

**§ 450-12 Nonconforming uses, structures and lots.**

[Amended 1-8-2019 by Ord. No. 2018-24]

The following provisions shall apply to valid nonconforming uses structures and lots at the time of adoption of this section:

**A.**

Any noncompliant use, structure, and/or lot, which is lawfully in existence prior to the effective date of these Land Development Ordinance revisions,<sup>(1)</sup> shall be deemed nonconforming at the passage of this section, or any applicable amendment thereto, and may be continued as otherwise provided in this section.

[1]

*Editor's Note: Ord. No. 2018-24, adopted 1-8-2019, became effective 20 days after passage by the Mayor and Council and publication according to law.*

**D.**

A nonconforming structure may not be enlarged, extended, increased in height, width or depth, moved or relocated, modified in such a way so as to increase habitable or useable space, number of dwelling units or number of bedrooms, unless such structure is changed to a structure conforming to the requirements of this chapter, except that an existing one- to four-family dwelling may be rebuilt, enlarged, extended or added to provided:

**(1)**

The enlargement, extension or addition conforms to all zone requirements.

**(2)**

Any existing one- to four-family dwelling located in a residential zone destroyed by wind, fire, water incursion, exposure or other act of God or public enemy or other natural calamity may be rebuilt on the same footprint, but need not comply with minimum lot width, depth and area requirements where the existing condition is nonconforming.

**F.**

Existence and continuance. At the date of adoption of this chapter any lot, building or structure which has been and is still being used for a purpose which does not conform to the requirements of the particular zone where the lot, building or structure is situated and which use is lawful and properly licensed, if required, and is not prohibited by any other existing ordinance of the Borough

or any statute of the State of New Jersey or the United States of America, the use may be continued, subject to other provisions contained in this section and any change of title or possession shall not affect the continuance of such existing use. The existing use may be continued as aforesaid, provided further however, that:

**(1)**

No nonconforming lot shall be further reduced in size.

**(2)**

No nonconforming building shall be enlarged, extended or increased, unless such enlargement would tend to reduce the degree of nonconformance.

**(7)**

Any existing lot on which a building or structure is located and which lot does not meet the minimum lot size, or a structure which violates any yard requirements, may have additions to the principal building and/or construction of an accessory building without an appeal for variance relief provided the existing use(s) on the lot are conforming to the permitted use(s) stipulated in this chapter for the lot in question; the permitted building coverage is not exceeded; the accessory building and/or addition do not violate any other requirements of this chapter, such as, but not limited to, height, setback and parking; the property owner has filed a zoning permit application with the Building Department which the zoning reviewer has determined meets the requirements in this chapter; the property owner files for an informal hearing to the Bradley Beach Planning Board accompanied by a check in the amount of \$125 made payable to the Borough of Bradley Beach.

**§ 450-13 Permitted yard encroachments.**

[Amended 1-27-2009 by Ord. No. 2009-2; 10-25-2011 by Ord. No. 2011-19; 5-23-2017 by Ord. No. 2017-15; 5-24-2016 by Ord. No. 2016-18; 5-14-2019 by Ord. No. 2019-6; 6-11-2019 by Ord. No. 2019-14]

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

**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.