 WATERWAY ZONE W-10 (125 & 130 Churchill Way - Zoning District R1-E).

1. BOATS AND TRAILERS.

No boats or trailers of any kind shall be kept, maintained or stored on any lot or lot of record except within an enclosed garage or except when docked or moored. These restrictions shall not apply to the storage of non-motorized boats (by way of example and not limitation, kayaks and paddle-boards) which are either screened from the view of abutting neighbors or residences located on the opposite waterbody bank, or which are kept on or adjacent to a dock or seawall.

2. BOATHOUSES; DOCKS.

(A) Boathouses. Boathouses are not permitted.

(B) Docks. No dock shall be located, erected, constructed, added on to, expanded, extended, replaced, reconstructed or altered upon or projecting from any lot or lot of record unless in strict conformance with DEP and ACOE permit regulations. A permit from these agencies is required prior to issuance of a permit by the Town. Additionally,

the construction, alteration and the like of all docks must meet the following Town regulations:

- (1) Reserved.
- (2) For lots 125 and 130, as depicted on the Town Zoning map, all docks shall project waterward from the associated lot or lot of record or from any seawall on any lot or lot of record, a minimum length necessary (evidenced by bathymetric surveys) to reach a terminus and mooring area located in a water depth of three (3) feet of water at mean low water (MLW). The maximum length of any such dock regulated under this paragraph is forty-five (45) feet.
- (3) The required bathymetric surveys shall be taken from the seawall of the subject lot out across the water for a distance sufficient to demonstrate the width of the navigable waterway or channel (as defined in Section 151.003) in order to demonstrate that the dock in question will not prevent passage through the waterway or channel.
- (4) All docks shall be centered on the lot or lot of record or within ten (10) feet of such a center point and shall run parallel with the seawall of the lot or lot of record on which it is located. However, on a lot or lot of record having a width of three hundred (300) feet or greater the proposed dock need not be centered but the dock and any portion of the dock, including any associated dock accessory structure, vessel-lifting device, or dolphin pilings, must be setback no less than fifty (50) feet from the extended side lot line of any lot or lot of record from which such dock projects.
- (5) Davits are not permitted; other dock accessory structures and vessel-lifting devices (boat elevators, boatlifts, platforms, and personal watercraft lifts) are permitted. Those dock accessory structures containing a flat surface or platform shall be included in all calculations related to a dock's size, location, maximum allowable width, and compliance with side setbacks. Those dock accessory structures or vessel-lifting devices of a conventional design that generally consist of separate beams or rails supported by pilings (including boatlifts, boat elevators, and personal watercraft lifts) shall only be included in calculations related to a dock's maximum allowable width, and compliance with

- side setbacks. The limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to any dock accessory structure or vessel-lifting device as part of the conventional or floating dock.
- (6) Docks that are located on lots 125 and 130, as depicted on the Town Zoning map, may have no more than one (1) light for each ten (10) feet of total linear dock length, measured from the lot, lot of record or seawall to the end of the dock stem plus that length measured from end to end of the dock terminus. All allowed and/or prescribed dock lights shall conform to the requirements as set forth hereinbelow.
- (7) Dolphin pilings and free standing pilings of any kind are strictly prohibited.
- (8) No gear, trash receptacle or equipment shall be permitted on any dock. Equipment specifically excludes power stations, fueling stations, ladders, water hoses, mooring lines, whips and bumper cushions.
- (9) Dock boxes may be used but only attached abutting the seawall or located at the landward dock extremity; no dock box may be higher than thirty (30) inches and greater than twenty-four (24) cubic feet.
- (10) Only one (1) bench placed on a dock is permitted provided such bench is not more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (11) Dock color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
- (12) No surface of any dock shall be constructed or project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (13) Floating docks are permissible provided the following regulations are met:
- (a) The width of the surface of each dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet with a total length not to exceed fourteen (14) feet except for concrete floating docks which shall not exceed eight (8) feet in width and fourteen (14) feet in length.
- (b) Each floating dock shall have a light positioned on a post located at each corner that projects into the water. Each light installed shall be maintained

in good working order, shall cast a clear white or yellow light, shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(c) A licensed engineer shall certify that each floating dock shall be designed and constructed to meet the same standards applicable to conventional, stationary docks as related to the dock's ability to withstand the effects of a storm event.

(d) Each floating dock shall be designed so as to incorporate neoprene rollers, rubber washers or similar noise reduction components in all hinges and connections and between all parts of the dock to prevent any noise; and all pilings supporting the floating dock shall be positioned on the inside of the dock.

(e) A floating dock attached to a conventional dock shall be considered one (1) dock and the aggregate length of the conventional dock and floating dock shall not exceed the allowable maximum length set forth elsewhere in this section.

(14) No dock, dolphin pilings and/or boat or water vessel attached to it shall prevent passage through any navigable water channel or way as evidenced by bathymetric surveys which shall indicate the location and width of any navigable channel or way with respect to such dock.

(15) Docks are permitted to be accessory uses only and no more than one (1) dock, as an accessory use, may be on or project from any lot or lot of record. See also the definition of "ACCESSORY USE or BUILDINGS or STRUCTURES", and "DOCK". Any dock that is constructed prior to the principal single family residence or that remains on an otherwise vacant lot or lot of record may be used only by the owner of said lot or lot of record, and may only remain and be so used for a maximum of two years prior to the issuance of a certificate of

occupancy for the principal single family residence. The Town Commission may extend the two-year limit when a public need for such extension has been demonstrated to the satisfaction of the Town Commission, on a case-by-case basis. The two-year period shall commence on the date that the Building Official issues a certificate of completion for the dock on the otherwise vacant lot. Regardless of the timing, all such docks shall be maintained pursuant to all applicable Town codes and building codes for construction and maintenance of docks.

(16) No dock or portion of a dock, including any dock accessory structure, vessel-lifting device, or dolphin piling, shall be located closer than twenty-five (25) feet to any other dock or portion thereof or any other dock's accessory structure, vessel-lifting device, or dolphin pilings or to any other lot or lot of record to which such dock is not accessory or to the closest portion of the side lot lines of the lot or lot of record from which the dock projects or the waterward projection or extension of such side lot lines.

(17) Each dock shall have a light at its terminus and all light(s) installed shall be maintained in good working order. All dock lights shall cast a clear white or yellow light, shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(C) Docking boats.

(1) No boat, ship or water vessel exceeding in length fifty (50) percent of the bulkhead length of any lot shall be docked at any dock on or projecting from such lot.

(2) No portion of any docked boat, ship or water vessel shall project closer than twenty-five (25) feet to the closest portions of the side lot line of any lot or lot of record to which such dock is accessory or the waterward projection or

extension of such side lot lines or closer than twenty-five (25) feet to any lot or lot of record to which such dock is not accessory.

(3) The total of the length of any and all boats, ships or water vessels docked at any dock at any given time shall not exceed in length fifty (50) percent of the bulkhead length of the lot to which such dock is accessory and in no event shall any more than three (3) boats, ships or water vessels be docked at, tied to or rafted to any dock at any one time.

(4) No boat, ship or water vessel keel or hull may be supported, elevated, suspended or otherwise placed or maintained more than twelve (12) inches above the surface of and out of the water at high tide.

(5) No boat, ship or water vessel or any part thereof shall be placed, stored, or maintained upon the surface of any dock.

(6) Houseboats are strictly prohibited.

3. BULKHEAD LINE.

No structures shall be located, erected or constructed seaward of any established bulkhead or bulkhead line, except erosion control devices such as bulkheads, groins or jetties.

Sec. 151.595 WATERWAY ZONE W-11 (1300 Lands End Road - Zoning District RC-1).

1. BOATS AND TRAILERS.

No boats or trailers of any kind shall be kept, maintained or stored on any lot or lot of record except within an enclosed garage or except when docked or moored. These restrictions shall not apply to the storage of non-motorized boats (by way of example and not limitation, kayaks and paddle-boards) which are either screened from the view of abutting neighbors or residences located on the opposite waterbody bank, or which are kept on or adjacent to a dock or seawall.

2. BOATHOUSES; DOCKS.

(A) Boathouses. Boathouses are not permitted.

(B) Docks. No dock shall be located, erected, constructed, added on to, expanded, extended, replaced, reconstructed or altered upon or projecting from any lot or lot

of record unless in strict conformance with DEP and ACOE permit regulations. A permit from these agencies is required prior to issuance of a permit by the Town. Additionally, the construction, alteration and the like of all docks must meet the following Town regulations:

(1) All docks shall project waterward from the associated lot or lot of record or seawall, a minimum length necessary (evidenced by bathymetric surveys) to reach a terminus and mooring area located in a water depth of three (3) feet of water at mean low water (MLW). The maximum length of any such dock in this zoning district is forty-five (45) feet from any lot or lot of record, and no dock shall be closer than one hundred (100) feet to any other dock and no dock shall be closer than fifty (50) feet to any other district.

(a) Bathymetric surveys shall be taken from the seawall of the subject lot out across the water for a distance sufficient to demonstrate the width of the navigable waterway or channel (as defined in Section 151.003) in order to demonstrate that the dock in question will not prevent passage through the waterway or channel.

(b) Three (3) bathymetric surveys, one (1) each, shall be taken parallel to and originating from each lot line and the point from which the dock is to project in order to meet the above requirements.

(2) The dock and its stem shall be centered on the lot or lot of record or within ten (10) feet of such a center point and shall run parallel to the side lot lines of the lot or lot of record on which it is located. However, on a lot or lot of record having a width of three hundred (300) feet or greater the proposed dock need not be centered.

(3) No dock fingers or projections shall extend from the stem of a dock unless it is in a "T" or "L" configuration located at the furthest waterward projection of the stem of the dock, the total waterward projection of the stem and "T" or "L" addition not to exceed the maximum waterward projection specified herein above with the maximum terminus width limited to fifty (50) feet. However, if the subject dock projects from a lot or lot of record having a width equal to or greater than three hundred (300) feet, a maximum dock terminus width of

seventy-five (75) feet shall be permitted so long as the dock or any portion of the dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, is setback at least fifty (50) feet from the extended side lot lines.

- (4) Davits are not permitted; other dock accessory structures and vessel-lifting devices (boat elevators, boatlifts, platforms, and personal watercraft lifts) are permitted. Those dock accessory structures containing a flat surface or platform shall be included in all calculations related to a dock's size, location, maximum allowable width, and compliance with side setbacks. Those dock accessory structures or vessel-lifting devices of a conventional design that generally consist of separate beams or rails supported by pilings (including boatlifts, boat elevators, and personal watercraft lifts) shall only be included in calculations related to a dock's maximum allowable width, and compliance with side setbacks. The limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to any dock accessory structure or vessel-lifting device as part of the conventional dock.
- (5) Each dock may have one (1) light for each ten (10) feet of total linear dock length, measured from the lot, lot of record or seawall to end of the dock stem plus that length measured from end to end of the dock terminus. Any and all allowed and/or prescribed dock lights shall conform with the requirements as set forth hereinbelow.
- (6) The width of the surface of each dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet.
- (7) Dolphin pilings are permitted only if accessory to any dock; no more than four (4) dolphin pilings are permitted accessory to any dock and no dolphin pilings shall be located more than thirty-five (35) feet from any portion of the dock to which such dolphin piling is accessory.
- (8) No gear, trash receptacle or equipment shall be permitted on any dock. Equipment specifically excludes power stations, fueling stations, ladders, water hoses, mooring lines, whips and bumper cushions.

- (9) Dock boxes may be used but only attached abutting the seawall or located at the landward dock extremity; no dock box may be higher than thirty (30) inches and greater than twenty-four (24) cubic feet.
- (10) Only one (1) bench placed on a dock is permitted provided such bench is not more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (11) Dock color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
- (12) No surface of any dock shall be constructed or project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (13) Floating docks are permissible provided the following regulations are met:
- (a) The width of the surface of each dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet with a total length not to exceed fourteen (14) feet except for concrete floating docks which shall not exceed eight (8) feet in width and fourteen (14) feet in length. A floating dock attached to, adjacent to, or associated with a conventional dock shall be considered one (1) dock. As such, the aggregate length of the conventional dock and floating dock shall not exceed the allowable maximum length set forth elsewhere in this section, and the limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to the floating dock as part of the conventional dock.
- (b) Each floating dock shall have a light positioned on a post located at each corner that projects into the water. Each light installed shall be maintained in good working order, shall cast a clear white or yellow light, shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may

be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(c) A licensed engineer shall certify that each floating dock shall be designed and constructed to meet the same standards applicable to conventional, stationary docks as related to the dock's ability to withstand the effects of a storm event.

(d) Each floating dock shall be designed so as to incorporate neoprene rollers, rubber washers or similar noise reduction components in all hinges and connections and between all parts of the dock to prevent any noise; and all pilings supporting the floating dock shall be positioned on the inside of the dock.

(14) No dock, dolphin pilings and/or boat or water vessel attached to it shall prevent passage through any navigable water channel or way as evidenced by bathymetric surveys which shall indicate the location and width of any navigable channel or way with respect to such dock.

(15) Docks are permitted to be accessory uses only and no more than one (1) dock, as an accessory use, may be on or project from any lot or lot of record. See also the definition of "ACCESSORY USE or BUILDINGS or STRUCTURES", and "DOCK". Any dock that is constructed prior to the principal single family residence or that remains on an otherwise vacant lot or lot of record may be used only by the owner of said lot or lot of record, and may only remain and be so used for a maximum of two years prior to the issuance of a certificate of occupancy for the principal single family residence. The Town Commission may extend the two-year limit when a public need for such extension has been demonstrated to the satisfaction of the Town Commission, on a case-by-case basis. The two-year period shall commence on the date that the Building Official issues a certificate of completion for the dock on the otherwise vacant lot. Regardless of the timing, all such docks shall be maintained pursuant to all applicable Town codes and building codes for construction and maintenance of docks.

(16) No dock or portion of a dock, including any dock accessory structure, vessel-lifting device, or dolphin piling, shall be located closer than twenty-five (25) feet to any other dock or portion thereof or any other dock's accessory structure, vessel-lifting device, or dolphin pilings or to any other lot or lot of record to which such dock is not accessory or to the closest portion of the side lot lines of the lot or lot of record from which the dock projects or the waterward projection or extension of such side lot lines.

(17) Each dock shall have a light at its terminus and all light(s) installed shall be maintained in good working order, shall cast a clear white or yellow light, and shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens. All dock lights shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(C) *Docking boats.*

(1) No boat, ship or water vessel exceeding in length fifty (50) percent of the bulkhead length of any lot shall be docked at any dock on or projecting from such lot.

