

MONMOUTH COUNTY PLANNING BOARD

Hall of Records Annex
One East Main Street
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No. 7150

Municipality: Monmouth Beach Boro
To: Joyce L. Escalante
Address: 22 Beach Road
Monmouth Beach, NJ 07750

Draft Date Received: 1/23/2013
Final Date Received: 2/12/2013
Rejected Date Received:

Transmitted Via: Mail
 Certified Mail (Number)
 Hand Delivered

Draft Certified:
Final Certified:
Other Certified:

Resolution Number:

Document Type: Development Regulation

The following document(s) was received on this date at the offices of the Monmouth County Planning Board, in accordance with the provisions of R.S. 40:55D-15 and 40:55D-16 – Municipal Land Use Law (Chapter 291 Laws of 1975) and other applicable statutes.

Amending Sections 30-4.5 (Alterations), 30-5.5 (Yard areas, building orientation & fenestration), 30-5.12 (Height limitations), 30-5.29 (Land disturbance permit), 30-5.31.1 (Fences, walls, hedges)

If we have any comments or recommendations concerning the above document(s), they will be forwarded to you prior to the Public Hearing scheduled to be held on 2/5/2013

Date Adopted: 2/5/2013

PLEASE RETAIN ALL CORRESPONDENCE AND RECEIPTS FROM THE MONMOUTH COUNTY PLANNING BOARD FOR YOUR OFFICIAL RECORDS.

Date Transmitted: 2/13/2013

Transmitted By: MRL

Title: Sr Planner

7150

12 FEB '13 AM 8:30

**BOROUGH OF MONMOUTH BEACH
22 BEACH ROAD
MONMOUTH BEACH, NJ 07750**

COMMISSIONERS

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JOYCE L. ESCALANTE, R.M.C.
Borough Clerk

JAMES F. CUNNIF
Director of Revenue & Finance

GERALD CHISMAR
Borough Administrator

WILLIAM J. McBRIDE JR.
Director of Public Works

February 8, 2013

Monmouth County Planning Board
Hall of Records
One East Main Street
Freehold, NJ 07728

Re: An Ordinance Amending And Supplementing Certain Sections Of Chapter XXX Titled "Land Development Regulations" Of The Code Of The Borough Of Monmouth Beach To Amend Certain Standards.

Enclosed please find a copy of the above referenced ordinance which was adopted by the Board of Commissioners of the Borough of Monmouth Beach at a meeting held on ~~February 5, 2013.~~

Very truly yours,
Joyce L. Escalante
Joyce L. Escalante, RMC
Municipal Clerk

Enc.

cc: Gerald Chismar, Borough Administrator
Timothy Anfuso, Tax Assessor

**BOROUGH OF MONMOUTH BEACH
COUNTY OF MONMOUTH**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CERTAIN SECTIONS OF
CHAPTER XXX TITLED "LAND DEVELOPMENT REGULATIONS" OF THE CODE
OF THE BOROUGH OF MONMOUTH BEACH TO AMEND CERTAIN STANDARDS.**

PURPOSE

The purpose of this ordinance is to modify certain provisions to Chapter 30 which are the Borough Land Use Regulations to ameliorate the effect of modifications previously adopted to the Borough's Flood Damage Prevention Ordinance. In particular, these amendments are designed to avoid the need for variance applications to the Land Use Board resulting from the raising of principal structures to provide for greater flood protection.

SECTION 1.

PURPOSE

The purpose of this ordinance is to modify certain provisions to Chapter 30 which are the Borough Land Use Regulations to ameliorate the effect of modifications previously adopted to the Borough's Flood Damage Prevention Ordinance. In particular, these amendments are designed to avoid the need for variance applications to the Land Use Board resulting from the raising of principal structures to provide for greater flood protection.

Chapter XXX (Land Use Regulations) of the General Ordinances of the Borough of Monmouth Beach is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

The following specific sections are modified:

30-4.5 Alterations.

A nonconforming building may be altered, but not enlarged or extended, during its life to an extent not exceeding in the aggregate fifty (50%) percent of the assessed value as recorded in the records of the Tax Assessor, unless said building is changed to a building conforming to the requirements of this chapter.

Notwithstanding the above, for all existing principal residential structures that are being raised in conformance with Chapter 22 or pursuant to a variance granted under Chapter,

excepting new construction or additions, those structures may maintain pre-existing non-conformities

30-5.5 Yard Areas, Building Orientation and Fenestration.

