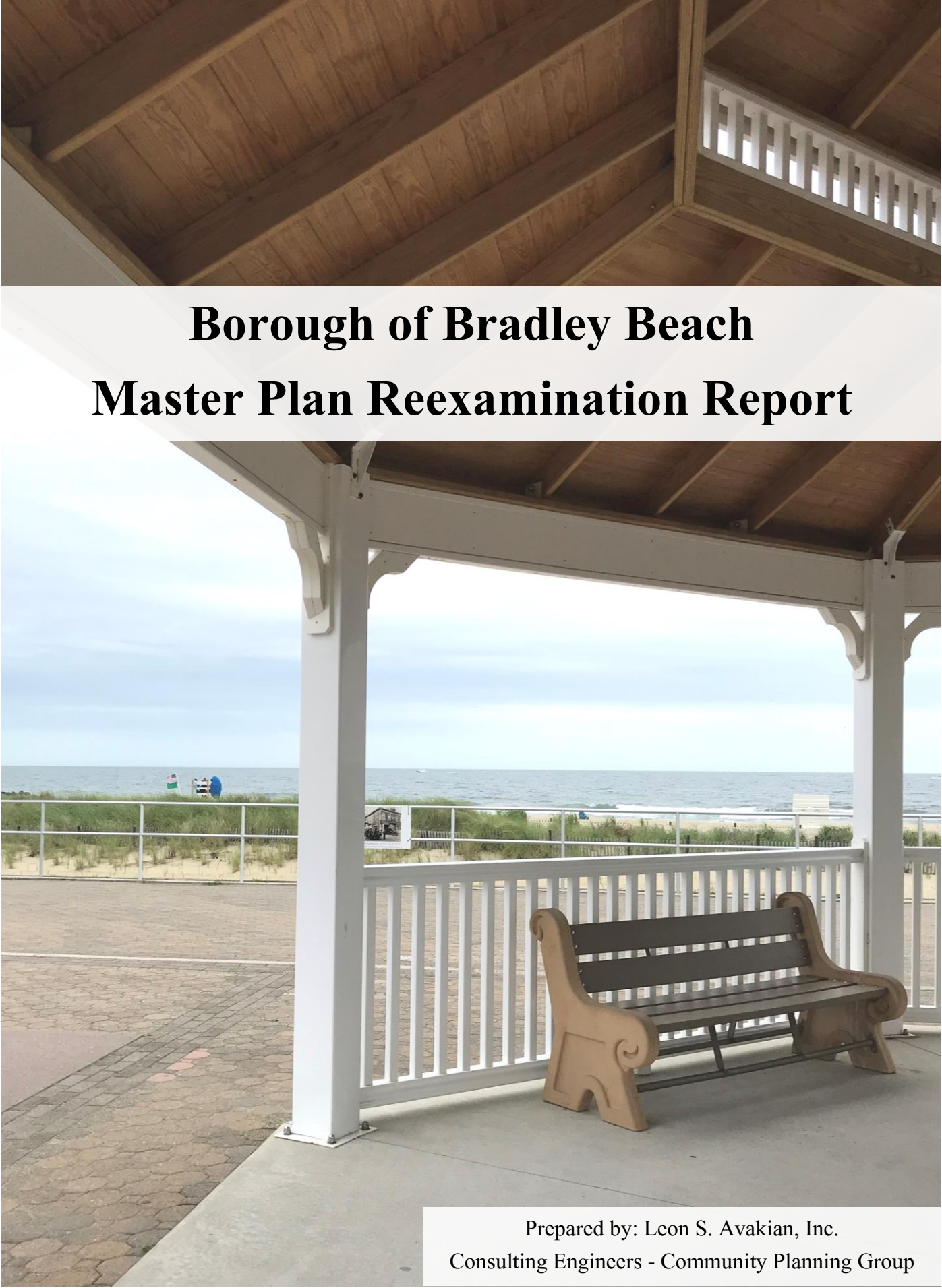




Borough of Bradley Beach Master Plan Reexamination Report

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Consulting Engineers - Community Planning Group

Master Plan Reexamination Report

Prepared for:

**The Borough of Bradley Beach
Monmouth County, New Jersey**

ADOPTED

June 28, 2018

Prepared By:



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INTRODUCTION

The Borough of Bradley Beach is an inviting, historical shore town located along the Atlantic Ocean in southeastern Monmouth County, New Jersey. The Borough has been developing since the 19th Century, when it developed into a resort shore destination. The development of the North Jersey Coast Rail line, which includes a stop in Bradley Beach, and highway infrastructure brought additional means of commuting that opened the Borough to additional year-round residents. The current year-round population of Bradley Beach is now approximately 4,300, swelling to around 30,000 in the summer months.

Today the Borough is almost completely built out, with most of the Borough's 0.6 square mile land area occupied by residential properties. The Main Street area is both the Borough's defined commercial corridor and the epicenter of Borough facilities and services. As can be seen in the existing land use map, the Borough's housing stock contains a variety of single-family and multi-family unit types, especially in the blocks nearest to Ocean Avenue in the east, and along Fletcher Lake to the north. The Borough is bordered by the Atlantic Ocean to the east, the railroad to the west, Fletcher Lake to the north, and Sylvan Lake to the south. It is part of the continuous string of Monmouth County shore towns, each of which have a distinctive character that adds to the vibrancy of variety of the Jersey Shore in this region.

Previous land use planning policies have focused on protecting existing residential areas, revising parking standards, adding sustainability goals, and evaluating bulk and use regulations in residential areas.

Purpose

This report constitutes the 2018 Master Plan Reexamination Report for the Borough of Bradley Beach, prepared pursuant to the requirements of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-89. The Reexamination Report's purpose is to review and evaluate municipal planning documents and development regulations on a periodic basis to reflect the changing needs of the Borough and to affirm the continued relevance of policies that were previously set forth. Bradley Beach adopted its most recent Reexamination Report in February 2014. Previously, the Borough adopted its last Master Plan in 1991 with Reexamination Reports prepared periodically since that time.

The findings and recommendations contained in the Reexamination Report are based upon the review of the following documents:

- Bradley Beach Borough Code Chapter 270 Land Development and 450 Zoning;
- Master Plan Reexamination Report, February 2014, CME;
- Updated State and County planning documents;
- 2010 US Census Data; and
- 2015 American Community Survey Data.