(2) No portion of any docked boat, ship or water vessel shall project closer than twenty-five (25) feet to the closest portions of the side lot line of any lot or lot of record to which such dock is accessory or the waterward projection or extension of such side lot lines or closer than twenty-five (25) feet to any lot or lot of record to which such dock is not accessory.

(3) No boat, ship or water vessel keel or hull may be supported, elevated, suspended or otherwise placed or maintained more than twelve (12) inches above the surface of and out of the water at high tide.

(4) No boat, ship or water vessel or any part thereof shall be placed, stored, or maintained upon the surface of any dock.

(5) Houseboats are strictly prohibited.

3. BULKHEAD LINE.

No structures shall be located, erected or constructed seaward of any established bulkhead or bulkhead line, except erosion control devices such as bulkheads, groins or jetties.

Sec. 151.596 WATERWAY ZONE W-12 (1444 through 1540 Paslay Place - Zoning District R3-A).

1. BOATS AND TRAILERS.

No boats or trailers of any kind shall be kept, maintained or stored on any lot or lot of record except within an enclosed garage or except when docked or moored. These restrictions shall not apply to the storage of non-motorized boats (by way of example and not limitation, kayaks and paddle-boards) which are either screened from the view of abutting neighbors or residences located on the opposite waterbody bank, or which are kept on or adjacent to a dock or seawall.

2. BOATHOUSES; DOCKS.

(A) Boathouses. Boathouses are not permitted.

(B) Docks. No dock shall be located, erected, constructed, added on to, expanded, extended, replaced, reconstructed or altered upon or projecting from any lot or lot of record unless in strict conformance with DEP and ACOE permit regulations. A permit from these agencies is required prior to issuance of a permit by the Town. Additionally, the construction, alteration and the like of all docks must meet the following Town regulations:

(1) All docks shall project waterward from the associated lot or lot of record or seawall, a minimum length necessary (evidenced by bathymetric surveys) to reach a terminus and mooring area located in a water depth of three (3) feet of water at mean low water (MLW). The maximum length of any such dock in this zoning district is eighty (80) feet from the lot or lot of record when such lot or lot of record is west of Lands End Road and fifty-five (55) feet when such lot or lot of record is east of Lands End Road.

(a) The required bathymetric surveys shall be taken from the seawall of the subject lot out across the water for a distance sufficient to demonstrate the width of the navigable waterway or channel (as defined in Section 151.003)

in order to demonstrate that the dock in question will not prevent passage through the waterway or channel.

(b) Three (3) bathymetric surveys, one (1) each, shall be taken parallel to and originating from each lot line and the point from which the dock is to project in order to meet the above requirements.

(2) The dock and its stem shall be centered on the lot or lot of record or within ten (10) feet of such a center point and shall run parallel to the side lot lines of the lot or lot of record on which it is located. If it should not be practicable for the dock stem to run parallel to both side lot lines then such dock stem shall be oriented to the lot or lot of record or seawall in such a manner so as to maximize compatibility with neighboring docks located on adjacent properties. However, on a lot or lot of record having a width of three hundred (300) feet or greater the proposed dock need not be centered but the dock and any portion of the dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, must be setback no less than fifty (50) feet from the extended side lot line of any lot or lot of record from which such dock projects.

(3) No dock finger(s) or projection(s) shall extend from the stem of a dock unless it is in a "T" or "L" configuration located at the furthest waterward projection of the stem of the dock, the total waterward projection of the stem and "T" or "L" addition not to exceed the maximum waterward projection specified herein above with the maximum terminus width limited to fifty (50) feet. However, if the subject dock projects from a lot or lot of record having a width greater than or equal to three hundred (300) feet, a maximum dock terminus width of seventy-five (75) feet shall be permitted so long as the dock or any portion of the dock or any associated dock accessory structures, vessel-lifting devices, or dolphin pilings are setback at least fifty (50) feet from the extended side lot lines.

(4) Davits are not permitted; other dock accessory structures and vessel-lifting devices (boat elevators, boatlifts, platforms, and personal watercraft lifts) are permitted. Those dock accessory structures containing a flat surface or platform shall be included in all calculations related to a dock's size, location, maximum allowable width, and compliance with side setbacks. Those dock

- accessory structures or vessel-lifting devices of a conventional design that generally consist of separate beams or rails supported by pilings (including boatlifts, boat elevators, and personal watercraft lifts) shall only be included in calculations related to a dock's maximum allowable width, and compliance with side setbacks. The limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to any dock accessory structure or vessel-lifting device as part of the conventional or floating dock.
- (5) Each dock may have no more than one (1) light for each ten (10) feet of total linear dock length, measured from the lot, lot of record or seawall to end of the dock stem plus that length measured from end to end of the dock terminus. All allowed and/or prescribed dock lights shall conform to the requirements as set forth herein below.
 - (6) The width of the surface of each dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet.
 - (7) Dolphin pilings are permitted only if accessory to any dock; no more than four (4) dolphin pilings are permitted accessory to any dock and no dolphin pilings shall be located more than thirty-five (35) feet from any portion of the dock to which such dolphin piling is accessory.
 - (8) No gear, trash receptacle or equipment shall be permitted on any dock. Equipment specifically excludes power stations, fueling stations, ladders, water hoses, mooring lines, whips and bumper cushions.
 - (9) Dock boxes may be used but only attached abutting the seawall or located at the landward dock extremity; no dock box may be higher than thirty (30) inches and greater than twenty-four (24) cubic feet.
 - (10) Only one (1) bench placed on a dock is permitted provided such bench is not more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
 - (11) Dock color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.

- (12) No surface of any dock shall be constructed or project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (13) Floating docks are permissible provided the following regulations are met:
- (a) The width of the surface of each dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet with a total length not to exceed fourteen (14) feet except for concrete floating docks which shall not exceed eight (8) feet in width and fourteen (14) feet in length.
 - (b) Each floating dock shall have a light positioned on a post located at each corner that projects into the water. Each light installed shall be maintained in good working order, shall cast a clear white or yellow light, shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.
 - (c) A licensed engineer shall certify that each floating dock shall be designed and constructed to meet the same standards applicable to conventional, stationary docks as related to the dock's ability to withstand the effects of a storm event.
 - (d) Each floating dock shall be designed so as to incorporate neoprene rollers, rubber washers or similar noise reduction components in all hinges and connections and between all parts of the dock to prevent any noise; and all pilings supporting the floating dock shall be positioned on the inside of the dock.
 - (e) A floating dock attached to, adjacent to, or associated with a conventional dock shall be considered one (1) dock. As such, the aggregate length of the conventional dock and floating dock shall not exceed the allowable maximum length set forth elsewhere in this section, and the limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock

location shall be applied to the floating dock as part of the conventional dock.

- (14) No dock, dolphin pilings and/or boat or water vessel attached to it shall prevent passage through any navigable water channel or way as evidenced by bathymetric surveys which shall indicate the location and width of any navigable channel or way with respect to such dock.
- (15) Docks are permitted to be accessory uses only and no more than one (1) dock, as an accessory use, may be on or project from any lot or lot of record. See also the definition of "ACCESSORY USE or BUILDINGS or STRUCTURES", and "DOCK". Any dock that is constructed prior to the principal single family residence or that remains on an otherwise vacant lot or lot of record may be used only by the owner of said lot or lot of record, and may only remain and be so used for a maximum of two years prior to the issuance of a certificate of occupancy for the principal single family residence. The Town Commission may extend the two-year limit when a public need for such extension has been demonstrated to the satisfaction of the Town Commission, on a case-by-case basis. The two-year period shall commence on the date that the Building Official issues a certificate of completion for the dock on the otherwise vacant lot. Regardless of the timing, all such docks shall be maintained pursuant to all applicable Town codes and building codes for construction and maintenance of docks.
- (16) No dock or portion of a dock, including any dock accessory structure, vessel-lifting device, or dolphin piling, shall be located closer than twenty-five (25) feet to any other dock or portion thereof or any other dock's accessory structure, vessel-lifting device, or dolphin pilings or to any other lot or lot of record to which such dock is not accessory or to the closest portion of the side lot lines of the lot or lot of record from which the dock projects or the waterward projection or extension of such side lot lines.
- (17) Each dock shall have a light at its terminus and all light(s) installed shall be maintained in good working order, shall cast a clear white or yellow light, and shall not exceed the intensity of a forty (40) watt tungsten filament incandescent

or equivalent (less than or equal to four hundred eighty (480) lumens. All dock lights shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(C) *Docking boats.*

- (1) No boat, ship or water vessel exceeding in length fifty (50) percent of the bulkhead length of any lot shall be docked at any dock on or projecting from such lot.
- (2) No portion of any docked boat, ship or water vessel shall project closer than twenty-five (25) feet to the closest portions of the side lot line of any lot or lot of record to which such dock is accessory or the waterward projection or extension of such side lot lines or closer than twenty-five (25) feet to any lot or lot of record to which such dock is not accessory.
- (3) The total of the length of any and all boats, ships or water vessels docked at any dock at any given time shall not exceed in length fifty (50) percent of the bulkhead length of the lot to which such dock is accessory and in no event shall any more than three (3) boats, ships or water vessels be docked at, tied to or rafted to any dock at any one (1) time.
- (4) No boat, ship or water vessel keel or hull may be supported, elevated, suspended or otherwise placed or maintained more than twelve (12) inches above the surface of and out of the water at high tide.
- (5) No boat, ship or water vessel or any part thereof shall be placed, stored, or maintained upon the surface of any dock.
- (6) Houseboats are strictly prohibited.

3. BULKHEAD LINE.

No structures shall be located, erected or constructed seaward of any established bulkhead or bulkhead line, except erosion control devices such as bulkheads, groins or jetties.

Sec. 151.597 WATERWAY ZONE W-13 (Evans Lane - Zoning District R3-B).

1. BOATS AND TRAILERS.

No boats or trailers of any kind shall be kept, maintained or stored on any lot or lot of record except within an enclosed garage or except when docked or moored. These restrictions shall not apply to the storage of non-motorized boats (by way of example and not limitation, kayaks and paddle-boards) which are either screened from the view of abutting neighbors or residences located on the opposite waterbody bank, or which are kept on or adjacent to a dock or seawall.

2. BOATHOUSES; DOCKS.

(A) Boathouses. Boathouses are not permitted.

(B) Docks. No dock shall be located, erected, constructed, added on to, expanded, extended, replaced, reconstructed or altered upon or projecting from any lot or lot of record unless in strict conformance with DEP and ACOE permit regulations. A permit from these agencies is required prior to issuance of a permit by the Town. Additionally, the construction, alteration and the like of all docks must meet the following Town regulations:

(1) Only marginal docks that project waterward a maximum width of five (5) feet from any lot or lot of record or seawall, whichever is less, shall be allowed.

(2) All docks shall be centered on the lot or lot of record or within ten (10) feet of such a center point and shall run parallel with the seawall of the lot or lot of record on which it is located. However, on a lot or lot of record having a width of three hundred (300) feet or greater the proposed dock need not be centered but the dock and any portion of the dock, including any associated dock accessory structure, vessel-lifting device, or dolphin pilings, must be setback no less than fifty (50) feet from the extended side lot line of any lot or lot of record from which such dock projects.

(3) Dolphin pilings are permitted only if accessory to any dock; no more than four

(4) dolphin pilings are permitted accessory to any dock and no dolphin pilings shall be located more than thirty-five (35) feet from any portion of the dock to which such dolphin piling is accessory.

- (4) No gear, trash receptacle or equipment shall be permitted on any dock. Equipment specifically excludes power stations, fueling stations, ladders, water hoses, mooring lines and bumper cushions.
- (5) Dock boxes may be used but only attached abutting the seawall or located at the landward dock extremity; no dock box may be higher than thirty (30) inches and greater than twenty-four (24) cubic feet.
- (6) Only one (1) bench placed on a dock is permitted provided such bench is not more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (7) Dock color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
- (8) No surface of any dock shall be constructed or project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (9) Floating docks are permissible provided the following regulations are met:
- (a) The width of the surface of each dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet with a total length not to exceed fourteen (14) feet except for concrete floating docks which shall not exceed eight (8) feet in width and fourteen (14) feet in length. A floating dock attached to, adjacent to, or associated with a conventional dock shall be considered one (1) dock. As such, the aggregate length of the conventional dock and floating dock shall not exceed the allowable maximum length set forth elsewhere in this section, and the limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to the floating dock as part of the conventional dock.
- (b) Each floating dock shall have a light positioned on a post located at each corner that projects into the water. Each light installed shall be maintained in good working order, shall cast a clear white or yellow light, shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens, shall

operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(c) A licensed engineer shall certify that each floating dock shall be designed and constructed to meet the same standards applicable to conventional, stationary docks as related to the dock's ability to withstand the effects of a storm event.

(d) Each floating dock shall be designed so as to incorporate neoprene rollers, rubber washers or similar noise reduction components in all hinges and connections and between all parts of the dock to prevent any noise; and all pilings supporting the floating dock shall be positioned on the inside of the dock.

(10) No dock, dolphin pilings and/or boat or water vessel attached to it shall prevent passage through any navigable water channel or way as evidenced by bathymetric surveys which shall indicate the location and width of any navigable channel or way with respect to such dock.

(11) Docks are permitted to be accessory uses only and no more than one (1) dock, as an accessory use, may be on or project from any lot or lot of record. See also the definition of "ACCESSORY USE or BUILDINGS or STRUCTURES", and "DOCK". Any dock that is constructed prior to the principal single family residence or that remains on an otherwise vacant lot or lot of record may be used only by the owner of said lot or lot of record, and may only remain and be so used for a maximum of two years prior to the issuance of a certificate of occupancy for the principal single family residence. The Town Commission may extend the two-year limit when a public need for such extension has been demonstrated to the satisfaction of the Town Commission, on a case-by-case basis. The two-year period shall commence on the date that the Building Official issues a certificate of completion for the dock on the otherwise vacant lot. Regardless of the timing, all such docks shall be maintained pursuant to all

applicable Town codes and building codes for construction and maintenance of docks.

(12) No dock or portion of a dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, shall be located closer than twenty-five (25) feet to any other dock or portion thereof or any other dock's accessory structure, vessel-lifting device, or dolphin pilings or to any other lot or lot of record to which such dock is not accessory or to the closest portion of the side lot lines of the lot or lot of record from which the dock projects or the waterward projection or extension of such side lot lines.