H. Intrusion into the required setback (yard) shall be measured from the face of the building foundation wall and be limited to:

1. Up to twenty-four (24) inches for chimneys, fireplaces, rain leaders, drains, and any other utility service component;
2. Up to twenty-four (24) inches for bay windows and similar elements, provided that the area of any wall elevation occupied by such elements does not exceed the greater of eight (8%) percent of the total area of the wall elevation or fifty (50) square feet;
3. Up to thirty-six (36) inches for eaves, soffits or other roof elements (excluding gutters);
4. Up to ~~thirty-six (36)~~ forty-eight (48) inches for unroofed stoops or for steps, subject to subsection 30-5.5.E; and
5. Up to twelve (12) inches for any other element of the building.
6. Within all Areas of Special Flood Hazards as set forth in Subsection 22-3.2 Basis for Establishing Areas of Special Flood Hazard, or in Subsection 22-4.3b., Use of other Base Flood Data, unroofed landings, stoops and stairs may be permitted to extend up to ten (10) feet beyond the front set back line of a Residential Zone.

I. Attached garages, shall be set back from the face of the dwelling at least eighteen (18) inches.

J. Existing air-conditioner condensers located in a front, side, or rear setback may be replaced within the footprint of an existing air-conditioner condenser. The number of new air-conditioner condensers shall be equal or less than the number of existing air-conditioner condensers. This exemption shall not apply if an addition, or new dwelling, ~~or raising of the existing dwelling~~ is proposed for the property in question.

30-5.12 Height Limitations.

C. The height limitations created hereunder shall apply to chimneys, ventilators, skylights, tanks, stair towers, elevator towers, appurtenances usually carried above the roof level and noncommercial radio and television antennas attached to a building, except that the same may exceed the height limitation by not more than fifteen (15) feet except that skylights, heating and air conditioning equipment and ventilators may exceed the height limitation, specified in

Appendix 6 (Schedule of Limitations), by no more than four (4) feet. Such features shall not exceed, in total coverage, twenty (20%) percent of the total roof area.

F. Roof decks and associated railings shall not exceed the height limitations.

30-5.29 Land Disturbance Permit.

6. The use of mounding and retaining walls to raise the height of a principal structure shall be discouraged.

7. Grading or other disturbance of property shall be accomplished in accord with approved plans, good industry practices and in a manner to avoid damage to any property to protect the health and safety of the public.

8. Whenever grading is to occur, necessary soil erosion prevention and protection consisted with industry best practices should be implemented to endure work is undertaken to minimize impacts to the existing infrastructure and surrounding properties. As a minimum, a silt fence barrier of equivalent or better protection must be installed around the limit of disturbance whenever there is a potential to impact an adjacent property or infrastructure.

30-5.31.1 Fences, Walls, and Hedges.

A. Fences, walls, and hedges, existing, erected, altered or reconstructed in any zone in the Borough shall not exceed six (6) feet in height above existing ground level except as follows:

1. a. Fences and walls which are located in a front yard or within fifty (50) feet of any river, lagoon or other body of water shall not exceed four (4) feet in height.

b. Hedges which are located within fifty (50) feet of any river, lagoon or other body of water shall not exceed four (4) feet in height.

c. Hedges which are located in a front yard shall not exceed six (6) feet in height except that portion of a hedge which forms an entryway arbor.

2. Chain link fences are prohibited in front yards.

3. Fences located in front yards shall be constructed so that at least fifty (50%) percent thereof is non-solid and open. Fence types such as board-on-board and stockade fences are considered solid fences.

4. Fence posts, corners, gateways, wall piers and entryways in front yards shall not exceed five (5) feet in height.
5. Fences, walls, or hedges, installed after the effective date of this ordinance shall not modify or impede existing drainage patterns unless a Land Disturbance Permit has been obtained consistent with the requirements of the ordinances of the Borough of Monmouth Beach. Pre-existing non-conforming fencing may be replaced or repaired within the existing footprint.
6. In any business or industrial zone, open wire fences not exceeding eight (8) feet in height may be erected in the rear or side yard areas and behind the building setback line.
7. Fences specifically required by other provisions of municipal and/or State regulations are permitted.
8. Notwithstanding any section above, hedges on properties which have frontage on Ocean Avenue or Beach Road from Ocean Avenue to River Avenue shall not be restricted in height as to that frontage. In addition, properties that have two (2) road frontages, one of which borders Ocean Avenue, may maintain a consistent hedge height for both frontages which shall be the height of the hedges which border Ocean Avenue.
9. Notwithstanding any section above, fences on properties which have frontage on the west side of Patten Avenue shall not be restricted to a height less than six (6) feet as to that frontage and shall be permitted to be solid fences.

SECTION 2

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION 3

If any section, paragraph, subdivision, clause or provision of this ordinance is adjudged to be invalid, such adjudication shall apply only to section paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 4

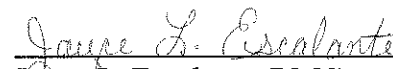
This ordinance shall take effect upon its passage and publication according to law.

SECTION 5

The Borough Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor if required by N.J.S. 40:49-2.1.

Introduced: January 15, 2013
Adopted: February 5, 2013

ATTEST:



Joyce L. Escalante, RMC
Borough Clerk