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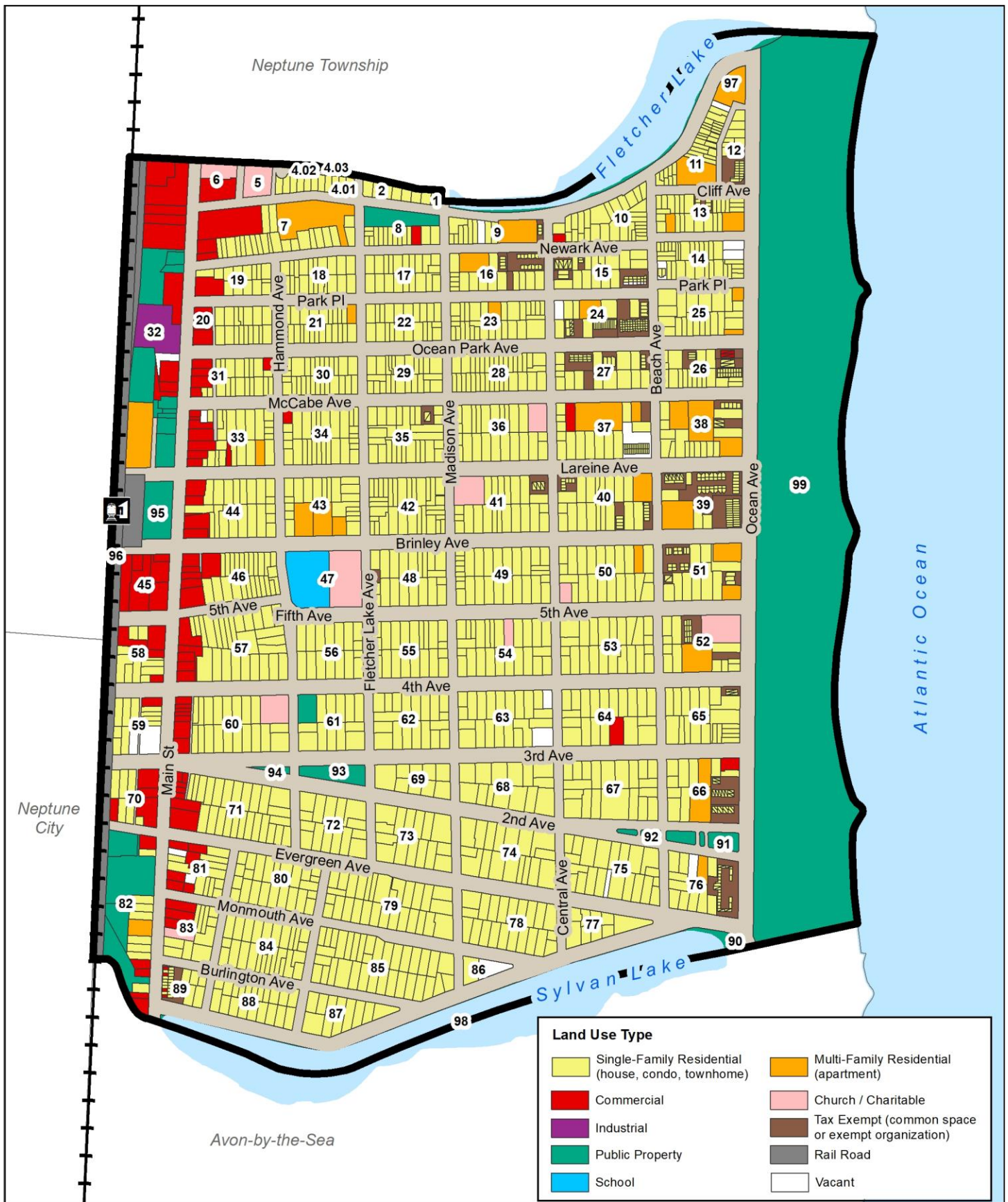
Aerial Imagery

Borough of Bradley Beach
New Jersey

Source: Mr SID tiles MG3 (2015) from NJGIN
MODIV data Monmouth County Assessment
Database (current as of Feb 5, 2018)

0 0.05 0.1 0.2 Miles





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Existing Land Use

Borough of Bradley Beach
Monmouth County, New Jersey

Source: parcels NJGIN (with corrections),
ModIV data Monmouth County Assessment
Database (current as of Feb 5, 2018)

0 0.05 0.1 0.2 Miles



Requirements of Periodic Reexamination

In accordance with N.J.S.A. 40:55D-89, the governing body shall, at least every ten years, provide for a general re-examination of its master plan and development regulations by the Planning Board. The Re-examination Report is required to contain the following:

- A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last re-examination report;
- B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date;
- C. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives;
- D. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- E. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The following sections of this Reexamination Report address each of these requirements in turn.

SECTION A. Goals, Objectives & Issues at the Time of the 2014 Reexamination Report

The first provision of N.J.S.A. 40:55D-89 of the MLUL states that the Reexamination Report shall include the “major problems and objectives relating to land development in the municipality at the time of the adoption of the last re-examination report.” The 2014 Master Plan Reexamination undertook a comprehensive review of the issues and goals identified in the 2003 Master Plan Reexamination and added additional land development recommendations where necessary. The following provides a summary of the major land development issues and goals in Bradley Beach as discussed in 2014.

Comprehensive Goals and Objectives 2014

The list of comprehensive goals and objectives included in the 2014 Reexamination Report was stated as follows:

Overall Goals

- A. Maintain consistency with the purposes of the Municipal Land Use Law (MLUL) as contained within N.J.A.C.40:55D-2;
- B. Continue to be a stable and diverse community through the provision of a balanced land use pattern;
- C. Encourage the development of both active and passive recreation opportunities for the residents and visitors, while maintaining sensitivity to environmental and cultural resources;
- D. Maintain and enhance a local economy that encourages the provision of more cost effective public services in order to improve the quality of life for Bradley Beach residents;
- E. Encourage the establishment of policies, codes and standards that promote the use of sustainable development practices, including but not necessarily limited to: infrastructure, public and private buildings, open space and recreation, local waste and recycling among other things;
- F. The single-family character of the Borough is a very important asset. The rehabilitation and infill of the housing stock should be encouraged, where appropriate, while maintaining the character, scale and privacy of the established residential neighborhoods in the Borough;
- G. Recognize the need to adapt to the changing dynamics and demands of a diverse and increasingly globalized economy;
- H. Coordinate land uses with transportation facilities to improve access and encourage alternatives to driving; and

- I. Encourage those public and private actions necessary to develop and sustain the long-term vitality of the key commercial/retail areas. This can be achieved by improving streetscapes through unified signage, facades, public walkways and landscaping, and improving vehicular and pedestrian circulation and a unified wayfinding program. This will help guide residents and visitors to the plethora of environmental and recreational opportunities in the Borough.

Overall Objectives

- A. Encourage the redevelopment or revitalization of vacant or underutilized properties;
- B. Preserve the high level of public services and provide new facilities where necessary, in order to accommodate population growth, economic development and the changing needs of the residents;
- C. Promote energy efficiency, conservation and increased use of renewable energy to reduce waste and increase recycling; to reduce the use of hazardous materials and eliminate toxic substances; to reduce greenhouse gas emissions and to plan for mitigating the effects of climate change; and to encourage to encourage materials reuse and recycling;
- D. Promote the protection of neighborhood characteristics by enforcing buffer areas between non-residential and residential areas;
- E. Collaborate with other government, non-government and private entities to create the most efficient and effective means for realizing Bradley Beach's Master Plan goals, while minimizing the financial burden on the Borough.

In addition to the above, the 2014 Reexamination Report identified several problems and areas that merited further investigation by the Borough by way of new recommendations and extended the validity of certain outstanding recommendations from 2003. Section B of this Reexamination discusses these recommendations and the extent to which they are still valid.

SECTION B. Extent to Which Problems Have Been Reduced or Increased

The second provision of N.J.S.A. 40:55D-89 of the MLUL states that the Reexamination Report shall include the extent to which such problems and objectives have been reduced or have increased since the last Master Plan or Reexamination. The analysis below discusses the Borough's planning issues, objectives, and recent recommendations in detail to determine whether they are ongoing, have been completed or addresses, or are no longer relevant due to changes in context.

Status of Recommendations carried over from 2003

The 2014 Reexamination Report maintained the validity of recommendations from 2003, the current status of which are as follows:

1. The Borough should establish a continuing services contract with a code codifying company to ensure that both ordinances are continually kept up to date.

This recommendation has not yet been addressed and remains valid.

2. Prior to issuing a building permit, the Code Enforcement Officer should verify that the necessary CAFRA permit approvals have been granted. The Planning Board and Zoning Board of Adjustment should consider placing compliance with CAFRA rules and regulations as a condition of all approvals granted.

This recommendation has not yet been addressed and remains valid. Borough staff are encouraged to verify that obtaining proper CAFRA permits is a checklist item that must be satisfied prior to the start of construction.

3. Continue to actively pursue Federal, State and other forms of grants for upgrading municipal facilities and streets, affordable housing units and programs for residents including the elderly.

This recommendation remains valid, though the Borough's sources for these types of grants and funds have changed in recent years. The NJDOT and CDBG grants that have historically be utilized are still in play and sources that the Borough should explore. RCA agreements are no longer legal and cannot be a source of funding for the rehabilitation of housing stock.

4. Create appropriate bulk standards. The proliferation of multifamily structures has threatened the established character of the Borough. Bulk standards should continue to be evaluated to ensure they are consistent with the Borough's single-family residential character.

This recommendation remains valid. The Borough should continue to evaluate bulk conditions where appropriate in furtherance of Master Plan goals for each zone.

5. Create architectural design guidelines for infill development. Architectural design guidelines should continue to be evaluated within the residential zoned area.

This recommendation remains valid.

6. A provision should be placed in the Borough's Land Development Ordinance which acknowledges that CAFRA regulation govern uses in the coastal zone. The Land Development Ordinance should indicate CAFRA regulations by reference as per N.J.S.A 13:19-1 et seq., assuring that most current regulations are used.