(13) Dock accessory structures and vessel-lifting devices (boat elevators, boatlifts, platforms, and personal watercraft lifts) are permitted on docks. Dock accessory structures containing a flat surface or platform shall be included in all calculations related to a dock's size, location, terminus configuration, maximum allowable length, and compliance with side setbacks. Dock accessory structures or vessel-lifting devices of a conventional design that generally consist of separate beams or rails supported by pilings (including boatlifts, boat elevators, and personal watercraft lifts) shall only be included in calculations related to a dock's maximum allowable length and compliance with side setbacks. The limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to any dock accessory structure or vessel-lifting device as part of the conventional or floating dock.

(C) Docking boats.

(1) No boat, ship or water vessel exceeding in length fifty (50) percent of the bulkhead length of any lot shall be docked at any dock on or projecting from such lot.

(2) No portion of any docked boat, ship or water vessel shall project closer than twenty-five (25) feet to the closest portions of the side lot line of any lot or lot of record to which such dock is accessory or the waterward projection or extension of such side lot lines or closer than twenty-five (25) feet to any lot or lot of record to which such dock is not accessory.

(3) No boat, ship or water vessel keel or hull may be supported, elevated, suspended or otherwise placed or maintained more than twelve (12) inches above the surface of and out of the water at high tide.

(4) No boat, ship or water vessel or any part thereof shall be placed, stored, or maintained upon the surface of any dock.

(5) Houseboats are strictly prohibited.

3. BULKHEAD LINE.

No structures shall be located, erected or constructed seaward of any established bulkhead or bulkhead line, except erosion control devices such as bulkheads, groins or jetties.

Sec. 151.598 WATERWAY ZONE W-14 (620 through 1550 S. Ocean Blvd. - Zoning District R1-C).

1. BOATS AND TRAILERS.

No boats or trailers of any kind shall be kept, maintained or stored on any lot or lot of record except within an enclosed garage or except when docked or moored. These restrictions shall not apply to the storage of non-motorized boats (by way of example and not limitation, kayaks and paddle-boards) which are either screened from the view of abutting neighbors or residences located on the opposite waterbody bank, or which are kept on or adjacent to a dock or seawall.

2. BOATHOUSES; DOCKS.

(A) Boathouses. Boathouses are not permitted.

(B) Docks. No dock shall be located, erected, constructed, added on to, expanded, extended, replaced, reconstructed or altered upon or projecting from any lot or lot of record unless in strict conformance with DEP and ACOE permit regulations. A permit from these agencies is required prior to issuance of a permit by the Town. Additionally, the construction, alteration and the like of all docks must meet the following Town regulations:

(1) All docks shall project waterward from the associated lot or lot of record or seawall, a minimum length necessary (evidenced by bathymetric surveys) to reach a terminus and mooring area located in a water depth of three (3) feet of

- water at mean low water (MLW). The maximum length of any such dock in this zoning district is thirty-five (35) feet from any lot or lot of record or seawall.
- (a) The required bathymetric surveys shall be taken from the seawall of the subject lot out across the water for a distance sufficient to demonstrate the width of the navigable waterway or channel (as defined in Section 151.003) in order to demonstrate that the dock in question will not prevent passage through the waterway or channel.
- (b) Three (3) bathymetric surveys, one (1) each, shall be taken parallel to and originating from each side lot line and the point from which the dock is to project in order to satisfy the above requirements.
- (2) No dock finger or projection shall extend from the stem of a dock unless it is in a "T" or "L" configuration located at the furthest waterward projection of the dock; the total waterward projection of the stem and "T" or "L" addition shall not exceed the maximum waterward projection allowed and the maximum terminus width shall be limited to fifty (50) feet. However, if the subject dock projects from a lot or lot of record having a width greater than or equal to three hundred (300) feet, a maximum dock terminus width of seventy-five (75) feet shall be permitted so long as the dock or any portion of the dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, is setback at least fifty (50) feet from the extended side lot lines.
- (3) Dolphin pilings are permitted only if accessory to any dock; no more than six (6) dolphin pilings are permitted accessory to any dock and no dolphin pilings shall be located more than thirty-five (35) feet from any portion of the dock to which such dolphin piling is accessory. However, if the dock's terminus is less than the maximum width allowed for that lot, permitted dolphin pilings may be placed no more than thirty-five (35) feet from the point to which such maximum width dock terminus would have extended so long as there is no encroachment into the waterward extension of the applicable side setback lines.
- (4) Dock surface width shall conform with the following:
- (a) the width of the surface of a dock terminus shall not be more than eight (8) feet and not less than four (4) feet; and

- (b) the width of the surface of a dock stem shall not be more than six (6) feet and not less than four (4) feet.
- (5) No gear, trash receptacle or equipment shall be permitted on any dock. Equipment specifically excludes power stations, fueling stations, ladders, water hoses, mooring lines, whips and bumper cushions.
- (6) Dock boxes may be used but only attached abutting the seawall or located at the landward dock extremity; no dock box may be higher than thirty (30) inches and greater than twenty-four (24) cubic feet.
- (7) Only one (1) bench placed on a dock is permitted provided such bench is not more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (8) Dock color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
- (9) No surface of any dock shall be constructed or project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (10) Floating docks are permissible provided the following regulations are met:
- (a) The width of the surface of each floating dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet with a total length not to exceed fourteen (14) feet except for concrete floating docks which shall not exceed eight (8) feet in width and fourteen (14) feet in length.
- (b) Each floating dock shall have a light positioned on a post located at each corner that projects into the water. Each light installed shall be maintained in good working order, shall cast a clear white or yellow light, shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

- (c) A licensed engineer shall certify that each floating dock shall be designed and constructed to meet the same standards applicable to conventional, stationary docks as related to the dock's ability to withstand the effects of a storm event.
- (d) Each floating dock shall be designed so as to incorporate neoprene rollers, rubber washers or similar noise reduction components in all hinges and connections and between all parts of the dock to prevent any noise; and all pilings supporting the floating dock shall be positioned on the inside of the dock.
- (e) A floating dock attached to, adjacent to, or associated with a conventional dock shall be considered one (1) dock. As such, the aggregate length of the conventional dock and floating dock shall not exceed the allowable maximum length set forth elsewhere in this section, and the limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to the floating dock as part of the conventional dock.
- (11) No dock, dolphin pilings and/or boat or water vessel attached to it shall prevent passage through any navigable water channel or way as evidenced by bathymetric surveys which shall indicate the location and width of any navigable channel or way with respect to such dock.
- (12) Docks are permitted to be accessory uses only and no more than one (1) dock, as an accessory use, may be on or project from any lot or lot of record See also the definition of "ACCESSORY USE or BUILDINGS or STRUCTURES", and "DOCK". Any dock that is constructed prior to the principal single family residence or that remains on an otherwise vacant lot or lot of record may be used only by the owner of said lot or lot of record, and may only remain and be so used for a maximum of two years prior to the issuance of a certificate of occupancy for the principal single family residence. The Town Commission may extend the two-year limit when a public need for such extension has been demonstrated to the satisfaction of the Town Commission, on a case-by-case basis. The two-year period shall commence on the date that the Building Official

issues a certificate of completion for the dock on the otherwise vacant lot. Regardless of the timing, all such docks shall be maintained pursuant to all applicable Town codes and building codes for construction and maintenance of docks.

- (13) No dock or portion of a dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, shall be located closer than twenty-five (25) feet to any other dock or portion thereof or any other dock's accessory structure, vessel-lifting device, or dolphin pilings or to any other lot or lot of record to which such dock is not accessory or to the closest portion of the side lot lines of the lot or lot of record from which the dock projects or the waterward projection or extension of such side lot lines.
- (14) Dock accessory structures and vessel-lifting devices (boat elevators, boatlifts, platforms, and personal watercraft lifts) are permitted on docks. Dock accessory structures containing a flat surface or platform be included in all calculations related to a dock's size, location, terminus configuration, maximum allowable length, and compliance with side setbacks. Dock accessory structures or vessel-lifting devices of a conventional design that generally consist of separate beams or rails supported by pilings (including boatlifts, boat elevators, and personal watercraft lifts) shall only be included in calculations related to a dock's maximum allowable length and compliance with side setbacks. The limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to any dock accessory structure or vessel-lifting device as part of the conventional or floating dock.
- (15) Each dock shall have a light at its terminus and all light(s) installed shall be maintained in good working order, shall cast a clear white or yellow light, and shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens. All dock lights shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

(16) Each dock may have no more than one (1) light for each ten (10) feet of total linear dock length, measured from the lot, lot of record or seawall to end of the dock stem plus that length measured from end to end of the dock terminus. Any and all allowed dock lights shall conform with the requirements as set forth herein above.

(17) All docks shall be centered on the lot or lot of record or within ten (10) feet of such a center point and shall run parallel with the side lot lines of the lot or lot of record on which it is located. However, on a lot or lot of record having a width of three hundred (300) feet or greater the proposed dock need not be centered but the dock and any portion of the dock, including any associated dock accessory structure, vessel-lifting device, or dolphin pilings, must be setback no less than fifty (50) feet from the extended side lot line of any lot or lot of record from which such dock projects.

(C) Docking boats.

(1) No portion of any docked boat, ship or water vessel shall project closer than twelve (12) feet to the closest portions of the side lot line of any lot or lot of record to which such dock is accessory or the waterward projection or extension of such side lot lines or closer than twelve (12) feet to any lot or lot of record to which such dock is not accessory.

(2) No boat, ship or water vessel keel or hull may be supported, elevated, suspended or otherwise placed or maintained more than twelve (12) inches above the surface of and out of the water at high tide.

(3) No boat, ship or water vessel or any part thereof shall be placed, stored, or maintained upon the surface of any dock.

(4) Houseboats are strictly prohibited.

3. BULKHEAD LINE.

No structures shall be located, erected or constructed seaward of any established bulkhead or bulkhead line, except erosion control devices such as bulkheads, groins or jetties.

Sec. 151.599 WATERWAY ZONE W-15 (1555 through 2000 S. Ocean Blvd. - Zoning District R1-B).

1. BOATS AND TRAILERS.

No boats or trailers of any kind shall be kept, maintained or stored on any lot or lot of record except within an enclosed garage or except when docked or moored. These restrictions shall not apply to the storage of non-motorized boats (by way of example and not limitation, kayaks and paddle-boards) which are either screened from the view of abutting neighbors or residences located on the opposite waterbody bank, or which are kept on or adjacent to a dock or seawall.

2. BOATHOUSES; DOCKS.

(A) Boathouses. Boathouses are not permitted.

(B) Docks. No dock shall be located, erected, constructed, added on to, expanded, extended, replaced, reconstructed or altered upon or projecting from any lot or lot of record unless in strict conformance with DEP and ACOE permit regulations. A permit from these agencies is required prior to issuance of a permit by the Town. Additionally, the construction, alteration and the like of all docks must meet the following Town regulations:

(1) All docks shall project waterward from the associated lot or lot of record or seawall, a minimum length necessary (evidenced by bathymetric surveys) to reach a terminus and mooring area located in a water depth of three (3) feet of water at mean low water (MLW). The maximum length of any such dock in this zoning district is one hundred fifty (150) feet from any lot or lot of record or seawall.

(a) The required bathymetric surveys shall be taken from the seawall of the subject lot out across the water for a distance sufficient to demonstrate the width of the navigable waterway or channel (as defined in Section 151.003) in order to demonstrate that the dock in question will not prevent passage through the waterway or channel.

(b) Three (3) bathymetric surveys, one (1) each, shall be taken parallel to and originating from each side lot line and the point from which the dock is to project in order to satisfy the above requirements.

- (2) No dock finger or projection shall extend from the stem of a dock unless it is in a "T" or "L" configuration located at the furthest waterward projection of the dock, the total waterward projection of the stem and "T" or "L" addition not to exceed the maximum waterward projection allowed and the total dimension of such terminus not to exceed fifty (50) feet by eight (8) feet. However, if the subject dock projects from a lot or lot of record having a width greater than or equal to three hundred (300) feet, a dock terminus dimension of seventy-five (75) feet by eight (8) feet shall be permitted so long as the dock or any portion of the dock, including any associated dock accessory structure, vessel-lifting device, or dolphin pilings, is setback at least fifty (50) feet from the extended side lot property lines.
- (3) Side setback. No dock or portion of a dock, including any dock accessory structure, vessel-lifting device, or dolphin pilings, shall be located closer than the below set forth footage distance to any other dock or portion thereof or any other dock's accessory structure, vessel-lifting device, or dolphin pilings or to any other lot or lot of record to which such dock is not accessory or to the closest portion of the side lot lines of the lot or lot of record from which the dock projects or the waterward projection or extension of such side lot lines:
- (a) Where the dock projects waterward less than one hundred (100) feet as calculated in subsection (B)(1) above, the setback is twenty-five (25) feet;
and
- (b) Where the dock projects waterward more than one hundred (100) feet as calculated in subsection (B)(1) above, the setback is fifty (50) feet.
- (4) Except for the terminus of a dock, the width of the surface of each dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet.
- (5) Dolphin pilings are permitted only if accessory to any dock; no more than six (6) dolphin pilings are permitted accessory to any dock and no dolphin pilings shall be located more than thirty-five (35) feet from any portion of the dock to which such dolphin piling is accessory. However, if the dock's terminus is less than the maximum width allowed for that lot, permitted dolphin pilings may be

- placed no more than thirty-five (35) feet from the point to which such maximum width dock terminus would have extended so long as there is no encroachment into the waterward extension of the applicable side setback lines.
- (6) No gear, trash receptacle or equipment shall be permitted on any dock. Equipment specifically excludes power stations, fueling stations, ladders, water hoses, mooring lines, whips and bumper cushions.
- (7) Dock boxes may be used but only attached abutting the seawall or located at the landward dock extremity; no dock box may be higher than thirty (30) inches and greater than twenty-four (24) cubic feet.
- (8) Only one (1) bench placed on a dock is permitted provided such bench is not more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (9) Dock color shall be maintained in a condition that eliminated an appearance of disrepair or neglect.
- (10) No surface of any dock shall be constructed or project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (11) Floating docks are permissible provided the following regulations are met:
- (a) The width of the surface of each dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet with a total length not to exceed fourteen (14) feet except for concrete floating docks which shall not exceed eight (8) feet in width and fourteen (14) feet in length.
- (b) Each floating dock shall have a light positioned on a post located at each corner that projects into the water. Each light installed shall be maintained in good working order, shall cast a clear white or yellow light, shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

- (c) A licensed engineer shall certify that each floating dock shall be designed and constructed to meet the same standards applicable to conventional, stationary docks as related to the dock's ability to withstand the effects of a storm event.
- (d) Each floating dock shall be designed so as to incorporate neoprene rollers, rubber washers or similar noise reduction components in all hinges and connections and between all parts of the dock to prevent any noise; and all pilings supporting the floating dock shall be positioned on the inside of the dock.
- (e) A floating dock attached to, adjacent to, or associated with a conventional dock shall be considered one (1) dock. As such, the aggregate length of the conventional dock and floating dock shall not exceed the allowable maximum length set forth elsewhere in this section, and the limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to the floating dock as part of the conventional dock.
- (12) No dock, dolphin pilings and/or boat or water vessel attached to it shall prevent passage through any navigable water channel or way as evidenced by bathymetric surveys which shall indicate the location and width of any navigable channel or way with respect to such dock.
- (13) Docks are permitted to be accessory uses only and no more than one (1) dock, as an accessory use, may be on or project from any lot or lot of record. See also the definition of "ACCESSORY USE or BUILDINGS or STRUCTURES", and "DOCK". Any dock that is constructed prior to the principal single family residence or that remains on an otherwise vacant lot or lot of record may be used only by the owner of said lot or lot of record, and may only remain and be so used for a maximum of two years prior to the issuance of a certificate of occupancy for the principal single family residence. The Town Commission may extend the two-year limit when a public need for such extension has been demonstrated to the satisfaction of the Town Commission, on a case-by-case basis. The two-year period shall commence on the date that the Building Official

issues a certificate of completion for the dock on the otherwise vacant lot. Regardless of the timing, all such docks shall be maintained pursuant to all applicable Town codes and building codes for construction and maintenance of docks.

