

## ORDINANCE 2019-15

### 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, ZONING

**WHEREAS**, the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.* permits New Jersey municipalities to regulate the use of land within their boundaries, and establishes a framework within which local governments may exercise zoning power through adoption of zoning ordinances; and

**WHEREAS**, the Borough of Bradley Beach has adopted Chapter 450, entitled the Zoning Ordinance of the Borough of Bradley Beach; and

**WHEREAS**, zoning standards and permitted uses for both the R-T Residential Transitional Zone and the R-1 Residential Single-Family Zone are the same, with the one exception being that the R-T Zone permits townhouses; and

**WHEREAS**, the Planning Board recommends that the R-T Zone be eliminated; and

**WHEREAS**, the Planning Board also recommends that properties currently located within the R-T Zone be rezoned to the R-1 Zone; and

**WHEREAS**, the R-B Residential Beachfront Zone currently permits garden apartments and townhouses as permitted uses; and

**WHEREAS**, the Planning Board recommends that both garden apartments and townhouses be reclassified as conditional uses within the R-B Zone; and

**WHEREAS**, the proposed zoning ordinance amendments will be referred back to the Planning Board for comment prior to final passage;

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth and State of New Jersey, that Chapter 450 is and shall be amended to read as follows:

**SECTION 1.** The R-T Residential Transition Zone shall be eliminated and the zone district shall be rezoned to be within the R-1 Residential Zone. The following Blocks and Lots shall be rezoned from R-T to R-1:

Block 10 - Lots 1-24, 25.01, 25.02, 27-31;

Block 15 – Lots 1, 3-5, 6.01, 6.02, 7, 8, 9.01, 9.02, 10-17;

Block 24 – Lots 1-8, 9.01, 11, 12, 23;

Block 27 – Lots 1, 2, 6, 7, 8, 9, 10, 15-25;

Block 37 – Lots 1-8, 37-46; and

Block 40 – Lots 1, 3-11, 18-29.

**SECTION 2.** §450-28 R-B Residential Beachfront Zone

The intent of this zone is to utilize in the best manner the land adjacent to Bradley Beach's most unique and valuable natural resource - the beach and ocean.

A. Permitted principal uses

- (1) All uses permitted in the R-1 Residential Single-Family Zone, subject to the requirements and limitations of that zone.
- (2) Two-family dwellings, subject to the requirements and limitations applicable to single-family dwellings.
- (3) ~~Garden apartments.~~
- (4) ~~Townhouses.~~

B. Permitted accessory uses.

- (1) For single-family dwellings:
  - a. Same as those permitted in the R-1 Residential Single-Family Zone, subject to the requirements and limitations of that zone.
- (2) For two-family dwellings:
  - a. Same as those permitted in the R-1 Residential Single-Family Zone, subject to the requirements and limitations of that zone, except that garage apartments shall not be permitted on lots containing two-family dwellings.

(3) ~~For garden apartments~~

- a. ~~Parking lots and parking garages.~~
- b. ~~A semiprivate swimming pool, subject to the requirements and limitations of Chapter 406, Swimming Pools.~~
- c. ~~Fences, subject to the requirements and limitations of Chapter 201, Fences and Hedges, and Article IX, Fence, Landscaping and Buffer Regulations, of this chapter.~~
- d. ~~Recreation areas,~~
- e. ~~Trash storage and recycling enclosures,~~
- f. ~~Maintenance buildings.~~

(4) ~~For townhouses:~~

- a. ~~Same as those permitted for garden apartments.~~

C. Conditional uses.

- (1) Same as § 450-26C (1) and (2).
- (2) Bed-and-breakfasts subject to the requirements of § 450-36.
- (3) Townhouses and garden apartments pursuant to § 450-37.1.

D. Area, yard and building requirements. The following standards are established hereafter and are further set forth in the Schedule of Height,

Area and Yard Requirements of this chapter:

(1) For single-family and two-family dwellings:

- a. Area, yard and building limitations: same as § 450-26D and as further set forth in the Schedule of Height, Area and Yard Requirements.