This recommendation has not yet been addressed and remains valid.

7. Adopt an updated Housing Plan Element in accordance with the Council on Affordable Housing Substantive Rules which were adopted on May 13, 1994...The Borough should monitor the impact of the new COAH Round 3 guidelines and conduct the necessary planning investigations to comply with the Round 3 requirements.

This recommendation remains valid in part. As will be discussed below in Section C, there have been many changes in the affordable housing framework since 1994, 2003 and 2014. References to previous rules and housing obligations are no longer relevant, but the principle that the Borough should continue to seek compliance with its affordable housing obligation through the development of updated Housing Element and Fair Share Plans through future affordable housing rounds remains valid. The Borough has prepared a compliant Fair Share Plan for Round Three.

8. Continue to be interested in the development and funding of beach erosion remedies by State, County, and Federal entities. The Borough also encourages similar efforts to implement and fund beach erosion counter-measured by its private property owners.

This recommendation continues to be valid. The Borough pursues this recommendation on an on-going basis, actively participating in the US Army Corps' beach replenishment projects. As a coastal community that derives much of its quality of life and tourism draw from its beaches, the Borough remains committed to activities that protect the beach and preserve it for use and enjoyment.

9. Continue to evaluate the parking ordinance in order to mitigate parking shortages in certain areas.

This recommendation remains valid.

10. Encourage upgrades and/or planning acquisitions of land to improve open space and recreation planning within the Borough. It is recommended that the improvement of open space continues.

This recommendation remains valid.

11. Revise regulations governing townhomes, condominiums and apartments in the Beachfront Resort district (now the R-B district) and the Residential Commercial Transition district (now the R-T district). The single-family character of the Borough should be maintained, therefore regulations within the R-B and R-T districts should still be evaluated.

This recommendation remains valid.

Status of 2014 Master Plan Reexamination Report Recommendations

The 2014 Reexamination Report identified several problems and areas that merited further investigation by the Borough by way of recommendations and policies. Action has been taken on those recommendations as follows:

1. Due to the shortage of parking spaces experienced along Main Street, it is recommended that the Borough establish innovative ways to mitigate the parking problem including allowing parking for businesses on the first floor of buildings on the west side of Main Street with retail space in front. These parking structures should have architecturally false facades.

This recommendation remains valid.

2. Determine feasibility of shared off-street parking facilities among different buildings in an area to take advantage of different peak periods.

This recommendation remains valid.

3. This report recommends conducting a comprehensive parking study and inventory along Main Street.

This recommendation remains valid.

4. Encourage the development of bike share programs where appropriate.

This recommendation remains valid, though the Borough has made significant progress toward the installation of bicycle infrastructure. The DOT evaluated Main Street, and sharrows have been added. Expansion of the growing network for cyclists is encouraged.

5. Encourage the improvement of bicycling and pedestrian conditions including but not limited to the installation of bike racks along Main Street and the Ocean Avenue beach front.

This recommendation remains valid. Again, the Borough has made progress in recent years, installing bike racks along Main Street. Additional locations for bike racks and other bicycle-friendly infrastructure should be considered. Thought can also be given to the installation of distinctive racks; towns throughout the country are installing specially shaped racks that reflect local history, culture or character.

6. It is recommended that the Borough develop the character of Main Street by discouraging types of uses that do not usually fit within a downtown corridor (examples include banks, liquor stores, automobile service garages, professional offices (unless they are on the upper floor of a mixed use), first floor residential / single-family homes along Main Street, and fronting parking lots along Main Street.

This recommendation remains valid.

7. This report recommends establishing design guidelines for Main Street.

This recommendation remains valid.

8. It is recommended that the western portion of Main Street be rezoned to allow four (4) story buildings, with a maximum height of 48', in order to accommodate mixed use structures provided that the ground floor is utilized for parking.

This recommendation has been addressed and is no longer valid.

9. It is recommended that Bradley Beach develop ordinances and policies targeted at encouraging developers into the Borough include business development resources on the Borough's website in order to streamline the process for developers.

This recommendation remains valid.

10. It is recommended the RT Residential Transition Zone be rezoned to the R-1 Residential Zone.

This recommendation remains valid.

11. It is recommended that garden apartments be removed as a permitted use within the R-B Residential Beachfront Zone.

This recommendation is no longer valid. The Borough wishes to preserve the ability to provide a range of housing types but is still considering the possibility of making these uses conditional uses instead of principally permitted uses.

12. It is recommended that the Borough increase its sustainability profile by setting forth a Borough wide "green" initiative. It is further recommended that the Borough seek Sustainable New Jersey certification; promote more walkability within the Borough; provide greater access and linkage for greenways, walkways, and bike paths in accordance with the Circulation Plan Element of the Borough Master Plan; and evaluate opportunities to purchase additional parcels for dedicated open space.

This recommendation remains valid. The Borough has made progress toward this goal by obtaining bronze level Sustainable Jersey certification in December 2016, and should continue these efforts.

13. It is recommended that Bradley Beach develop a plan for reducing and mitigating its direct and indirect greenhouse gas (GHG) emissions. Direct emissions could be reduced through more efficient vehicles and the use of alternative fueled vehicles. Indirect emissions could be reduced through more efficient use of electricity and the use of renewable energy. Steps to mitigate GHG emissions could include increasing carbon sequestration capacity through tree planting and preservation of established forested areas. Bradley Beach should work closely with the county, state, and private sector (electric utilities) initiatives to access resources for reducing and mitigating greenhouse gas emissions and addressing the effects of global climate change.

This recommendation remains valid.

14. Recommended Ordinance Changes (2014)

- a. §450-39&42 off-street parking for nonresidential: Special parking requirements for the General Business district should be amended into the Parking Ordinance.

This recommendation remains valid.

- b. Revise the maximum height for townhouses from 2.5 stories to 2 stories.

This recommendation remains valid.

- c. Determine appropriateness of current lot requirements and multifamily housing in B-R zone.

This recommendation remains valid.

- d. Reevaluate Group Rental regulations to encourage a safer dwelling environment, prevent overcrowding, eliminate noise issues and preserve the overall residential character of neighborhoods.

This recommendation remains valid.

- e. Determine if Main Street will qualify as an Area in need of Rehabilitation/Redevelopment.

This recommendation remains valid.

- f. Establishing a Wayfinding Signage ordinance

This recommendation remains valid.

- g. It is recommended that the Borough amend its ordinance definition of Swimming Pool to exclude hot tubs as part of its definition.

This recommendation remains valid.

- h. It is recommended that the Borough revise Chapter 270-25 to allow sprinkler systems within planting strips.

This recommendation remains valid.

- i. It is recommended that bulk standards regarding mechanical equipment, such as air conditioning units, generators etc., should be revised to allow this type of equipment closer to principal structures.

This recommendation is no longer valid as the Borough is limited by the requirements of the UCC in regard to minimum separation between mechanical equipment and principal structures.

- j. It is recommended that bulk standards within Section 450-28, R-B Residential Beachfront Zone be revised to require a 7,500 square foot minimum gross floor area with a maximum of 3 units. The minimum gross lot area per each additional unit shall be 2,500 square feet. The minimum front yard requirement shall be 25 feet and the minimum side yard requirement shall be 10 feet.

This recommendation is no longer valid as the Planning Board has taken steps to address the issues surrounding these specific bulk standards.

Status of Land Use Planning Principles, Objectives & Policies

All of the goals and objectives articulated in the 2014 Reexamination (in Section A above) remain valid. They are carried forward as the stated principles, objectives and policies guiding land development and planning decisions in the Borough today.

SECTION C. Significant Changes in Assumptions, Policies and Objectives

The third provision of 40:55D-89 of the MLUL requires that a Reexamination Report address the “extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in state, county and municipal policies and objectives.”

Since the Borough adopted its 2014 Reexamination Report, the overall character of the Borough has not changed, nor have there been substantive changes in land use, environmental conditions or circulation patterns in the Borough. There have been, however, some significant changes at the state, county and local level affecting the assumptions, policies and objectives forming the basis of the Master Plan. This section discusses the following changes in conditions and assumptions:

- Local demographic characteristics;
- Affordable housing compliance procedures;
- Impacts from Superstorm Sandy as an Impetus for Sustainability and Resiliency Planning;
- Circulation planning; and
- State and County regional planning.