- (14) All docks shall be centered or within ten (10) feet of center on the lot or lot of record and shall run parallel with the side lot lines of the lot or lot of record on which it is located. However, on a lot or lot of record having a width of three hundred (300) feet or greater the dock need not be centered but the dock and any portion of the dock, including any associated dock accessory structure, vessel-lifting device, or dolphin pilings, must be setback no less than fifty (50) feet from the extended side lot line of the lot or lot of record from which such dock projects.
- (15) Dock accessory structures and vessel-lifting devices (boat elevators, boat-lifts, platforms, and personal watercraft lifts) are permitted on docks. Dock accessory structures containing a flat surface or platform shall be included in all calculations related to a dock's size, location, terminus configuration, maximum allowable length, and compliance with side setbacks. Dock accessory structures or vessel-lifting devices of a conventional design that generally consist of separate beams or rails supported by pilings (including boatlifts, boat elevators, and personal watercraft lifts) shall only be included in calculations related to a dock's maximum allowable length and compliance with side setbacks. The limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to any dock accessory structure or vessel-lifting device as part of the conventional or floating dock.
- (16) Each dock shall have a light at its terminus and all light(s) installed shall be maintained in good working order, shall cast a clear white or yellow light, and shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens. All dock lights shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may

be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.

- (17) Each dock may have no more than one (1) light for each ten (10) feet of total linear dock length, measured from the lot, lot of record or seawall to end of the dock stem plus that length measured from end to end of the dock terminus. Any and all allowed and/or prescribed dock lights shall conform to the requirements as set forth herein above.

(C) Docking boats.

- (1) No portion of any docked boat, ship or water vessel shall project closer than twenty (20) feet to the closest portions of the side lot line of any lot or lot of record to which such dock is accessory or the waterward projection or extension of such side lot lines or closer than twenty (20) feet to any lot or lot of record to which such dock is not an accessory.
- (2) No boat, ship or water vessel keel or hull may be supported, elevated, suspended or otherwise placed or maintained more than twelve (12) inches above the surface of and out of the water at high tide.
- (3) No boat, ship or water vessel or any part thereof shall be placed, stored, or maintained upon the surface of any dock.
- (4) Houseboats are strictly prohibited.

3. BULKHEAD LINE.

No structures shall be located, erected or constructed seaward of any established bulkhead or bulkhead line, except erosion control devices such as bulkheads, groins or jetties.

Sec. 151.600 WATERWAY ZONE W-16 (3040 through 4020 S. Ocean Blvd. - Zoning District R1-A).

1. BOATS AND TRAILERS.

No boats or trailers of any kind shall be kept, maintained or stored on any lot or lot of record except within an enclosed garage or except when docked or moored. These restrictions shall not apply to the storage of non-motorized boats (by way of example and not limitation, kayaks and paddle-boards) which are either screened from the view of

abutting neighbors or residences located on the opposite waterbody bank, or which are kept on or adjacent to a dock or seawall.

2. BOATHOUSES; DOCKS.

(A) Boathouses. Boathouses are not permitted.

(B) Docks. No dock shall be located, erected, constructed, added on to, expanded, extended, replaced, reconstructed or altered upon or projecting from any lot or lot of record unless it is located on the west side of Highway A1A and unless in strict conformance with DEP and ACOE permit regulations. A permit from these agencies is required prior to issuance of a permit by the Town. Additionally, the construction, alteration and the like of all docks must meet the following Town regulations:

(1) All docks shall project waterward from the associated lot or lot of record or seawall, a minimum length necessary (evidenced by bathymetric surveys) to reach a terminus and mooring area located in a water depth of three (3) feet of water at mean low water (MLW). The maximum length of any such dock in this zoning district is eighty (80) feet from any lot or lot of record or seawall

(a) The required bathymetric surveys shall be taken from the seawall of the subject lot out across the water for a distance sufficient to demonstrate the width of the navigable waterway or channel (as defined in Section 151.003) in order to demonstrate that the dock in question will not prevent passage through the waterway or channel.

(b) Three (3) bathymetric surveys, one (1) each, shall be taken parallel to and originating from each side lot line and the point from which the dock is to project in order to satisfy the above requirements.

(2) The width of the surface of each dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet.

(3) Dolphin pilings are permitted only if accessory to any dock; no more than four (4) dolphin pilings are permitted accessory to any dock and no dolphin pilings shall be located more than thirty-five (35) feet from any portion of the dock to which such dolphin piling is accessory.

- (4) No gear, trash receptacle or equipment shall be permitted on any dock. Equipment specifically excludes power stations, fueling stations, ladders, water hoses, mooring lines, whips and bumper cushions.
- (5) Dock boxes may be used but only attached abutting the seawall or located at the landward dock extremity; no dock box may be higher than thirty (30) inches and greater than twenty-four (24) cubic feet.
- (6) Only one (1) bench placed on a dock is permitted provided such bench is not more than five (5) feet in length, no more than thirty-six (36) inches in height and no more than eighteen (18) inches in width.
- (7) Dock color shall be maintained in a condition that eliminates an appearance of disrepair or neglect.
- (8) No surface of any dock shall be constructed or project in height higher than the level of any abutting seawall or five and one-half (5½) feet above mean sea level, whichever is higher.
- (9) Floating docks are permissible provided the following regulations are met:
- (a) The width of the surface of each dock and each portion thereof shall not be more than six (6) feet and not less than four (4) feet with a total length not to exceed fourteen (14) feet except for concrete floating docks which shall not exceed eight (8) feet in width and fourteen (14) feet in length.
- (b) Each floating dock shall have a light positioned on a post located at each corner that projects into the water. Each light installed shall be maintained in good working order, shall cast a clear white or yellow light, shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens, shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.
- (c) A licensed engineer shall certify that each floating dock shall be designed and constructed to meet the same standards applicable to conventional,

stationary docks as related to the dock's ability to withstand the effects of a storm event.

- (d) Each floating dock shall be designed so as to incorporate neoprene rollers, rubber washers or similar noise reduction components in all hinges and connections and between all parts of the dock to prevent any noise; and all pilings supporting the floating dock shall be positioned on the inside of the dock.
- (e) A floating dock attached to, adjacent to, or associated with a conventional dock shall be considered one (1) dock. As such, the aggregate length of the conventional dock and floating dock shall not exceed the allowable maximum length set forth elsewhere in this section, and the limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to the floating dock as part of the conventional dock.
- (10) No dock, dolphin pilings and/or boat or water vessel attached to it shall prevent passage through any navigable water channel or way as evidenced by bathymetric surveys which shall indicate the location and width of any navigable channel or way with respect to such dock.
- (11) Docks are permitted to be accessory uses only and no more than one (1) dock, as an accessory use, may be on or project from any lot or lot of record. See also the definition of "ACCESSORY USE or BUILDINGS or STRUCTURES", and "DOCK". Any dock that is constructed prior to the principal single family residence or that remains on an otherwise vacant lot or lot of record may be used only by the owner of said lot or lot of record, and may only remain and be so used for a maximum of two years prior to the issuance of a certificate of occupancy for the principal single family residence. The Town Commission may extend the two-year limit when a public need for such extension has been demonstrated to the satisfaction of the Town Commission, on a case-by-case basis. The two-year period shall commence on the date that the Building Official issues a certificate of completion for the dock on the otherwise vacant lot. Regardless of the timing, all such docks shall be maintained pursuant to all

applicable Town codes and building codes for construction and maintenance of docks.

- (12) No dock or portion of a dock, including any associated dock accessory structures, vessel-lifting devices, or dolphin pilings, shall be located closer than twenty-five (25) feet to any other dock or portion thereof or any other dock's accessory structure, vessel-lifting device, or dolphin pilings or to any other lot or lot of record to which such dock is not accessory or to the closest portion of the side lot lines of the lot or lot of record from which the dock projects or the waterward projection or extension of such side lot lines.
- (13) Dock accessory structures and vessel-lifting devices (boat elevators, boatlifts, platforms, and personal watercraft lifts) are permitted on docks. Dock accessory structures containing a flat surface or platform shall be included in all calculations related to a dock's size, location, terminus configuration, maximum allowable length, and compliance with side setbacks. Dock accessory structures or vessel-lifting devices of a conventional design that generally consist of separate beams or rails supported by pilings (including boatlifts, boat elevators, and personal watercraft lifts) shall only be included in calculations related to a dock's maximum allowable length and compliance with side setbacks. The limits on dolphin pilings, gear, trash receptacles, equipment, boxes, benches, color and dock location shall be applied to any dock accessory structure or vessel-lifting device as part of the conventional or floating dock.
- (14) Each dock shall have a light at its terminus and all light(s) installed shall be maintained in good working order, shall cast a clear white or yellow light, and shall not exceed the intensity of a forty (40) watt tungsten filament incandescent or equivalent (less than or equal to four hundred eighty (480) lumens. All dock lights shall operate on automatic light sensor turning on at dusk and off at dawn, shall not project above the dock surface higher than sixty (60) inches and may be solar powered. These same illumination intensity regulations shall apply to lighting for steps attached to a dock, if any.
- (15) Each dock may have no more than one (1) light for each ten (10) feet of total linear dock length, measured from the lot, lot of record or seawall to end of the

dock stem plus that length measured from end to end of the dock terminus. Any and all allowed and/or prescribed dock lights shall conform to the requirements as set forth herein above.

(16) All docks shall be centered or within ten (10) feet of center on the lot or lot of record and shall run parallel with the side lot lines of the lot or lot of record on which it is located. However, on a lot or lot of record having a width of three hundred (300) feet or greater the dock need not be centered but the dock and any portion of the dock, including any associated dock accessory structure, vessel-lifting device, or dolphin pilings, must be setback no less than fifty (50) feet from the extended side lot line of the lot or lot of record from which such dock projects.

(17) A "T" or "L" shaped dock terminus configuration shall not be allowed due to the space constraints in this zoning District.

(C) Docking boats.

(1) No boat, ship or water vessel exceeding in length seventy-five (75) percent of the bulkhead length of any lot shall be docked at any dock on or projecting from such lot.

(2) No portion of any docked boat, ship or water vessel shall project closer than twenty-five (25) feet to the closest portions of the side lot line of any lot or lot of record to which such dock is accessory or the waterward projection or extension of such side lot lines or closer than twenty-five (25) feet to any lot or lot of record to which such dock is not accessory.

(3) No boat, ship or water vessel keel or hull may be supported, elevated, suspended or otherwise placed or maintained more than twelve (12) inches above the surface of and out of the water at high tide.

(4) No boat, ship or water vessel or any part thereof shall be placed, stored or maintained upon the surface of any dock.

(5) Houseboats are strictly prohibited.

3. BULKHEAD LINE.

No structures shall be located, erected or constructed seaward of any established bulkhead or bulkhead line, except erosion control devices such as bulkheads, groins or jetties.

Sec. 151.601 through Sec. 151.614 Reserved.

Section 3. The following sections of the Code of Ordinances of the Town of Manalapan, Florida, are repealed in their entirety, and are reserved for future use:

In the R1-A Zoning District, Section 151.062 Boats and Trailers; Section 151.063 Boathouses; Docks, and Section 151.067 Bulkhead line.

In the R1-B Zoning District, Section 151.102 Boats and Trailers; Section 151.103 Boathouses; Docks, and Section 151.107 Bulkhead line.

In the R1-C Zoning District, Section 151.142 Boats and Trailers; Section 151.143 Boathouses; Docks, and Section 151.147 Bulkhead line.

In the R1-D Zoning District, Section 151.182 Boats and Trailers; Section 151.183 Boathouses; Docks, and Section 151.187 Bulkhead line.

In the R1-E Zoning District, Section 151.222 Boats and Trailers; Section 151.223 Boathouses; Docks, and Section 151.227 Bulkhead line.

In the R2-A Zoning District, Section 151.302 Boats and Trailers; Section 151.303 Boathouses; Docks, and Section 151.307 Bulkhead line.

In the R3-A Zoning District, Section 151.343 Boats and Trailers; Section 151.344 Boathouses; Docks, and Section 151.347 Bulkhead line.

In the R3-B Zoning District, Section 151.382 Boats and Trailers; Section 151.383 Boathouses; Docks, and Section 151.387 Bulkhead line.

In the R-C1 Zoning District, Section 151.422 Boats and Trailers; Section 151.423 Boathouses; Docks, and Section 151.427 Bulkhead line.

Section 4. Each and every other section and subsection of Chapter 151. Zoning, 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.

TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: June 23rd, 2026

Agenda Item No.: PH. 3

Agenda Item Name: **Ordinance #403**

BACKGROUND:

Ordinance #403 - AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, ADOPTING A NEWLY REVISED AND AMENDED OFFICIAL ZONING MAP FOR THE TOWN OF MANALAPAN, FLORIDA, WHICH, IN CONJUNCTION WITH ORDINANCE 401 RE-ZONES ALL PROPERTY CURRENTLY DESIGNATED AS R1-F, AS WELL AS R3-A PROPERTIES LOCATED WEST OF LANDS END ROAD INTO THE DESIGNATION OF R1-D PROPERTY; IN ADDITION, ADOPTING AN ENTIRELY NEW MAP FOR THE NEWLY ADOPTED WATERWAY ZONES CODE WHICH, IN CONJUNCTION WITH ORDINANCE 402 WILL RELOCATE AND CONSOLIDATE ALL EXISTING TOWN DOCK, SEAWALL, AND RELATED REGULATIONS INTO A NEW, SINGLE, CONSOLIDATED ZONING CODE DIVISION IN ORDER TO BETTER ORGANIZE THESE EXISTING CODE PROVISIONS INTO ONE USER FRIENDLY PART OF THE ZONING CODE; PROVIDING THAT THE ZONING MAP OF THE TOWN OF MANALAPAN, FLORIDA, BE AMENDED TO REFLECT THE RE-ZONING OF ALL R1-F, AS WELL AS R3-A PROPERTIES LOCATED WEST OF LANDS END ROAD INTO R1-D PROPERTY AND TO REFLECT THE NEW WATERWAY ZONES; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. **(First Reading)**

This ordinance formally updates the Town's Official Zoning Map to implement the zoning and code changes adopted through Ordinances 401 & 402. Specifically, reclassifying all properties formerly zoned R1-F, along with certain R3-A properties west of Lands End Road, into the R1-D zoning district, and adopts a new Waterway Zone map to support the Town's reorganized waterfront regulations. The purpose of the ordinance is to ensure that the Town's official maps accurately reflect the zoning and regulatory framework established by the related ordinances, providing clarity and consistency.

MOTION:

- Move to approve/disapprove Ordinance #403 on First Reading.

ATTACHMENTS:

- Ordinance #403

ORDINANCE NO. 403

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, ADOPTING A NEWLY REVISED AND AMENDED OFFICIAL ZONING MAP FOR THE TOWN OF MANALAPAN, FLORIDA, WHICH, IN CONJUNCTION WITH ORDINANCE 401 RE-ZONES ALL PROPERTY CURRENTLY DESIGNATED AS R1-F, AS WELL AS R3-A PROPERTIES LOCATED WEST OF LANDS END ROAD INTO THE DESIGNATION OF R1-D PROPERTY; IN ADDITION, ADOPTING AN ENTIRELY NEW MAP FOR THE NEWLY ADOPTED WATERWAY ZONES CODE WHICH, IN CONJUNCTION WITH ORDINANCE 402 WILL RELOCATE AND CONSOLIDATE ALL EXISTING TOWN DOCK, SEAWALL, AND RELATED REGULATIONS INTO A NEW, SINGLE, CONSOLIDATED ZONING CODE DIVISION IN ORDER TO BETTER ORGANIZE THESE EXISTING CODE PROVISIONS INTO ONE USER FRIENDLY PART OF THE ZONING CODE; PROVIDING THAT THE ZONING MAP OF THE TOWN OF MANALAPAN, FLORIDA, BE AMENDED TO REFLECT THE RE-ZONING OF ALL R1-F, AS WELL AS R3-A PROPERTIES LOCATED WEST OF LANDS END ROAD INTO R1-D PROPERTY AND TO REFLECT THE NEW WATERWAY ZONES; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, after duly noticed public hearings, held pursuant to *Florida Statutes*, the Town Commission of the Town of Manalapan, Florida does hereby find, determine, and declare that the public health, safety, and general welfare of the citizens of the Town of Manalapan, Florida, are best served by re-zoning all R1-F property as well as R3-A properties located west of Lands End Road into R1-D property; and

WHEREAS, after duly noticed public hearings, held pursuant to *Florida Statutes*, the Town Commission of the Town of Manalapan, Florida does hereby find, determine, and declare that the public health, safety, and general welfare of the citizens of the Town of Manalapan, Florida, are best served by adopting a new map to depict newly adopted “waterway zones” which coincide with the reorganized text regarding these existing regulations within the Town’s land development regulations.

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

Section 1. That certain real property currently designated as R1-F on the Town of Manalapan Official Zoning Map is hereby rezoned and re-designated as R1-D. The legal description for these properties is contained on Exhibit A to this ordinance. The parcel control numbers for all former R1-F properties which will now be R1-D properties are listed on Exhibit B.

Section 2. That certain real property currently designated as R3-A on the Town of Manalapan Official Zoning Map, located west of Lands End Road, is hereby rezoned and re-designated as R1-D. The legal description for these properties is contained on Exhibit C to this ordinance. The parcel control numbers for all former R3-A properties which will now be R1-D properties are listed on Exhibit D.

Section 3. The “Waterway Zone” map depicting all recently adopted waterway zones as further provided for in Ordinance No. 402 is hereby adopted and made a part of the Official Zoning Map of the Town of Manalapan, Florida.

Section 4. The Official Town of Manalapan, Florida Zoning Map is hereby amended to conform to this Ordinance, and the appropriate officials of the Town are instructed to make the necessary changes to the Official Town of Manalapan, Florida Zoning Map.

Section 5. All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 6: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 7. This Ordinance shall take effect on the same date that Ordinances 401 and 402, which adopt associated text amendments repealing zoning district R1-F and adopting new waterway zone code provisions, become effective.

FIRST READING this ____ day of May 2026.

SECOND AND FINAL READING this ____ day of _____ 2026.

EXHIBIT A

Former District R1-F:

A parcel of land in Sections 10 and 15, Township 45 South, Range 43, the county, being more particularly described as follows:

Beginning at the Southeasterly corner of Lot 63 Replat of Plat No. 2, Point Manalapan as same is recorded in Plat Book 76, at Page 130, Public Records of the county, run thence North 75°04'00" West along the Southerly line of the Lot 63 a distance of 130.94 feet to a point and from the point run thence by the following numbered courses: South 09°57'40" East, 80.65 feet; thence South 02°46'44" West, 54.12 feet; thence South 05°09'54" East, 40.93 feet; thence South 01°29'53" East, 44.59 feet; thence South 01°13'26" East, 49.22 feet; thence South 04°17'33" West, 33.91 feet; thence South 02°18'09" West, 53.26 feet; thence South 00°05'42" East, 48.67 feet; thence South 04°12'30" East, 60.95 feet; thence South 01°59'19" East, 64.91 feet; thence South 00°20'16" West, 80.78 feet; thence South 07°27'35" East, 42.33 feet; thence South 01°38'35" West, 69.41 feet; thence South 07°37'13" West, 56.11 feet; thence South 03°54'49" West, 45.57 feet; thence South 01°38'13" East, 42.58 feet, thence South 11°57'12" East, 69.33 feet; thence South 01°35'32" East, 106.69 feet; thence South 00°32'57" West, 137.99 feet; thence South 09°48'21" West, 27.68 feet; thence South 15°43'39" West, 56.16 feet; thence South 05°54'00" West, 33.99 feet; thence South 04°30'10" West, 28.91 feet; thence South 09°16'10" East 66.17 feet; thence South 04°53'46" East, 107.85 feet; thence South 04°53'49" East, 104.60 feet; thence South 05°19'32" West, 89.22 feet; thence South 08°18'56" West, 202.61 feet; thence South 03°22'52" West, 110.04 feet; thence South 00°46'01" West, 99.24 feet; thence South 01°04'51" East, 275.21 feet; thence South 07°54'58" East, 141.75 feet; thence South 13°34'32" East, 80.68 feet; thence South 20°27'04" East, 67.21 feet; thence South 23°41'55" East, 75.20 feet; thence South 34°11'17" East, 42.63 feet; thence South 51°44'12" East, 27.60 feet; thence North 86°22'05" East, 27.94 feet; thence North 81°19'58" East, 93.78 feet; thence North 78°07'15" East, 38.31

feet; thence North 65°44'54" East, 27.77 feet; thence North 44°05'33" East, 45.92 feet; thence North 01°33'05" East, 74.23 feet; thence North 00°09'08" East, 131.65 feet; thence North 01°45'47" West, 83.04 feet;

Thence continue Northerly meandering the shores of Lake Worth a distance of 2,332 feet, more or less, to a point in the Southerly Right-of-Way Line of Audubon Causeway as same is shown on aforesaid Replat of Plat No. 2, Point Manalapan; thence North 75°04'00" West along the Right-of-Way Line 195.53 feet; thence North 14°56'00" East 40.00 feet to the point of beginning.

EXHIBIT B

Parcel Control Numbers from former zoning district R1-F:

42-43-45-10-14-000-0021
42-43-45-10-14-000-0010
42-43-45-10-14-000-0020
42-43-45-10-14-000-0031
42-43-45-10-14-000-0040
42-43-45-10-14-000-0050
42-43-45-10-14-000-0060
42-43-45-10-14-000-0070
42-43-45-10-14-000-0071
42-43-45-10-14-000-0080
42-43-45-10-14-000-0090
42-43-45-10-14-000-0100
42-43-45-10-14-000-0101
42-43-45-10-14-000-0110
42-43-45-10-14-000-0120
42-43-45-10-14-000-0330
42-43-45-10-14-000-0130
42-43-45-10-14-000-0320
42-43-45-10-14-000-0140
42-43-45-10-14-000-0310
42-43-45-10-14-000-0300
42-43-45-10-14-000-0150
42-43-45-10-14-000-0290
42-43-45-10-14-000-0160
42-43-45-10-14-000-0280
42-43-45-10-14-000-0170
42-43-45-10-14-000-0270
42-43-45-10-14-000-0180
42-43-45-10-14-000-0260
42-43-45-10-14-000-0191
42-43-45-10-14-000-0250
42-43-45-10-14-000-0201
42-43-45-10-14-000-0240
42-43-45-10-14-000-0230
42-43-45-10-14-000-0220

EXHIBIT C

Legal descriptions from former zoning district R3-A:

Lot 78 of Plat No. 5 Point Manalapan, according to the Plat thereof, as recorded in Plat Book 28, page 206.

Lot 77 of Plat No. 5 Point Manalapan, according to the Plat thereof, as recorded in Plat Book 28, page 206.

Lots 1 & 2 of Plat No. 10 Point Manalapan, according to the Plat thereof, as recorded in Plat Book 69, page 8.

Lot 3 of Plat No. 10 Point Manalapan, according to the Plat thereof, as recorded in Plat Book 69, page 8.

Lot 4 of Plat No. 10 Point Manalapan, according to the Plat thereof, as recorded in Plat Book 69, page 8.

EXHIBIT D

Parcel Control Numbers from former zoning district R3-A:

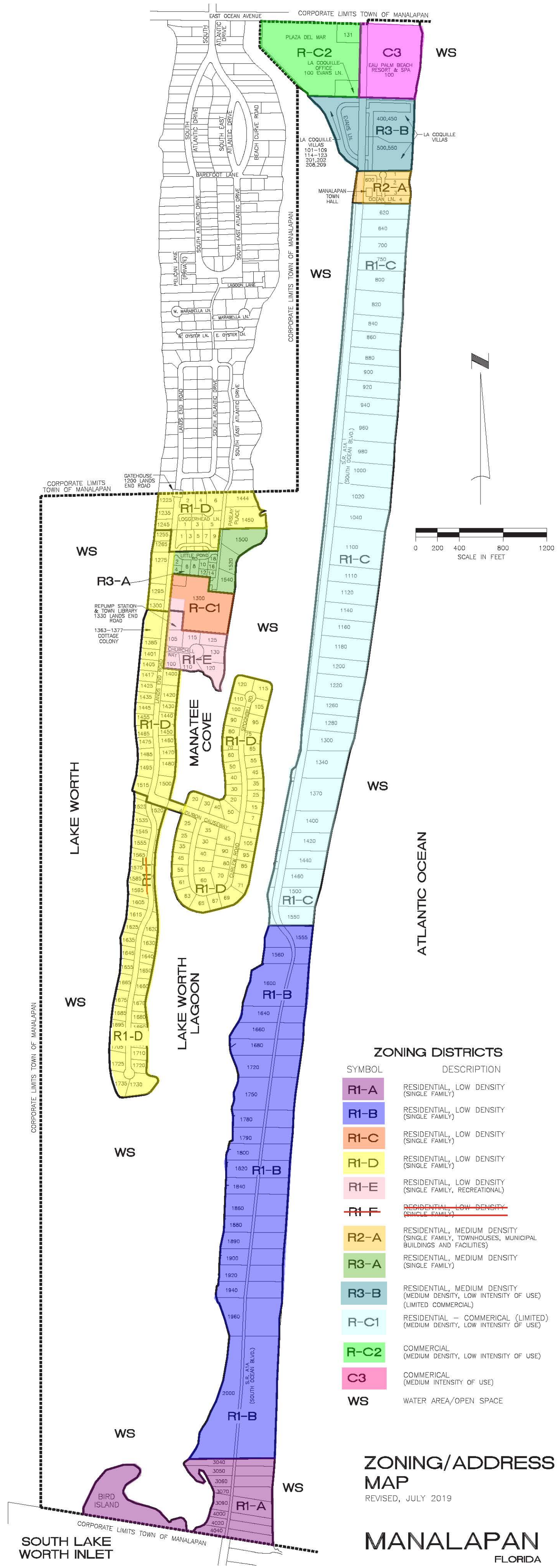
42-43-45-10-11-000-0780

42-43-45-10-11-000-0770

42-43-45-10-19-000-0010

42-43-45-10-19-000-0030

42-43-45-10-19-000-0040 (west side of Lands End Road only)



ZONING/ADDRESS MAP
REVISED, JULY 2019

TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: June 23rd, 2026

Agenda Item No.: PH. 4

Agenda Item Name: **Ordinance #406**

BACKGROUND:

Ordinance #406 - AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT TITLE III ADMINISTRATION, CHAPTER 31 STAFF, SECTION 31.17 TOWN GENERAL EMPLOYEES' AND POLICE OFFICERS' RETIREMENT FUND, SUBSECTION (E) BOARD OF TRUSTEES TO PROVIDE THAT THE EMPLOYEE TRUSTEES CANNOT BE EMPLOYEES IN THE DROP; AMENDING SUBSECTION (H). BENEFIT AMOUNTS AND ELIGIBILITY, SUBSECTION (I), PRE-RETIREMENT DEATH, SUBSECTION (J), DISABILITY, AND SUBSECTION (K), VESTING TO PROVIDE FOR A CHANGE IN VESTING IN THE PLAN OF BENEFITS FROM TEN YEARS TO EIGHT YEARS; ADDING SUBSECTION (BB), DEFERRED RETIREMENT OPTION PLAN (DROP), TO PROVIDE AN OPTION FOR MEMBERS TO HAVE A FIVE-YEAR DROP PERIOD; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF SECTION 31.17 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. **(First Reading)**

This ordinance updates the Town's retirement plan for general employees and police officers by enhancing retirement benefits and expanding retirement planning options. Specifically, it reduces the vesting period from ten years to eight years, allowing employees to qualify for retirement benefits sooner, and establishes a Deferred Retirement Option Plan (DROP) that permits eligible employees to continue working while accumulating retirement benefits for up to five years. The ordinance also clarifies governance of the retirement system by requiring that employee trustees serving on the retirement board not be participants in DROP. The overall purpose is to improve the attractiveness, flexibility, and administration of the Town's retirement program for current and future employees.

