

ORDINANCE 2019-14

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 450, ARTICLE FOUR, GENERAL REGULATIONS APPLICABLE TO ALL ZONES

WHEREAS, the Borough of Bradley Beach (“Borough”) has adopted Chapter 450, to regulate “Zoning”, within the Borough; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, Monmouth County, State of New Jersey, that Chapter 450, Article 12, Section 58 be amended as follows:

Chapter 450 Zoning

Article IV General Regulations Applicable to All Zones

§ 450-13 Permitted yard encroachments.

No building or part thereof shall be erected within or project into any required yard area except in accordance with the following provisions:

- A. An open, unscreened entrance porch leading to the basement, cellar or first floor, projecting not more than eight feet in depth, not exceeding the width of the existing or proposed structure, not including steps, into a required front yard area, provided there is no side yard encroachment. If it is a wraparound porch, it will not encroach the side yard setback. Said front porch is to have open rails or spindles.
- B. An open uncovered or unroofed deck leading to the second floor, directly above the open unscreened porch as indicated in Subsection A, also not projecting more than eight feet in depth and not exceeding the width of the existing or proposed structure into the required front yard. Said porch or deck will have open rails or spindles and can be cantilevered, with no retractable awnings or pressure-treated flooring or railings.
- C. Front porches which project beyond the building line as per Subsection A may be enclosed from October 15 to May 1 in each year, provided such enclosures are so constructed that they shall be of transparent glass from the porch rail line to the porch plate line and that there shall be no shades or other objects to interfere with the view of adjoining property owners; provided, however, that nothing herein contained shall be deemed to permit the erection of any such front porch enclosures along Main Street.
- D. A projection of the upper stories of a structure containing a primary permitted use, beyond the building line of the lower stories of not more than 24 inches, shall be

permitted, provided the projection does not encroach into any required yard area and does not violate the covenants of any deed or deeds to the property upon which the projection is made. Such projections shall not, however, be permitted along the Main Street frontage of any structure or for any permitted living quarters above an accessory garage.

E. An open and uncovered and unroofed deck or patio not more than three feet above ground level may extend into a required side or rear yard to within five feet of a side or rear property line. This restriction shall not apply to such patios if constructed at ground level.

F. Ordinary projections of cornices, eaves, gutters, sills, belt courses, chimneys, flues, buttresses and ornamental features may project not more than 24 inches into any required yard area.

~~G. Air conditioners, HVAC and other mechanicals shall not be permitted in the required area setbacks. Exception: Replacement of existing HVAC and air-conditioning units shall be permitted in their current location. Under no circumstances shall the HVAC and/or air-conditioning units be located closer than six inches from the side and rear lot lines. [Added 10-25-2011 by Ord. No. 2011-19; amended 5-23-2017 by Ord. No. 2017-15]~~

H. Wind screens are permitted in the GB, OP, GBW and BOR Zones only subject to the following restrictions:

- (1) May be used only from October 15 to May 1 (in each calendar year).
- (2) The panels must be clear of such material for an individual to see through.
- (3) The view must be maintained between a height of two feet from grade and seven feet high.
- (4) Cannot project more than four feet in depth and 12 feet in length from the proposed exterior of the permanent structure.
- (5) The temporary wind screen must maintain ADA accessibility from the temporary proposed structure to the curb, also from the temporary structure to the permanent structure.
- (6) Anchoring of the temporary wind screen to the ground in such a way as not to damage the Borough's sidewalk/pavers or create a tripping hazard when removed. (Any and all damages to sidewalk/pavers will be repaired at the owner's expense.)

- (7) Violations and penalties provide for the maximum penalty that is included in Chapter 1, Article II, General Penalty, of the Borough Code.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, This ordinance shall take effect twenty (20) days after passage by the Mayor and Council and publication according to law.

SO ORDAINED as aforesaid.

KELLY BARRETT
Municipal Clerk

GARY ENGELSTAD
Mayor

Introduced: 3/26/19
Date of Hearing and Adoption:
Publish The Coaster 3/28/19