Local Demographic Characteristics

Population

In 2015, Bradley Beach had an estimated total population of 4,297. This number represents a population decrease of 496 persons since the year 2000. This downward population trend is a recent occurrence. Previously population increased between 1990 and 2000 when the Borough's population peaked. Monmouth County, in comparison, experienced a slight population decrease between 2010 and 2015, but had been experiencing consistent population increases up to that point.

Table 1: Population Trends, 1940-2015

Year	Bradley Beach			Monmouth County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percentage		Number	Percentage		Number	Percentage
1940	3,469	-	-	161,238	-	-	4,160,165	-	-
1950	3,911	442	12.7%	225,327	64,089	39.7%	4,835,329	675,164	16.2%
1960	4,204	293	7.5%	334,401	109,074	48.4%	6,066,782	1,231,453	25.5%
1970	4,163	-41	-1.0%	461,849	127,448	38.1%	7,171,112	1,104,330	18.2%
1980	4,772	609	14.6%	503,173	41,324	8.9%	7,365,011	193,899	2.7%
1990	4,475	-297	-6.2%	553,124	49,951	9.9%	7,730,188	365,177	5.0%
2000	4,793	318	7.1%	615,301	62,177	11.2%	8,414,350	684,162	8.9%
2010	4,298	-495	-10.3%	630,380	15,079	2.5%	8,791,894	377,544	4.5%
2015*	4,297	-1	0.0%	629,185	-1,195	-0.2%	8,904,413	112,519	1.3%
2040**	4,780	483	11.2%	696,900	67,715	10.8%	-	-	-

Source: U.S. Census Bureau Decennial Census (table DP-1)
 *U.S. Census Bureau, 2011-2015 ACS 5-Year Estimates (table B01003)
 **Projections from North Jersey Transportation Planning Authority

Age

The age composition of Bradley Beach has shifted noticeably since 2000. According to American Community Survey 5-Year Estimates, significant changes occurred in many age groups. All age groups under 35 saw population decreases. Conversely, the Borough has seen a significant increase in the number of residents aged 45 years and older. The greatest percentage increases occurred in the 75 to 84 age cohort, which increased by 132 percent, and the 45 to 54 age cohort, which increased by 122 percent. The median age of Bradley Beach residents increased by 4.3 years between 2000 and 2015. This trend is consistent with the general “graying” of America as the Baby Boom Generation continues to age.

Table 2: Population by Age Cohort, Bradley Beach, 2000-2015

Population	2000		2015		Change 2000-2015
	Number	Percent	Number	Percent	
Total population	4,793	100.0%	4,297	100%	-10.3%
Under 5 years	265	5.5%	221	5.1%	-16.6%
5 to 9 years	249	5.2%	161	3.7%	-35.3%
10 to 14 years	221	4.6%	215	5.0%	-2.7%
15 to 19 years	287	6.0%	128	3.0%	-55.4%
20 to 24 years	961	20.1%	270	6.3%	-71.9%
25 to 34 years	887	18.5%	724	16.8%	-18.4%
35 to 44 years	671	14.0%	728	16.9%	8.5%
45 to 54 years	247	5.2%	547	12.7%	121.5%
55 to 59 years	190	4.0%	338	7.9%	77.9%
60 to 64 years	318	6.6%	281	6.5%	-11.6%
65 to 74 years	189	3.9%	403	9.4%	113.2%
75 to 84 years	83	1.7%	193	4.5%	132.5%
85 years and over	98	2.0%	88	2.0%	-10.2%
2000 US Census Bureau (table DP-1) U.S. Census Bureau, American Community Survey 2011-2015 (table DP-05)					

Table 3: Median Age

Year	Bradley Beach	Monmouth County	New Jersey
2000	36.9	37.7	36.7
2015	41.2	42.3	39.4
Change	4.3	4.6	2.7
U.S. Census Bureau, 2000 Decennial Census (table DP-1) U.S. Census Bureau, American Community Survey 2011-2015 (table DP-05)			

Households

A household is defined as one or more persons, related or not, living together in a housing unit. 2015 ACS 5-Year Estimates note that there were approximately 2,152 households in Bradley Beach. Approximately 80 percent of the Borough's households were comprised of one or two persons, split approximately evenly between these two categories. A smaller percentage (57%) of Monmouth County households fell into these categories. The Borough exhibited a lower percentage of three and four-or-more person households than the County. The Borough's average household size reflects these trends, at 1.99 persons per household compared to the County's 2.7-person per household figure.

**Table 4: Household Characteristics
Bradley Beach and Monmouth County, 2015**

	Borough		County	
	Number	Percent	Number	Percent
Total Households	2,152	100.0%	233,105	100.0%
1-person	867	40.3%	60,419	25.9%
2-persons	892	41.4%	72,772	31.2%
3-persons	190	8.8%	39,624	17.0%
4 or more persons	203	9.4%	60,290	25.9%
Average Household Size	1.99		2.67	
U.S. Census Bureau, American Community Survey 2011-2015 (tables S2501 & B25010)				

Income

Bradley Beach experienced a 71 percent increase in per capita income between 2000 and 2015, which was a greater increase than that of Monmouth County (39.6%) and the State (35.5%). Although the Borough experienced the highest increase in per capita income of the three geographic regions studied, the Borough's per capita income of \$ 43,662 in 2015 is about the same as the County's \$43,469 per capita income figure and slightly more than the State's \$36,582 per capita income.

Table 5: Per Capita Income and Median Household Income

	2000 Per Capita Income	2015 Per Capita Income	Percent Change	2000 Median Household Income	2015 Median Household Income	Percent Change
Bradley Beach	\$25,438	\$43,662	71.6%	\$40,878	\$61,682	50.9%
Monmouth County	\$31,149	\$43,469	39.6%	\$64,271	\$85,242	32.6%
New Jersey	\$27,006	\$36,582	35.5%	\$55,146	\$72,093	30.7%
U.S. Census Bureau, 2000 Decennial Census (tables DP-3 P082)						
U.S. Census Bureau, American Community Survey 2011-2015 (tables S1902 and S1903)						

The income distribution for the Borough deviates from that of the County. The income brackets containing the highest percentage of households in Bradley Beach are the \$50,000 to \$74,999 range (19.9%), followed closely by the \$75,000 to \$99,000 range (15.8%). Meanwhile, the highest percentage of households for the County overall fall into the \$100,000 to \$149,999 range (18.7%).

In terms of median household income, households in Bradley Beach earned less than households in Monmouth County and the State overall in 2015. The median income in Bradley Beach was estimated at \$61,682, approximately \$24,000 less than county median household income and \$10,000 less than state median household income. Between 2000 and 2015, the median household income increased 51 percent, more than the 32.6 percent increase experienced in Monmouth County and the 30.7 percent increase for the State overall.

Table 6: Household Income Distribution

	Bradley Beach		Monmouth County	
	Number	Percentage	Number	Percentage
Total Households	2,152	100.0%	233,105	100.0%
Less than \$10,000	122	5.7%	9,486	4.1%
\$10,000 to \$14,999	56	2.6%	7,152	3.1%
\$15,000 to \$24,999	253	11.8%	16,568	7.1%
\$25,000 to \$34,999	201	9.3%	16,469	7.1%
\$35,000 to \$49,999	198	9.2%	20,691	8.9%
\$50,000 to \$74,999	429	19.9%	33,078	14.2%
\$75,000 to \$99,999	341	15.8%	29,102	12.5%
\$100,000 to \$149,999	318	14.8%	43,498	18.7%
\$150,000 to \$199,999	52	2.4%	24,853	10.7%
\$200,000 or more	182	8.5%	32,208	13.8%
U.S. Census Bureau, American Community Survey 2011-2015 (table B19001)				

Employment

The 2015 ACS reports on the work activity of residents aged 16 years and older. While the Borough's working age population was 3,654 persons, approximately 2,456 residents were part of the labor force (85%). Approximately 33 percent of the Borough's working age residents were not participating in the labor force. All of Bradley Beach's labor force was employed in civilian jobs, while zero residents reported being members of the armed forces. Approximately 7.3 percent of Borough residents were estimated as being unemployed at this time, two percentage points over the unemployment rate of Monmouth County overall.