MOTION:

- Move to approve/disapprove Ordinance #406 on First Reading.

ATTACHMENTS:

- Ordinance #406
- Actuarial Impact Statement from GRS Consulting

ORDINANCE NO. 406

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT TITLE III ADMINISTRATION, CHAPTER 31 STAFF, SECTION 31.17 TOWN GENERAL EMPLOYEES' AND POLICE OFFICERS' RETIREMENT FUND, SUBSECTION (E) BOARD OF TRUSTEES TO PROVIDE THAT THE EMPLOYEE TRUSTEES CANNOT BE EMPLOYEES IN THE DROP; AMENDING SUBSECTION (H). BENEFIT AMOUNTS AND ELIGIBILITY, SUBSECTION (I), PRE-RETIREMENT DEATH, SUBSECTION (J), DISABILITY, AND SUBSECTION (K), VESTING TO PROVIDE FOR A CHANGE IN VESTING IN THE PLAN OF BENEFITS FROM TEN YEARS TO EIGHT YEARS; ADDING SUBSECTION (BB), DEFERRED RETIREMENT OPTION PLAN (DROP), TO PROVIDE AN OPTION FOR MEMBERS TO HAVE A FIVE-YEAR DROP PERIOD; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF SECTION 31.17 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 of Manalapan ("Town") currently provides benefits to the General Employees and Police Officers in its Town of Manalapan General Employees' and Police Officers' Retirement Fund (the "Fund"); and

WHEREAS, the Town desires to reduce the required vesting period in the plan from ten years to eight years; and

WHEREAS, the Town desires to add a Deferred Retirement Option Plan (DROP) to the existing plan document; and

WHEREAS, the Town Commission has determined that revising these benefits is in the best interest of the Town as well as the beneficiaries of the Fund.

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

Section 1. Title III Administration, Chapter 31 Staff, Section 31.17 Town General Employees' and Police Officers' Retirement Fund, subsection (E) Benefit Amounts and Eligibility, of the Code of Ordinances of the Town of Manalapan is hereby amended at sub-subsections (a), Normal Retirement Date, (c), Deferred Vested Retirement, and (e), Early Retirement Date, to read as follows:

[Subsections (A)-(D) shall remain in full force and effect as previously adopted].

(E) *Board of trustees.*

- (a) The sole and exclusive administration of and responsibility for the proper operation of the System and for making effective the provisions of this ordinance are hereby vested in a Board of Trustees. The Board of Trustees is hereby designated as the plan administrator.
- (b) The Board of Trustees shall consist of five (5) Trustees, as follows:
 1. Two Trustees shall be legal residents of the Town (unless otherwise prohibited by law) who shall be appointed by the Town Commission;
 - a. Each resident Trustee shall serve as Trustee for a period of four years, unless he sooner vacates the office or is sooner replaced by the Town Commission at whose pleasure he shall serve.
 - b. Each Resident Trustee may succeed himself in office.
 2. One Trustee shall be a full-time Police Officer Member of the System who shall be elected by a majority of the Police Officers who are Members of the System;
 - a. Each Police Officer Trustee shall serve as Trustee for a period of four years, unless he sooner leaves the employment of the Town as a Police Officer or otherwise vacates his office as Trustee, whereupon a successor shall be chosen in the same manner as the departing Trustee.
 - b. Each Police Officer Trustee may succeed himself in office.
 - c. **A Police Officer in the DROP is ineligible to be on the Board since they are considered retired for purposes of the System.**
 3. One Trustee shall be a full-time General Employee Member of the System who shall be elected by a majority of the General Employees who are Members of the System.
 - a. Each General Employee Trustee shall serve as Trustee for a period of four years, unless he sooner leaves the employment of the Town as a General Employee or otherwise vacates his office as Trustee, whereupon a successor shall be chosen in the same manner as the

departing Trustee.

b. Each General Employee Trustee may succeed himself in office.

c. **A General Employee in the DROP is ineligible to be on the Board since they are considered retired for purposes of the System.**

4. The fifth Trustee shall be chosen by a majority of the previous four Trustees as provided for herein, and such person's name shall be submitted to the Town Commission. Upon receipt of the fifth person's name, the Town Commission shall, as a ministerial duty, appoint such person to the Board of Trustees as its fifth Trustee. The fifth Trustee shall have the same rights as each of the other four (4) Trustees appointed or elected as herein provided.

[Sub-subsections (c)–(i) shall remain in full force and effect as previously adopted].

Section 2. Title III Administration, Chapter 31 Staff, Section 31.17 Town General Employees' and Police Officers' Retirement Fund, subsection (H) Benefit Amounts and Eligibility, of the Code of Ordinances of the Town of Manalapan is hereby amended at sub-subsections (a), Normal Retirement Date, (c), Deferred Vested Retirement, and (e), Early Retirement Date, to read as follows:

Sec. 31.17 - Town General Employees' and Police Officers' Retirement Fund.

[Subsections (F)-(G) shall remain in full force and effect as previously adopted].

(H) *Benefit Amounts and Eligibility.*

(a) Normal Retirement Date. A Member's normal retirement date shall be the first day of the month coincident with or the next following the earlier of attainment of age fifty-five (55) and the completion of ~~ten (10)~~ **eight (8)** years of Credited Service or the attainment of age fifty-two (52) and the completion of twenty-five (25) years of Credited Service. A Member may retire on his normal retirement date or on the first day of any month thereafter, and each Member shall become one hundred percent (100%) vested in his accrued benefit on the Member's normal retirement date. Normal retirement under the System is separation from employment with the General Employees or the Police Department on or after both reaching the normal retirement date and filing an application for benefits.

[Sub-subsection (b) shall remain in full force and effect as previously adopted].

- (c) Deferred Vested Retirement. A Member who terminates employment after attaining at least ~~ten (10)~~ **eight (8)** years of service is entitled to a benefit beginning at the early or normal retirement date whichever is applicable. Deferred Vested retirement under the System is separation from employment with the General Employees or the Police Department on or after both reaching the early or normal retirement date and filing an application for benefits.

[Sub-subsection (d) shall remain in full force and effect as previously adopted].

- (e) Early Retirement Date. A Member may retire on his early retirement date which shall be the first day of any month coincident with or next following the later of the attainment of age fifty (50) and the completion of at least ~~ten (10)~~ **eight (8)** years of Credited Service. Early retirement under the System is separation from employment with the General Employees or the Police Department both on or after the early retirement date and prior to the normal retirement and filing an application for benefits.

[Sub-subsection (f) shall remain in full force and effect as previously adopted].

Section 3. Title III Administration, Chapter 31 Staff, Section 31.17 Town General Employees' and Police Officers' Retirement Fund, subsection (I) Preretirement Death, of the Code of Ordinances of the Town of Manalapan is hereby amended at sub-subsection (a), Benefit Payable in Event of Death Prior to Ten (10) Years of Service, and sub-subsection (b), Benefit Payable in Event of Death While in Service With At Least Ten (10) Years of Service, sub-sub-subsection (1), to read as follows:

(I) *Preretirement death.*

- (a) Benefit Payable in the Event of Death Prior to ~~Ten (10)~~ **Eight (8)** Years of Service. If the service of a Member is terminated by reason of his death prior to his ~~tenth~~ **eighth** year of service in the Plan, there shall be payable to the Member's designated Beneficiary the Member's Accumulated Contributions.
- (b) Benefit Payable in Event of Death While in Service With At Least ~~Ten (10)~~ **Eight (8)** Years of Service.
 - (1) In the case of an active Member's death on or after attaining ~~10~~ **8** years of credited service, the Member's Beneficiary is, after application, entitled to a monthly benefit equal to three percent (3%) of the Member's Average Final Compensation multiplied by the Member's Credited Service. This benefit may be reduced for early

retirement depending upon the benefit commencement date.

[Sub-subsection (I)(b)(2) and (I)(b)(3) shall remain in full force and effect as previously adopted].

Section 4. Title III Administration, Chapter 31 Staff, Section 31.17 Town General Employees' and Police Officers' Retirement Fund, subsection (J), Disability, of the Code of Ordinances of the Town of Manalapan is hereby amended, to read as follows:

(J) *Disability.*

[Sub-subsection (a) shall remain in full force and effect as previously adopted].

(b) *Disability Benefits Off-Duty.* Each Member with ~~ten (10)~~ **eight (8)** years or more Credited Service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a general employee or police officer, which disability is not directly caused by the performance of his duties as a general employee or police officer, shall, upon establishing the same to the satisfaction of the Board, be entitled to the accrued pension benefit as of the date of disability. However, in no event shall the benefit be less than twenty-five percent (25%) of his or her average monthly compensation as of the general employee or police officer disability retirement date.

[Sub-subsections (c) – (e) shall remain in full force and effect as previously adopted].

Any person receiving disability benefits under provisions of this ordinance may be periodically re-examined by a qualified physician or physicians and/or surgeon or surgeons who shall be selected by the Board, to determine if such disability has ceased to exist. If the Board finds that the retiree is no longer permanently and totally disabled to the extent that he is unable to render useful and efficient service as a General Employee or Police Officer, the Board shall recommend to the Town that the retiree be returned to performance of duty as a General Employee or Police Officer and the retiree so returned shall enjoy the same rights that he had at the time he was placed upon pension. In the event the retiree so ordered to return shall refuse to comply with the order within thirty (30) days from the issuance thereof, he shall forfeit the right to his pension. However, any such Member who recovers from disability and whose retirement income is discontinued by the Board and who, as of the date of termination of his service due to disability, had both attained the age of fifty (50) years and completed at least ~~ten (10)~~ **eight (8)** of Credited Service, shall, if he does not re-enter the service of general Town employment or police department, be entitled to the early retirement income or the benefit on termination of service as provided in ~~Sections 7 and 10~~ **Sections 31.17(H) and (K)** hereof, respectively, based on his Average Final

Compensation and Credited Service as of the date of termination of his service due to disability and upon his attained age as of the date of his recovery from disability, and the amount of the retirement income upon early retirement will be reduced to take into account the Member's younger age and earlier commencement of retirement income payments as provided in ~~Section 7~~ **Section 31.17(H)** hereof.

The cost of the physical examination and/or re-examination of the retiree claiming and/or receiving disability benefits shall be borne by the Fund. All other reasonable costs as determined by the Board incident to the physical examination, such as, but not limited to, transportation, meals and hotel accommodations, shall be borne by the Fund.

If the retiree recovers from disability and reenters the service of the Town as a general employee or police officer, his service will be deemed to have been continuous, but the period beginning with the first month for which he received a disability retirement income payment and ending with the date he reentered the service of the Town will not be considered as Credited Service for the purposes of the System.

The Board shall have the power and authority to make the final decisions regarding all disability claims.

[Sub-subsections (f) – (g) shall remain in full force and effect as previously adopted].

Section 5. Title III Administration, Chapter 31 Staff, Section 31.17 Town General Employees' and Police Officers' Retirement Fund, subsection (K), Vesting, of the Code of Ordinances of the Town of Manalapan is hereby amended, to read as follows:

(K) *Vesting.* A member earns a one hundred percent (100%) vested interest upon completing ~~ten (10)~~ **eight (8)** years of service. If a member terminates his employment with the General Employees or Police Department, either voluntarily or by discharge, and is not eligible for any other benefits under this System, he shall be entitled to the following:

(a) Any member who has less than ~~10~~ **eight (8)** years of service upon termination of employment shall be entitled to a refund of his Accumulated Contributions.

(b) Any vested Member of the System whose position is terminated, for whatever reason, shall have all retirement benefits accrued up to the date of such termination under this System preserved, provided he does not elect to withdraw his Accumulated Contributions from this System. Such accrued retirement benefits shall be payable at his otherwise early (reduced as for early retirement) or normal retirement date hereunder, or later, in accordance with ~~Section 7(e)~~ **Section 31.17(H)(c) and (d)**; provided further, however, that benefits shall not be payable under this

System during any period of continued employment by the Town, except as provided for in ~~Section 28~~ **Section 31.17(AA)**.

[Sub-sections (L) through (AA) shall remain in full force and effect as previously adopted].

Section 6. Title III Administration, Chapter 31 Staff, Section 31.17 Town General Employees' and Police Officers' Retirement Fund, of the Code of Ordinances of the Town of Manalapan is hereby amended by adding a new subsection (BB), Deferred Retirement Option Plan, to read as follows:

(BB) Deferred Retirement Option Plan.

(a) Definitions.

As used in this subsection (BB), the following definitions apply:

- (1) **DROP** The Town of Manalapan General Employees' and Police Officers' Retirement Fund, Deferred Retirement Option Plan.
- (2) **DROP Account** The notional account established for each DROP participant under subsection (b)(3).
- (3) **Total Return of the Assets** For purposes of calculating earnings on a Member's DROP Account pursuant to subsection (c)(2)b., for each fiscal year quarter, the percentage increase (or decrease) in the interest and dividends earned on investments, including realized and unrealized gains (or losses), of the total Plan assets. The actual rate credited will be the Total Return of the Asset, net of investment expenses.
- (4) **Net investment return** is the total return of the assets in which the Member's DROP Account is invested by the Board net of brokerage commissions, transaction costs, and management fees.

(b) Participation.

- (1) **Eligibility to Participate.** In lieu of terminating their employment as a General Employee or Police Officer, any Member who is eligible for normal retirement under the System may elect to defer receipt of such service retirement pension and to participate in the DROP.
- (2) **Election to Participate.** A Member's election to participate in the DROP must be made in writing in a time and manner determined by the Board and shall be effective on the first day of the first calendar

month which is at least 45 business days after it is received by the Board.

(3) *Period of Participation.* A Member who elects to participate in the DROP under subsection (b)(2), shall participate in the DROP for a period not to exceed 60 months beginning at the time the Member's election to participate in the DROP first becomes effective. An election to participate in the DROP shall constitute an irrevocable election to resign from the service of the Town not later than the date provided for in the previous sentence. A Member may participate only once.