(2) For garden apartments:

a. Area, yard and building limitations:

~~[1] Minimum lot area: 30,000 square feet.~~

~~[2] Minimum lot width: 200 feet.~~

~~[3] Minimum lot depth: 100 feet.~~

~~[4] Minimum front yard: 15 feet and 25 feet. The front yard depth shall be a minimum of 15 feet on north-south streets and 25 feet on east-west streets or the minimum depth of any front yard within the block and fronting on the same street on which the structure fronts, whichever is the greater.~~

~~[5] Minimum side yards: five feet and 10 feet.~~

~~[6] Minimum rear yard: 25 feet.~~

~~[7] Maximum building height: 35 feet (2 1/2 stories).~~

~~[8] Maximum building coverage: 20%.~~

~~[9] Maximum impervious coverage: 60%.~~

~~[10] Minimum off-street parking: two spaces per unit.~~

b. Minimum gross floor area per unit: 800 square feet.

c. Maximum gross floor area per unit: 1,200 square feet.

d. Maximum average gross floor area per unit: 1,000 square feet

e. Maximum percentage of units with more than one bedroom: 20%.

f. Maximum number of units per structure: 12.

g. Minimum total number of units: 12.

h. Minimum distance between structures: 20 feet.

i. Living space shall be limited to two stories, with no portion of any living space below grade.

(3) For townhouses:

- a. Area, yard and building limitations: same as those in § 450-27D (2).

E. Supplementary regulations.

- (1) ~~For single-family dwellings: same as § 450-26E. [Amended 12-29-2006 by Ord. No. 2006-22]~~
- (2) ~~For garden apartments:~~
  - a. ~~All garden apartment applications are subject to site plan review and approval as specified in Chapter 270, Land Development, of this Code except as may be provided under the Municipal Land Use Law. Specific attention during site plan review will be directed towards the location and layout of all structures, driveways, aisles, off street parking, circulation, landscaping, aesthetic consideration and overall good planning design.~~
  - b. ~~Each garden apartment development shall have a compatible architectural theme throughout and shall specify how landscaping techniques and building orientation to the site and other structures have been incorporated into the layout.~~
  - c. ~~Each garden apartment unit shall have two exterior exposures, each of which shall have window openings so as to provide through ventilation or cross ventilation for each unit.~~
  - d. ~~Outside television or satellite dish antennas shall not be permitted except for a single common antenna wired for the use of all units in a building.~~
  - e. ~~No air conditioning unit shall project more than six inches from the face of the wall of the building in which it is installed.~~
  - f. ~~A storage area of not less than 700 cubic feet for each garden apartment unit shall be provided in the basement of each building.~~
  - g. ~~Outside clotheslines or hanging facilities or devices are not permitted. Laundry facilities for the exclusive use of the occupants of the building shall be provided in the basement of each building.~~
- (3) ~~For townhouses: same as those in § 450-27F (2).~~

**SECTION 3. § 450-37.1 Garden apartments and townhouses**

Garden apartments and townhouses are permitted as conditional uses within the R-B Zone subject to the following standards:

**A. Area, yard and building limitations:**

- [1] Minimum lot area: 30,000 square feet.
- [2] Minimum lot width: 200 feet.
- [3] Minimum lot depth: 100 feet.
- [4] Minimum front yard: 15 feet and 25 feet. The front yard depth shall be a minimum of 15 feet on north-south streets and 25 feet on east-west streets, or the minimum depth of any front yard within the block and fronting on the same street on which the structure fronts, whichever is the greater.

- [5] Minimum side yards: five feet and 10 feet.
- [6] Minimum rear yard: 25 feet.
- [7] Maximum building\_height: 35 feet (2 1/2 stories).
- [8] Maximum building coverage: 20%.
- [9] Maximum impervious coverage: 60%.
- [10] Minimum off-street parking: two spaces per unit.
- B. Minimum gross floor area\_per unit: 800 square feet.
- C. Maximum gross floor area\_per unit: 1,200 square feet.
- D. Maximum average gross floor area per unit: 1,000 square feet.
- E. Maximum percentage of units with more than one bedroom: 20%.
- F. Maximum number of units per structure: 12.
- G. Minimum total number of units: 12.
- H. Minimum distance between structures: 20 feet.
- I. Living space shall be limited to two stories, with no portion of any living space below grade.

**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** that this Ordinance shall take effect twenty (20) days after passage by the Mayor and Council and publication according to law.

**SO ORDAINED** as aforesaid.

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KELLY BARRETT  
Municipal Clerk

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GARY ENGELSTAD  
Mayor