Table 7: Employment Status

	Bradley Beach		Monmouth County	
	Number	Percent	Number	Percent
Population 16 years and over	3,654	85.0%	505,316	80.3%
In labor force	2,456	67.2%	333,780	66.1%
Civilian Labor Force	2,456	100.0%	333,439	99.9%
Employed	2,191	60.0%	307,183	60.8%
Unemployed	265	7.3%	26,256	5.2%
Armed Forces	0	0.0%	341	0.1%
Not in labor force	1,198	32.8%	171,536	33.9%
U.S. Census Bureau, American Community Survey 2011-2015 (table DP03)				

Employment by Industry

An analysis of employees (over the age of 16) by economic sector indicates that employed working age individuals in Bradley Beach were involved in a range of economic sectors. As depicted in Table 8 below, the highest concentration of workers (26.9%) are employed in the educational, health, and social services sectors. The only other sector employing over 10 percent of Borough's residents was arts, entertainment, recreation, accommodation and food service. Employment is relatively diffuse across sectors for the Borough's population, spread amongst eight sectors that employ between 5 and 10 percent of residents.

Table 8: Workforce by Sector

Industry	Bradley Beach	Monmouth County
Civilian employed population 16 years and over	100.0%	100.0%
Agriculture, forestry, fishing and hunting, mining	0.0%	0.3%
Construction	8.2%	7.0%
Manufacturing	3.3%	6.0%
Wholesale Trade	5.9%	3.1%
Retail Trade	8.6%	11.7%
Transportation and Warehousing, and Utilities	5.4%	5.0%
Information	5.1%	3.6%
Finance and insurance, and real estate and rental and leasing	7.6%	10.2%
Professional, scientific, and management, and administrative and waste management services	9.3%	12.7%
Educational services, and health care and social assistance	26.9%	23.5%
Arts, entertainment, and recreation, and accommodation and food services	11.5%	8.9%
Other Services, except public administration	6.9%	4.1%
Public administration	1.3%	4.1%
U.S. Census Bureau, American Community Survey 2011-2015 (table DP03)		

Housing Stock

The housing stock in Bradley Beach is generally divided into three different unit types. Single-family detached homes comprise approximately half (51%) of the Borough's housing stock while duplexes and high-rise apartments collectively occupy over a quarter of the Borough's housing stock. The remaining quarter are low- and mid-rise multi-family units and attached single family units.

Table 9: Housing Units by Type, 2015

Units in Structure	Total	Percent
Total	3,172	100.0%
1 Unit, detached	1,609	50.7%
1 Unit, attached	143	4.5%
2 Units	430	13.6%
3 or 4 Units	105	3.3%
5 to 9 Units	54	1.7%
10 to 19 Units	288	9.1%
20 Units or more	543	17.1%
Mobile home	0	0.0%
Boat, RV, van, etc.	0	0.0%

According to ACS 5-Year Estimates, most housing units in Bradley Beach were valued between \$400,000 and \$499,999. Table 10 provides a breakdown of home values for owner-occupied units within the Borough. The median value of an owner-occupied housing unit was \$494,100 at the time of the survey. In comparison, most housing units in Monmouth County overall were valued in the next lowest bracket, between \$300,000 and \$399,999. The median value of an owner-occupied home in Monmouth County was \$109,000 less than that of the Borough.

Table 10: Value of Owner-Occupied Housing Units, 2015

	Bradley Beach		Monmouth County	
	Number	Percentage	Number	Percentage
Total	953	100.0%	173,378	100.0%
Less than \$50,000	12	1.3%	4,274	2.5%
\$50,000 to \$99,999	25	2.6%	2,597	1.5%
\$100,000 to \$149,999	18	1.9%	4,625	2.7%
\$150,000 to \$199,999	5	0.5%	8,214	4.7%
\$200,000 to \$299,999	99	10.4%	33,465	19.3%
\$300,000 to \$399,999	329	34.5%	66,926	38.6%
\$400,000 to \$499,999	420	44.1%	45,369	26.2%
\$500,000 and greater	45	4.7%	7,908	4.6%
Median Value	\$494,100		\$385,100	
U.S. Census Bureau, American Community Survey 2011-2015 (table DP04)				

For rental units, the median contract rent in Bradley Beach was estimated at \$1,208 in the 2011-2015 5-year American Community Survey. The highest percentage of renters paid between \$1,000 and \$1,499 for rent (52.1%), followed by those who paid \$500 to \$999 (26.7%). The County's median contract rent was slightly higher at \$1,238.

In terms of residential growth, for the period January 2000 through December 2016, the Borough issued building and demolition permits authorizing the development of a net of 171 additional residential units. The majority of the Borough's building permits were authorized between 2003 and 2004, with another peak in 2007-2008.

Table 11: Building Permits and Demolition Permits Issued, 2000 - 2016

Year	1 & 2 Family	Multi Family	Mixed Use	Total New Construction	Total Residential Demolitions	Net Units Added
2000	-	-	-	12	3	9
2001	-	-	-	12	3	9
2002	-	-	-	10	8	2
2003	-	-	-	65	13	52
2004	17	16	0	33	8	25
2005	8	0	0	8	6	2
2006	9	0	0	9	5	4
2007	6	16	0	22	7	15
2008	4	42	0	46	5	41
2009	3	0	0	3	14	-11
2010	6	0	0	6	2	4
2011	1	4	0	5	3	2
2012	4	1	0	5	0	5
2013	7	0	0	7	8	-1
2014	9	0	0	9	2	7
2015	7	0	0	7	5	2
2016	13	0	0	13	9	4
Total	94	79	0	272	101	171

Population and Employment Projections

The most recent forecasts completed by the NJTPA project to the year 2040. The population is expected to be 4,780 persons dispersed across 2,310 households. Due to the built-out nature of the Borough, there is limited opportunity for rapid job growth. The 2013 NJTPA report predicts Bradley Beach's employment will increase by 130 jobs, or 18%, between 2010 and 2040.

Affordable Housing

The “Third Round” of affordable housing has been a decades-long conflict over methodologies, during which municipalities struggled to comply with their obligations while unit figures and procedures continually shifted or were brought back to the drawing board.

COAH made no progress in adopting a constitutional framework for affordable housing methodology. In March 2015, the New Jersey Supreme Court disbanded COAH. Before its decision in Re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”), the Court held that because COAH was no longer functioning, trial courts were to resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations, and also established a transitional process for municipalities to seek a Judgment of Compliance and Repose (“JOR”) in lieu of Substantive Certification from COAH.

On January 18, 2017 in Re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant To The Supreme Court’s Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015), the Court decided that for the sixteen year period between 1999 and 2015 (known as the “gap period”) when the Council on Affordable Housing failed to implement rules creating fair share obligations for municipalities, the Mount Laurel constitutional obligation did not go away. Therefore, municipalities continue to be responsible for the need created during the gap period.

The Borough has developed an updated Housing Element and Fair Share Plan to comply with the current Third Round of court-mandated compliance so that it is not vulnerable to a builder’s remedy lawsuit.

Sustainability and Resiliency

In the wake of Superstorm Sandy, municipalities in New Jersey are following national and global trends towards planning for enhanced environmental sustainability and community resiliency. Land use planning and land development policies play a key role in advancing resiliency and sustainability initiatives, because land development policies mediate the natural and built environments.

Sustainability is defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Many municipalities have started to address sustainability issues by forming a citizen-led Green Teams and participating in *Sustainable Jersey*, the statewide program that has established a framework for implementing sustainable practices across many community development dimensions. Bradley Beach is an actively participating community that has achieved bronze level certification status.