(4) *Termination of Participation.*

a. A Member's participation in the DROP shall cease at the earlier of:

1. the end of the Member's permissible period of participation in the DROP as determined under subsection (b)(3); or

2. termination of the Member's employment as a General Employee or Police Officer.

b. Upon the Member's termination of participation in the DROP, pursuant to subsection (b)(4)a. above, all amounts provided for in subsection (c)(2), including monthly benefits and investment earnings or losses, shall cease to be transferred from the System to the Member's DROP Account. Any amounts remaining in the Member's DROP Account shall be paid to the Member in accordance with the provisions of subsection (d) when the Member terminates employment as a General Employee or Police Officer.

c. A Member who terminates their participation in the DROP under this subsection (b)(4) shall not be permitted to again become a participant in the DROP.

(5) *Effect of DROP Participation on the System.*

a. A Member's Credited Service and their accrued benefit under the System shall be determined on the date their election to participate in the DROP first becomes effective. The Member shall not accrue any additional Credited Service or any additional benefits under the System (unless specifically provided for in this Plan) while they are a participant in the

DROP and Member Contributions will cease. After a Member commences participation, they shall not be permitted to again contribute to the System, nor shall they be eligible for disability or pre-retirement death benefits.

- b. No amounts shall be paid to a Member from the System while the Member is a participant in the DROP. Unless otherwise specified in the System, if a Member's participation in the DROP is terminated other than by terminating their employment as a General Employee or Police Officer, no amounts shall be paid to the Member from the System until they terminate their employment as a General Employee or Police Officer. Unless otherwise specified in the System, amounts transferred from the System to the Member's DROP Account shall be paid directly to the Member only on the termination of their employment as a General Employee or Police Officer.

(c) Funding.

- (1) Establishment of DROP Account. A notional DROP Account shall be established for each Member participating in the DROP. A Member's DROP Account shall consist of amounts transferred to the DROP under subsection (c)(2), and earnings on those amounts. Member's will receive quarterly statements which will be distributed within 60 days of the date of the quarterly Board meeting at which the returns were presented.

(2) Transfers From Retirement System.

- a. As of the first day of each month of a Member's period of participation in the DROP, the monthly retirement benefit they would have received under the System had they terminated their employment as a General Employee or Police Officer and elected to receive monthly benefit payments thereunder shall be transferred to their DROP Account, except as otherwise provided for in subsection (b)(4)b. A Member's period of participation in the DROP shall be determined in accordance with the provisions of subsections (b)(3) and (b)(4), but in no event shall it continue past the date they terminate their employment as a General Employee or Police Officer.
- b. Except as otherwise provided in subsection (b)(4)b., a Member's DROP Account under this subsection (c)(2) shall be credited with earnings determined as of the last business day

of each fiscal year quarter and credited as of such date, determined as follows:

The average daily balance in a Member's DROP Account shall be credited at a rate equal to the net investment return realized by the System for that quarter, but not less than 0% and not more than 5%.

For purposes of calculating earnings on a Member's DROP Account pursuant to this subsection (c)(2)b., brokerage commissions, transaction costs, and management fees shall be determined for each quarter by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant will report the net investment return for each manager and the net investment return for the total Plan assets.

- (3) A Member's DROP Account shall only be credited with earnings and monthly benefits while the Member is a participant in the DROP. A Member's final DROP account value for distribution to the Member upon termination of participation in the DROP shall be the value of the account at the end of the quarter immediately preceding termination of participation plus any monthly periodic additions made to the DROP account subsequent to the end of the previous quarter and prior to distribution. The Board has the right to holdback 20% of the distribution balance to account for losses in the portfolio and pay those assets the following quarter.
- (4) If a Member fails to terminate employment after participating in the DROP for the permissible period of DROP participation, then beginning with the Member's first month of employment following the last month of the permissible period of DROP participation, the Member's DROP Account will no longer be credited with earnings, nor will monthly benefits be transferred to the DROP account. All such non-transferred amounts shall be forfeited and continue to be forfeited while the Member is employed. A Member employed after the permissible period of DROP participation will still not be eligible for pre-retirement death and disability benefits.

(d) Distribution of DROP Accounts on Termination of Employment.

- (1) Eligibility for Benefits. A Member must take distribution of the balance in their DROP Account in accordance with the provisions of this subsection (d) upon their termination of employment as a General Employee or Police Officer. No amounts shall be paid to a

Member from the DROP prior to their termination of employment as a General Employee or Police Officer.

(2) Form of Distribution.

a. Distribution of a Member's DROP Account shall be made in a lump sum, subject to the direct rollover provisions set forth in subsection (d)(6). Elections under this paragraph shall be in writing and shall be made in such time or manner as the Board shall determine.

b. Notwithstanding the preceding, if a Member dies before their benefit is paid, the Member's DROP Account shall be paid to their Beneficiary. If no Beneficiary designation is made, the DROP Account shall be distributed to the Member's estate.

(3) Date of Payment of Distribution. Except as otherwise provided in this subsection (d), distribution of a Member's DROP Account shall be made as soon as administratively practicable following the Member's termination of employment. Distribution of the amount in a Member's DROP account will not be made unless the Member completes a written request for distribution and a written election, on forms designated by the Board, to either receive a cash lump sum or a rollover of the lump sum amount.

(4) Proof of Death and Right of Beneficiary or Other Person. The Board may require and rely upon such proof of death and such evidence of the right of any Beneficiary or other person to receive the value of a deceased Member's DROP Account as the Board may deem proper and its determination of the right of that Beneficiary or other person to receive payment shall be conclusive.

(5) Distribution Limitation. Notwithstanding any other provision of subsection (d), all distributions from the DROP shall conform to the "Minimum Distribution of Benefits" provisions as provided for herein.

(6) Direct Rollover of Certain Distributions. This subsection applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the DROP to the contrary, a distributee may elect to have any portion of an eligible rollover distribution paid in a direct rollover as otherwise provided under the System in Section 31.17(z).

(e) Administration of DROP.

- (1) **Board Administers the DROP.** The general administration of the DROP, the responsibility for carrying out the provisions of the DROP and the responsibility of overseeing the investment of the DROP's assets shall be placed in the Board. The members of the Board may appoint from their number such subcommittees with such powers as they shall determine; may adopt such administrative procedures and regulations as they deem desirable for the conduct of their affairs; may authorize one or more of their number or any agent to execute or deliver any instrument or make any payment on their behalf; may retain counsel, employ agents and provide for such clerical, accounting, actuarial and consulting services as they may require in carrying out the provisions of the DROP; and may allocate among themselves or delegate to other persons all or such portion of their duties under the DROP, other than those granted to them as Trustee under any trust agreement adopted for use in implementing the DROP, as they, in their sole discretion, shall decide. A Trustee shall not vote on any question relating exclusively to himself.
- (2) **Individual Accounts, Records and Reports.** The Board shall maintain records showing the operation and condition of the DROP, including records showing the individual balances in each Member's DROP Account, and the Board shall keep in convenient form such data as may be necessary for the valuation of the assets and liabilities of the DROP. The Board shall prepare and distribute to Members participating in the DROP and other individuals or file with the appropriate governmental agencies, as the case may be, all necessary descriptions, reports, information returns, and data required to be distributed or filed for the DROP pursuant to the Code and any other applicable laws.
- (3) **Establishment of Rules.** Subject to the limitations of the DROP, the Board from time to time shall establish rules for the administration of the DROP and the transaction of its business. The Board shall have discretionary authority to construe and interpret the DROP (including but not limited to determination of an individual's eligibility for DROP participation, the right and amount of any benefit payable under the DROP and the date on which any individual ceases to be a participant in the DROP). The determination of the Board as to the interpretation of the DROP or its determination of any disputed questions shall be conclusive and final to the extent permitted by applicable law.
- (4) **Limitation of Liability.**
 - a. The Trustees shall not incur any liability individually or on behalf of any other individuals for any act or failure to act,

made in good faith in relation to the DROP or the funds of the DROP.

- b. Neither the Board nor any Trustee of the Board shall be responsible for any reports furnished by any expert retained or employed by the Board, but they shall be entitled to rely thereon as well as on certificates furnished by an accountant or an actuary, and on all opinions of counsel. The Board shall be fully protected with respect to any action taken or suffered by it in good faith in reliance upon such expert, accountant, actuary or counsel, and all actions taken or suffered in such reliance shall be conclusive upon any person with any interest in the DROP.

(f) General Provisions.

- (1) The DROP Is Not a Separate Retirement Plan. Instead, it is a program under which a Member who is eligible for normal retirement under the System may elect to accrue future retirement benefits in the manner provided in this Section (BB) for the remainder of their employment, rather than in the normal manner provided under the plan. Upon termination of employment, a Member is entitled to a lump sum distribution of their DROP Account balance or may elect a rollover. The DROP Account distribution is in addition to the Member's monthly benefit.
- (2) Notional Account. The DROP Account established for such a Member is a notional account, used only for the purpose of calculation of the DROP distribution amount. It is not a separate account in the System. There is no change in the System's assets, and there is no distribution available to the Member until the Member's termination from the DROP. The Member has no control over the investment of the DROP Account.
- (3) No Employer Discretion. The DROP benefit is determined pursuant to a specific formula which does not involve employer discretion.
- (4) IRC Limit. The DROP Account distribution, along with other benefits payable from the System, is subject to limitation under Internal Revenue Code Section 415(b).
- (5) Amendment of DROP. The DROP may be amended by an ordinance of the Town at any time and from time to time, and retroactively if deemed necessary or appropriate, to amend in whole or in part any or all of the provisions of the DROP. However, except as otherwise provided by law, no amendment shall make it possible for any part of

the DROP's funds to be used for, or diverted to, purposes other than for the exclusive benefit of persons entitled to benefits under the DROP. No amendment shall be made which has the effect of decreasing the balance of the DROP account of any Member.

- (6) *Facility of Payment.* If a Member or other person entitled to a benefit under the DROP is unable to care for their affairs because of illness or accident or is a minor, the Board shall direct that any benefit due the Member shall be made only to a duly appointed legal representative. Any payment so made shall be a complete discharge of the liabilities of the DROP for that benefit.
- (7) *Information.* Each Member, Beneficiary or other person entitled to a benefit, before any benefit shall be payable to them or on their account under the DROP, shall file with the Board the information that it shall require to establish their rights and benefits under the DROP.
- (8) *Written Elections, Notification.*
- a. Any elections, notifications or designations made by a Member pursuant to the provisions of the DROP shall be made in writing and filed with the Board in a time and manner determined by the Board under rules uniformly applicable to all employees similarly situated. The Board reserves the right to change from time to time the manner for making notifications, elections or designations by Members under the DROP if it determines after due deliberation that such action is justified in that it improves the administration of the DROP. In the event of a conflict between the provisions for making an election, notification or designation set forth in the DROP and such new administrative procedures, those new administrative procedures shall prevail.
- b. Each Member or Retiree who has a DROP Account shall be responsible for furnishing the Board with their current address and any subsequent changes in their address. Any notice required to be given to a Member or Retiree hereunder shall be deemed given if directed to the Member at the last such address given to the Board and mailed by registered or certified United States mail. If any check mailed by registered or certified United States mail to such address is returned, mailing of checks will be suspended until such time as the Member or Retiree notifies the Board of their address.

- (9) **Benefits Not Guaranteed.** All benefits payable to a Member from the DROP shall be paid only from the assets of the Member's DROP Account and neither the Town, nor the Board shall have any duty or liability to furnish the DROP with any funds, securities or other assets except to the extent required by any applicable law.
- (10) **Construction.**
- a. **The DROP shall be construed, regulated and administered under the laws of Florida, except where other applicable law controls.**
 - b. **The titles and headings of the subsections in this Section (BB) are for convenience only. In the case of ambiguity or inconsistency, the text rather than the titles or headings shall control.**
- (11) **Forfeiture of Retirement Benefits.** Nothing in this Section shall be construed to remove DROP participants from the application of any forfeiture provisions applicable to the System. DROP participants shall be subject to forfeiture of all retirement benefits, including DROP benefits.
- (12) **Effect of DROP Participation on Employment.** Participation in the DROP is not a guarantee of employment and DROP participants shall be subject to the same employment standards and policies that are applicable to employees who are not DROP participants.

Section 7. Each and every other section and subsection of Title III Administration, Chapter 31 Staff, shall remain in full force and effect as previously adopted.

Section 8. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 9. 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 10. Specific authority is hereby given to codify this ordinance into the Code of Ordinances of the Town of Manalapan.

Section 11. This ordinance will take effect immediately upon adoption.

FIRST READING this _____ day of _____ 2026.

TOWN OF MANALAPAN

John Deese, Mayor

ATTEST:

(SEAL)

Erika Petersen, Town Clerk



May 21, 2026

Ms. Ashley Watson
Finance Administrator
Town of Manalapan
600 South Ocean Blvd.
Manalapan, Florida 33462

**Re: Town of Manalapan General Employees' and Police Officers' Retirement Fund
Actuarial Impact Statement**

Dear Ashley:

As requested, we have prepared the enclosed Actuarial Impact Statement showing the impact of the proposed Ordinance which would amend the Plan provisions of the Town of Manalapan General Employees' and Police Officers' Retirement Fund (Plan). The results are based on valuation results as of October 1, 2024.

The proposed ordinance would amend the Plan as follows:

- The vesting requirement for current active members would be reduced from 10 years of service to 8 years. In addition, all retirement eligibility provisions currently tied to completion of 10 years of service would be amended to require 8 years of service instead.
- A Deferred Retirement Option Program (DROP) would be implemented with the following provisions:
 - Eligibility for DROP: Members may enter when they become eligible for Normal Retirement.
 - Maximum Period of DROP Participation: Members who enter the DROP may participate for a maximum of 5 years.
 - Interest Credited to DROP Accounts: Interest credited to DROP account balances would be the same as the net investment rate of return realized by the Plan's assets.
 - Employee Contributions for DROP Participants: Employee contributions would not be deducted from salary while members participate in the DROP.

Summary of Findings

As a result of the proposed Plan changes for current active members:

- The Actuarially Determined Contribution (ADC) calculated as of October 1, 2024 (for the fiscal year ending September 30, 2026) increases by \$11,526, from \$486,005 to \$497,531 (or by 0.41% of covered payroll, from 17.03% to 17.44%), assuming a beginning of fiscal year payment date.