Resiliency is defined as the capacity of a system to withstand disturbance while still retaining its fundamental structure, function, and internal feedbacks. One pillar of resiliency is the use of mitigation techniques before disaster strikes in order to anticipate and potentially avoid likely threats to life and property. In June 2015, Monmouth County adopted a FEMA-approved Multi-Jurisdictional Natural Hazard

Mitigation Plan, which includes municipal chapters. Hurricane and tropical storms, Nor'easter, flood and storm surge were identified as hazards of high concern for Bradley Beach on a low-medium-high scale that ranked hazards for each municipality in Monmouth County.¹

To combat these issues, the Borough proposed seven Hazard Mitigation Actions, which were included in the County Hazard Mitigation Plan as follows:

- Sand dune / berm construction and snow fencing
- New outfall pipes and bulkheading around Fletcher Lake
- New outfall pipes and bulkheading around Sylvan Lake
- Floodproofing sewer pump station at the south end of the Borough
- New emergency notification system upgrades
- Funds for elevating flooding-proofing residences
- Ongoing training of community Emergency Response Team

Climate Change

As a coastal community, the Borough intends to take a proactive approach to planning for climate change, recognizing the significant potential impact this ongoing process may have on future land use and community development decisions. Earth's climate continues to warm, causing ice sheets, ice caps, and glaciers to melt, and ocean waters to warm and expand. Both factors cause an increase in overall ocean volumes. Its coastal location makes Bradley Beach particularly sensitive to the effects of sea level rise induced by climate change.

Several models for predicting future sea level rise have been developed that present varying outcomes for the extent of landward inundation of sea water. According to a 2012 report issued by the National Oceanic and Atmospheric Administration (NOAA), scientists have determined that there is more than a 90 percent chance of global mean sea level rise falling within the range of 8 inches to 6.6 feet by the year 2100.² The floor of this range is based on a continuation of historic rates of observed sea level change, while the ceiling is developed from a scenario in which the maximum plausible amount of ice sheet loss and glacial melt occurs.

¹ Multi-Jurisdictional Hazard Mitigation Plan – Monmouth County, New Jersey, Page 3e-8 (pdf page 315).

² Parris, Adam, et. al., *Global Sea Level Rise Scenarios for the United States National Climate Assessment*, NOAA, December 2012.

Given the likely range of sea level rise established above, NOAA has developed a spatial dataset for potential extents of inundation under sea rise scenarios of 1 to 6 feet. The NOAA dataset is a “modified bathtub” approach to illustrate potential sea level rise, combining baseline elevation data with local tidal variability and hydrological connectivity. It should be noted that the NOAA datasets show the scale of potential inundation, not exact locations, and do not account for natural phenomena such as erosion, subsidence, marsh migration, nor effects from future construction. Inundation extents are shown for mean higher high water conditions.

For the purpose of this Reexamination Report, the scenarios for a one- to three-foot rise for Bradley Beach are shown in the map on the following page. As shown, the estimated inundation areas for the one-foot and three-foot sea level rise conditions in Bradley Beach are confined to landward encroachment along the existing shoreline. Bradley is less effected by the direct effects of sea level rise inundation than other neighboring municipalities that contain large tidal waterbodies. Whereas some of its neighbors would lose existing improvements and property from inundation, this effect is not anticipated for Bradley Beach.

Aside from outright land inundation, the effects of climate change and sea level rise are anticipated to worsen the fallout and potential for damage from extreme weather events. The 2014 Monmouth County Multi-Jurisdictional Hazard Mitigation Plan lists an extensive array of potential impacts from climate change and associated sea level rise, stated as follows:

Hurricanes are likely to become more intense with rising sea water temperatures. Coastal erosion rates are likely to increase with rising sea level, to levels higher than those rates that have been observed over the last century. Storm effects will be more extensive in the future. The following types of impacts can be anticipated in Monmouth County’s future as a result of climate change and sea level rise: inundation of low-lying areas; increased frequency and extent of storm/related flooding; wetland loss; saltwater intrusion into estuaries and freshwater aquifers; land loss through submergence and erosion of lands in coastal areas; migration of coastal landforms and habitats; increased salinity in estuaries and coastal fresh; impacts to human populations (property losses, more frequent flood damage, more frequent flooding of roadways and urban centers, risks to people as the population of coastal areas increases); more buildings and infrastructure exposed; currently exposed buildings and infrastructure could be subject to potentially greater losses as water levels increase, and continued rapid coastal development exacerbates the impacts of sea level rise; impacts on gravity flow stormwater systems... Climate change and sea level rise could lead to a potential loss of assets that support tourism (i.e., beaches themselves as well beach access points, lodging, restaurants, marinas, fishing habitats, ecotourism, etc.). (p. 3a-23)



LEON S. AVAKIAN, Inc.
Consulting Engineers

Sea Level Rise Scenario Inundation Estimates

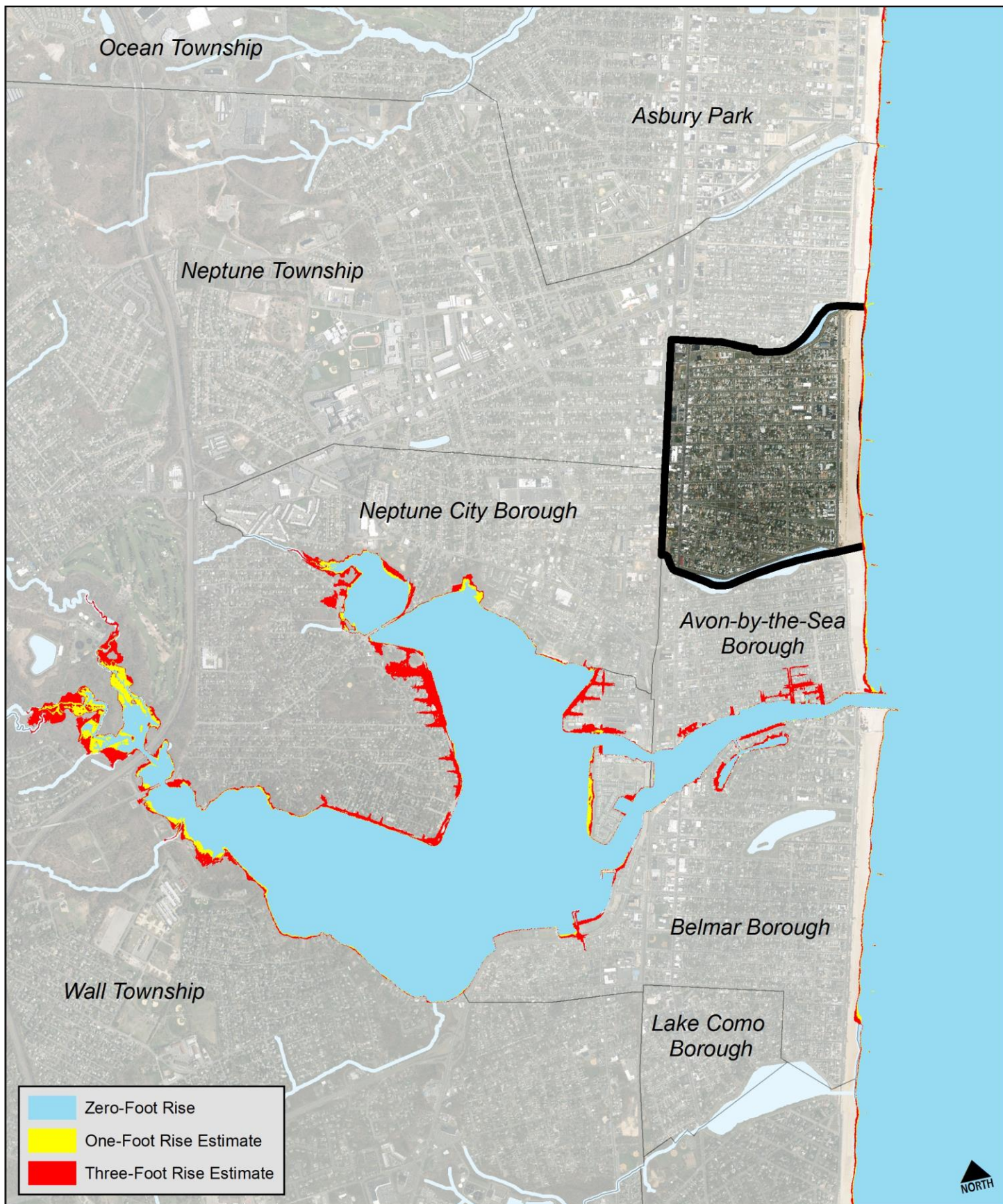
Source: Mr SID tiles MG3 (2015) from NJGIN,
Sea Level Rise data from NOAA (2016).

Created Jun-7-2018

Borough of Bradley Beach
New Jersey

0 0.05 0.1 0.2 Miles





LEON S. AVAKIAN, Inc.
Consulting Engineers

Sea Level Rise Scenario Regional Inundation Estimates

Source: Mr SID tiles MG3 (2015) from NJGIN,
Sea Level Rise data from NOAA (2016).

Borough of Bradley Beach
New Jersey

Created Jun-7-2018

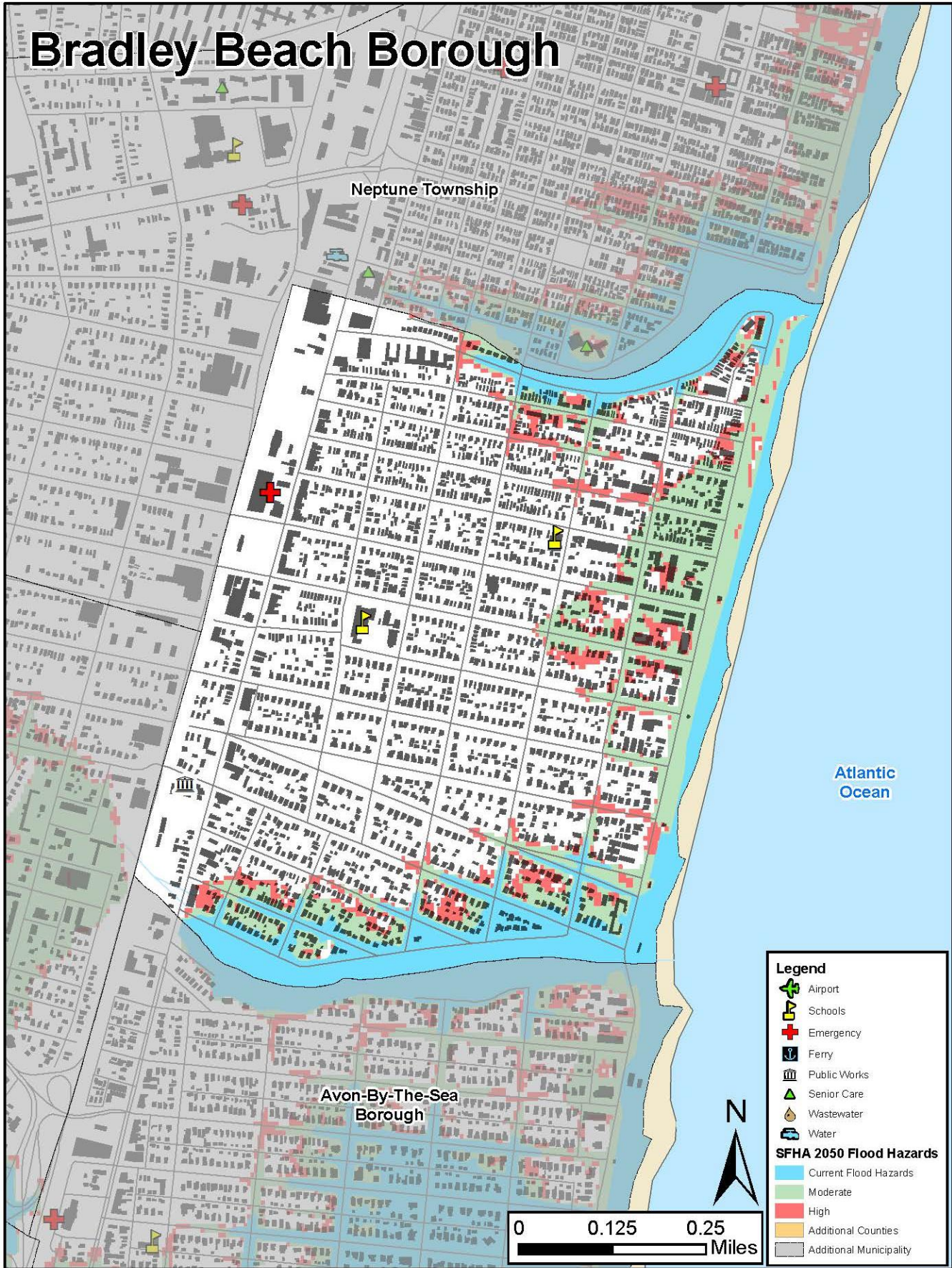
It is anticipated that rising sea level will shorten the return period (i.e. increase the frequency) of significant flood events. The flood event that now has a two percent annual probability, for example, could become the flood event that has a 10 percent annual probability. Flood hazard areas will have to adjust to these new conditions. To assist in planning for future sea level rise conditions, NOAA, FEMA and USACE issued a study in 2012 following Hurricane Sandy, using four potential sea level rise scenarios (lowest, intermediate-low, intermediate-high, and highest) for the year 2050. The study incorporated the best available information synthesized by a panel of scientists from multiple federal agencies and academic intuitions.

The County Plan includes maps for each municipality showing the Special Flood Hazard Areas under high (2-foot) and moderate (1.5-foot) sea level rise that were developed in the 2012 study. The map prepared for Bradley Beach is shown on the next page. None of the Borough's critical facilities are located in the expanded Special Flood Hazard Area.

The County points to four general categories of adaptation activity: protection via the installation of structural improvements such as bulk heads, dunes, beach replenishment, and others; accommodation through the alteration of existing development, such as building elevation and floodproofing; adaptation, which includes the proactive institution of design standards and building codes that take extreme weather events into consideration; and retreat, the practice of removing and possibly relocating at-risk development.

Specific strategies to consider in planning for climate change and sea level rise include:

- Adjusting to a “new normal” of more frequent and severe storms in planning documents and policies;
- Incentivizing development away from coastal areas with the greatest risk of impact;
- Encouraging natural mitigation techniques (e.g. dune stabilization) while discouraging hard structures that ultimately increase beach erosion (jetties, groins, seawalls);
- Enacting a “floodplain planning zone”;
- Requiring planning for certain roads to anticipate more frequent flooding; and
- Anticipating that some buildings will need to be relocated, elevated or abandoned.



Circulation

In addition to addressing problematic transportation infrastructure and vehicular traffic patterns, municipalities throughout the country are taking a wider view of their transit systems to develop multi-modal circulation networks that are functional for pedestrians and cyclists, as well as cars. This movement comes from an expanded understanding of the health and quality-of-life benefits that accrue to communities that present a wider array of transportation options to residents and visitors, allowing network users to access the combined benefits of recreation and transportation. Initiatives such as new sidewalk audits and the Safe Walk to School programs are examples. The Borough could pursue some of these alternative transportation planning mechanisms or take the next step to affirm its intention to expand transit and circulation options by adopting a Complete Streets policy.

State Development and Redevelopment Plan

The State Planning Commission adopted the most recent State Development and Redevelopment Plan (SDRP) on March 1, 2001. The SDRP contains a number of goals and objectives regarding the future development and redevelopment of New Jersey. The primary objective of the SDRP is to guide development to areas where infrastructure is available or can be readily extended such as along existing transportation corridors, in developed or developing suburbs, and in urban areas. Concentrated growth will have the positive effects of consuming less land, depleting fewer natural resources and using the State's infrastructure more efficiently.

The SDRP's principal mechanism for guiding growth is its Planning Area classification system, whereby land areas are categorized along a spectrum from urban to environmentally sensitive. Each category is associated with a particular set of goals, policies, and objectives for land development or preservation. The 2001 SDRP identifies Bradley Beach as part of the Metropolitan Planning Area (PA 1), which is characterized by mature settlement patterns, the need to rehabilitate housing, the recognition that redevelopment will be the most predominant form of growth, and a growing need to revitalize and regionalize services and systems. According to the SDRP, the PA-1 Metropolitan Planning Area intends to:

- Provide much of the State's future development;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character of existing stable communities.

Furthermore, some of the SDRP Policies for PA 1 are as follows:

- Promote redevelopment and development in Cores and neighborhood Centers;
- Promote a diversification of land uses;
- Provide a full range of housing choices through redevelopment, new construction, rehabilitation, adaptive reuse;
- Promote economic development by encouraging strategic land assembly, site preparation and infill development;
- Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure; and
- Promote design that enhances public safety, encourages pedestrian activity and reduces depend on the automobile.