Please note that the impact of the proposed plan changes is being shown on the actuarially determined contribution for the fiscal year ending September 30, 2026 for illustrative purposes only using the valuation results as of October 1, 2024, the most recent actuarial valuation. If the proposed ordinance is adopted before September 30, 2026, funding requirements would begin October 1, 2026 (based on the results of the actuarial valuation as of October 1, 2025).

- The funded ratio (actuarial value of assets divided by actuarial accrued liability) as of October 1, 2024 decreases by 0.06%, from 93.34% to 93.28%. The amount of the unfunded actuarial accrued liability increases by \$2,977.

The Statement must be filed with the Division of Retirement before the final public hearing on the ordinance. Please have a member of the Board of Trustees sign the Statement. Then send the Statement along with a copy of the proposed ordinance to Tallahassee.

Impact of Establishing a DROP on Required Town Contributions

Our current assumption is that active members have a 100% probability of retiring at their first normal retirement eligibility date. When a DROP program is added, this assumption is typically increased to reflect earlier retirement behavior. However, since we are already assuming a 100% probability of retirement at first eligibility, no additional acceleration in assumed retirement behavior can be recognized. Accordingly, implementation of the DROP does not produce an immediate impact on the Town's required contribution.

Risks Associated with Measuring the Accrued Liability and Actuarially Determined Contribution

The determination of the accrued liability and the actuarially determined contribution requires the use of assumptions regarding future economic and demographic experience. The assumptions used to determine the contribution requirement and accrued liability are summarized on pages 5 and 6.

The measurement date used for calculating the financial effect of the plan changes was October 1, 2024. Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions due to changing conditions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period, or additional cost or contribution requirements based on the Plan's funded status); and changes in plan provisions or applicable law.

Please refer to the October 1, 2024 Actuarial Valuation Report dated September 30, 2025 for additional discussions regarding the risks associated with measuring the accrued liability and the actuarially determined contribution.



The scope of this Actuarial Impact Statement does not include an analysis of the potential range of such future measurements or a quantitative measurement of the future risks of not achieving the assumptions. In certain circumstances, detailed or quantitative assessments of one or more of these risks as well as various plan maturity measures and historical actuarial measurements may be requested from the actuary. Additional risk assessments are generally outside the scope of an Actuarial Impact Statement. Additional assessments may include stress tests, scenario tests, sensitivity tests, stochastic modeling, and a comparison of the present value of accrued benefits at low-risk discount rates with the actuarial accrued liability.

Additional Disclosures

This Report was prepared at the request of the Town with the Board's authorization and is intended for use by the Retirement System and those designated or approved by the Board and the Town. This Report may be provided to parties other than the Plan only in its entirety and only with the permission of the Board and the Town.

This report is intended to describe the financial effect of the proposed plan changes on the retirement system. Except as otherwise noted, potential effects on other benefit plans were not considered. No statement in this report is intended to be interpreted as a recommendation in favor of the changes, or in opposition to them.

The study was performed on the basis of participant and financial data supplied by the Plan Administrator for the October 1, 2024 valuation. We checked for internal and year-to-year consistency, but did not audit this data. We are not responsible for the accuracy or completeness of the information provided by the Plan Administrator.

The calculations are based upon assumptions regarding future events, which may or may not materialize. They are also based upon present and proposed plan provisions that are outlined in the report. If you have reason to believe that the assumptions that were used are unreasonable, that the plan provisions are incorrectly described, that important plan provisions relevant to this proposal are not described, or that conditions have changed since the calculations were made, you should contact the author of this report prior to relying on information in the report.

If you have reason to believe that the information provided in this report is inaccurate, or is in any way incomplete, or if you need further information in order to make an informed decision on the subject matter of this report, please contact the author of the report prior to making such decision.

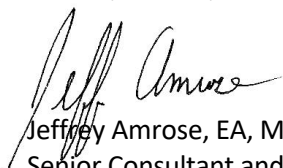
Jeffrey Amrose and Trisha Amrose are members of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein. The signing actuaries are independent of the plan sponsor.




Ms. Ashley Watson
May 21, 2026
Page 4

This Report has been prepared by actuaries who have substantial experience valuing public employee retirement systems. To the best of our knowledge the information contained in this report is accurate and fairly presents the actuarial position of the Plan as of the valuation date. All calculations have been made in conformity with generally accepted actuarial principles and practices, with the Actuarial Standards of Practice issued by the Actuarial Standards Board and with applicable statutes.

Respectfully submitted,
Gabriel, Roeder, Smith & Company


Jeffrey Amrose, EA, MAAA
Senior Consultant and Actuary


Trisha Amrose, EA, MAAA
Consultant and Actuary

Enclosures

This communication shall not be construed to provide tax advice, legal advice or investment advice.



Town of Manalapan General Employees' and Police Officers' Retirement Fund

Actuarial Impact Statement – May 21, 2026

Description of Amendments

The proposed ordinance would amend the Town of Manalapan General Employees' and Police Officers' Retirement Fund as follows:

- The vesting requirement for current active members would be reduced from 10 years of service to 8 years. In addition, all retirement eligibility provisions currently tied to completion of 10 years of service would be amended to require 8 years of service instead.
- A Deferred Retirement Option Program (DROP) would be added with the following provisions:
 - Eligibility for DROP: Members may enter when they become eligible for Normal Retirement.
 - Maximum Period of DROP Participation: Members who enter the DROP may participate for a maximum of 5 years.
 - Interest Credited to DROP Accounts: Interest credited to DROP participant balances would be the same as the net investment rate of return realized by the Plan's assets.
 - Employee Contributions for DROP Participants: Employee contributions would not be deducted from salary while members participate in the DROP.

Funding Implications of Amendment

An actuarial cost estimate is attached.

Certification of Administrator

I believe the amendment to be in compliance with Part VII, Chapter 112, Florida Statutes and Section 14, Article X of the Constitution of the State of Florida.

For the Board of Trustees
as Plan Administrator



SUPPLEMENTAL ACTUARIAL VALUATION REPORT

Plan

Town of Manalapan General Employees' and Police Officers' Retirement Fund

Valuation Date

October 1, 2024

Date of Report

May 21, 2026

Report Requested by

Town, with authorization from Board of Trustees

Prepared by

Gabriel, Roeder, Smith & Company

Group Valued

All active and inactive members as of October 1, 2024.

Benefits Being Considered for Change

The proposed Ordinance would amend the Plan as follows:

- The vesting requirement for current active members would be reduced from 10 years of service to 8 years. In addition, all retirement eligibility provisions currently tied to completion of 10 years of service would be amended to require 8 years of service instead.
- A Deferred Retirement Option Program (DROP) would be added with the following provisions:
 - Eligibility for DROP: Members may enter when they become eligible for Normal Retirement.
 - Maximum Period of DROP Participation: Members who enter the DROP may participate for a maximum of 5 years.
 - Interest Credited to DROP Accounts: Interest credited to DROP participant balances would be the same as the net investment rate of return realized by the Plan's assets.
 - Employee Contributions for DROP Participants: Employee contributions would not be deducted from salary while members participate in the DROP.

Participants Affected

Current and future participants

Actuarial Assumptions and Methods

Same Actuarial Assumptions and Methods used in the October 1, 2024 Actuarial Valuation.

Some of the key assumptions/methods are:

Investment Return: 6.5%

Cost Method: Entry Age Normal



Salary Increase: 4.0% per year; for the October 1, 2024 valuation, the rates of salary increase were updated for the first projection year to include an individualized increase rate effective on October 1, 2025 varying by member from 4% to 36.4%.

Mortality Table: General Employees:
The PUB-2010 Headcount Weighted Below Median Employee Male Table (pre-retirement), the PUB-2010 Headcount Weighted Below Median Employee Female Table (pre-retirement), the PUB-2010 Headcount Weighted Below Median Healthy Retiree Male Table (post-retirement) and the PUB-2010 Headcount Weighted Below Median Healthy Retiree Female Table (post-retirement). These tables use ages set back one year for males and mortality improvements to all future years after 2010 using scale MP-2018. These are the same rates used for Regular Class members in the July 1, 2023 Actuarial Valuation of the Florida Retirement System (FRS).

Police Officers:
The PUB-2010 Headcount Weighted Safety Below Median Employee Male Table (pre-retirement), the PUB-2010 Headcount Weighted Safety Employee Female Table (pre-retirement), the PUB-2010 Headcount Weighted Safety Below Median Healthy Retiree Male Table (post-retirement) and the PUB-2010 Safety Healthy Retiree Female Table (post-retirement). These tables use ages set forward one year and mortality improvements to all future years after 2010 using scale MP-2018. These are the same rates used for Special Risk Class members in the July 1, 2023 Actuarial Valuation of the Florida Retirement System (FRS).

Amortization Period for Any Change in Actuarial Accrued Liability

15 years

Summary of Data Used in Report

See attached page

Actuarial Impact of Proposal(s)

See attached page(s)

Other Cost Considerations

Potential effects on other benefit plans were not considered.



ACTUARIALLY DETERMINED CONTRIBUTION (ADC)

	October 1, 2024 <i>Valuation</i>	October 1, 2024 <i>Proposed Ordinance</i>	<i>Change Increase / (Decrease)</i>
A. Valuation Date	October 1, 2024 <i>Valuation</i>	October 1, 2024 <i>Proposed Ordinance</i>	<i>Change Increase / (Decrease)</i>
B. ADC to Be Paid During Fiscal Year Ending	9/30/2026	9/30/2026	
C. Assumed Dates of Employer Contrib.	Quarterly	Quarterly	
D. Annual Payment to Amortize Unfunded Actuarial Liability	\$ 42,652	\$ 42,949	\$ 297
E. Employer Normal Cost	316,480	324,832	8,352
F. ADC as of the Valuation Date: D+E	359,132	367,781	8,649
G. ADC Adjusted for Frequency of Payments	373,375	382,367	8,992
H. ADC as % of Covered Payroll	17.71 %	18.13 %	0.42 %
I. Assumed Rate of Increase in Covered Payroll to Contribution Year	N/A	N/A	N/A
J. Covered Payroll for Contribution Year	2,853,076	2,853,076	0
K. ADC for Contribution Year: HxJ	505,280	517,263	11,983
L. ADC as % of Covered Payroll in Contribution Year: K ÷ J	17.71 %	18.13 %	0.42 %
M. ADC if Paid on First Day of Next Fiscal Year	486,005	497,531	11,526
N. ADC as % of Covered Payroll if Paid on First Day of Next Fiscal Year	17.03 %	17.44 %	0.41 %



ACTUARIAL VALUE OF BENEFITS AND ASSETS

A. Valuation Date	October 1, 2024 <i>Valuation</i>	October 1, 2024 <i>Proposed Ordinance</i>	<i>Change Increase / (Decrease)</i>
B. Actuarial Present Value of All Projected Benefits for			
1. Active Members			
a. Service Retirement Benefits	\$ 6,035,632	\$ 5,919,719	\$ (115,913)
b. Vesting Benefits	354,925	446,995	92,070
c. Disability Benefits	291,003	292,917	1,914
d. Preretirement Death Benefits	38,585	42,892	4,307
e. Return of Member Contributions	145,479	98,899	(46,580)
f. Total	<u>6,865,624</u>	<u>6,801,422</u>	<u>(64,202)</u>
2. Inactive Members			
a. Service Retirees & Beneficiaries	1,858,193	1,858,193	0
b. Disability Retirees	0	0	0
c. Terminated Vested Members	207,140	207,140	0
d. Total	<u>2,065,333</u>	<u>2,065,333</u>	<u>0</u>
3. Total for All Members	8,930,957	8,866,755	(64,202)
C. Actuarial Accrued (Past Service) Liability (Entry Age Normal)	5,111,502	5,114,479	2,977
D. Plan Assets			
1. Market Value	5,270,419	5,270,419	0
2. Actuarial Value	4,771,029	4,771,029	0
E. Unfunded Actuarial Accrued Liability	340,473	343,450	2,977
F. Actuarial Present Value of Projected Covered Payroll	17,677,286	17,186,835	(490,451)
G. Actuarial Present Value of Projected Member Contributions	1,237,410	1,203,078	(34,332)
H. Funded Ratio: D2 ÷ C	93.34 %	93.28 %	(0.06) %



CALCULATION OF EMPLOYER NORMAL COST

A. Valuation Date	October 1, 2024 <i>Valuation</i>	October 1, 2024 <i>Proposed Ordinance</i>	<i>Change Increase / (Decrease)</i>
B. Normal Cost for			
1. Service Retirement Benefits	\$ 388,901	\$ 391,619	\$ 2,718
2. Vesting Benefits	25,482	33,432	7,950
3. Disability Benefits	30,275	31,487	1,212
4. Preretirement Death Benefits	2,247	2,662	415
5. Return of Member Contributions	<u>17,188</u>	<u>13,245</u>	<u>(3,943)</u>
6. Total for Future Benefits	464,093	472,445	8,352
7. Assumed Amount for Administrative Expenses	<u>-</u>	<u>-</u>	<u>-</u>
8. Total Normal Cost	464,093	472,445	8,352
9. Total as a % of Covered Payroll	22.01 %	22.40 %	0.39 %
C. Expected Member Contribution	147,613	147,613	0
D. Employer Normal Cost: B8-C	316,480	324,832	8,352
E. Employer Normal Cost as a % of Covered Payroll	15.01 %	15.40 %	0.39 %

PARTICIPANT DATA			
	October 1, 2024 <i>Valuation</i>	October 1, 2024 <i>Proposed Ordinance</i>	<i>Change Increase / (Decrease)</i>
ACTIVE MEMBERS			
Number	23	23	0
Covered Annual Payroll	\$ 2,108,756	\$ 2,108,756	\$ 0
Average Annual Payroll	\$ 91,685	\$ 91,685	\$ 0
Average Age	41.2	41.2	0.0
Average Past Service	4.5	4.5	0.0
Average Age at Hire	36.7	36.7	0.0
RETIRES & BENEFICIARIES			
Number	3	3	0
Annual Benefits	\$ 162,282	\$ 162,282	\$ 0
Average Annual Benefit	\$ 54,094	\$ 54,094	\$ 0
Average Age	66.2	66.2	0.0
DISABILITY RETIREES			
Number	0	0	0
Annual Benefits	\$ 0	\$ 0	\$ 0
Average Annual Benefit	\$ 0	\$ 0	\$ 0
Average Age	N/A	N/A	N/A
TERMINATED VESTED MEMBERS			
Number	1	1	0
Annual Benefits	\$ 23,724	\$ 23,724	\$ 0
Average Annual Benefit	\$ 23,724	\$ 23,724	\$ 0
Average Age	48.6	48.6	0.0