In 2011, the State released the final draft of the State Strategic Plan, meant as an update to the 2001 SDRP. While the State Strategic Plan has not been officially adopted, and the SDRP is still the official State Plan, it is still prudent to plan with updated State goals and objectives in mind so as to be prepared for its eventual implementation, or the implementation of a State Plan with similar goals. The 2011 State Strategic Plan articulates a number of goals as Garden State Values (GSV), stated as follows:

- GSV #1: Concentrate development and mix uses.
- GSV #2: Prioritize Redevelopment, infill, and existing infrastructure.
- GSV #3: Increase job and business opportunities in priority growth investment areas.
- GSV #4: Create High-Quality, Livable Places.
- GSV #5: Provide Transportation Choice & Efficient Mobility of Goods.
- GSV #6: Advance Equity.
- GSV #7: Diversify Housing Options.
- GSV #8: Provide for Healthy Communities through Environmental Protection and Enhancement.
- GSV #9: Protect, Restore and Enhance Agricultural, Recreational and Heritage Lands.
- GSV #10: Make Decisions within a Regional Framework

Monmouth County Master Plan Update 2016

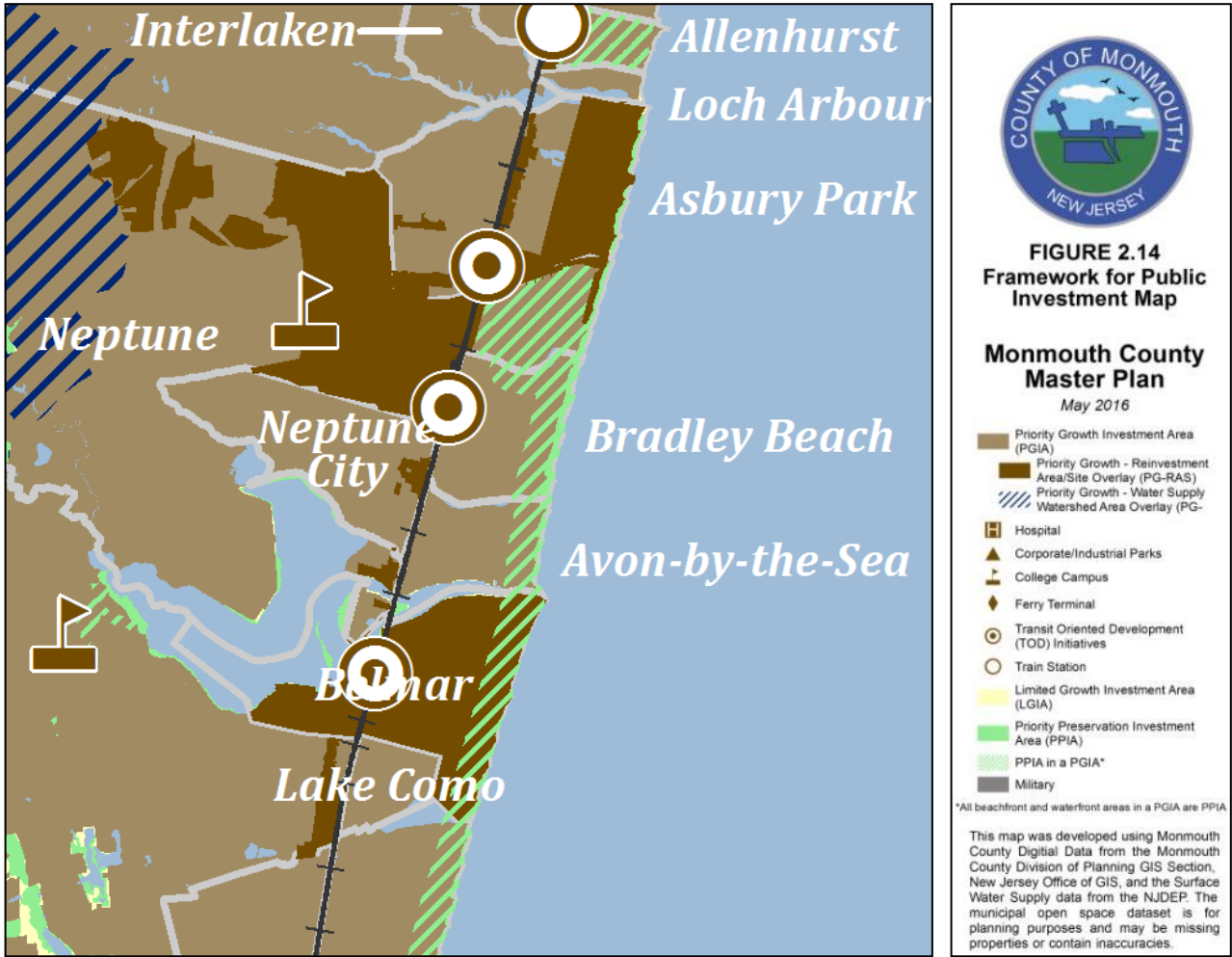
The most recent Monmouth County Master Plan was adopted in 2016. The County Plan establishes a new regional land use planning system called the Monmouth County Framework for Public Investment. The entirety of Bradley Beach is located in the Priority Growth Investment Area, with the beachfront also located in the Priority Preservation Investment Area. The County Master Plan's vision for these areas is as follows:

Priority Growth Investment Area (PGIA)

The PGIA is situated where there is either existing or planned infrastructure that lend to development and redevelopment opportunities. PGIA's are considered the locations for meeting most of the county's future population and employment growth. Public investments related to the efficient development and redevelopment of previously developed sites and optimization of existing settlement patterns should be encouraged. However, the PGIA also includes many established communities seeking to maintain their existing development pattern and character [description taken from the 2016 county plan].

Priority Preservation Investment Area (PPIA)

PPIA's are those areas or sites where investment in land preservation, agriculture development and retention, historic preservation, environmental protection and stewardship is preferred and encouraged. Land use policies should support the use of land conservation methods, techniques, and best management practices.



SECTION D. Specific Changes Recommended for the Master Plan and/or Development Regulations

The following actions are recommended in order to align the Borough's policies and regulations with the changes in planning issues, circumstances, and assumptions that have been set forth in the previous sections B and C:

Planning Recommendations

a. Elimination of the RT Residential Transition Zone.

It is recommended that the properties currently located within the RT Zoning district be rezoned to the R-1 district. Currently there are 119 lots within the RT Zoning District which is bound by Beach Avenue, Lake Terrace, Central Avenue and Brinley Avenue. As the zoning standards and permitted uses are the same for properties within the RT zone and the R-1 zone with the exception of the RT Zone allowing Townhouses, it is recommended to rezone said properties.

b. Curb Cuts

The Borough already maintains a standard that limits the number of curb cuts on single family lots to one (1) curb cut per lot and the maximum width of a driveway to 12 feet. It is recommended that a typical detail for said curb cut be prepared by the Borough Engineer and adopted by the Governing Body to ensure consistency in construction.

c. Circulation and Sidewalks

It is recommended that within all zones, that a pedestrian safety plan be provided to the engineering and building department to ensure safe circulation during construction. In addition, damage to sidewalks, ramps, signage be repaired temporarily within 48 hours to maintain safety, crushed stone and silt fencing are some recommended temporary measures, and that permanent repair be done at the conclusion of construction to the satisfaction of the Borough Engineer. These items are typically discussed during pre-construction meetings, however this recommendation would require a formal plan be provided to the Borough so that should an incident occur the borough would have the information needed to respond.

d. R-B Residential Beachfront Zone:

Currently the R-B zoning district permits both garden apartments and townhouses as permitted uses. It is recommended that both garden apartments and townhouses be reclassified as Conditional Uses in the zone. Conditions for these uses would be created in a new ordinance section 450-37.1.

e. Graduated Housing Plan

Given the varying lot sizes within the Borough, it is recommended that the Borough adopt a “Graduated Housing Plan” that maintains distinct area and bulk requirements based upon the lot size within the Borough.

f. Rehabilitation and Redevelopment

It is recommended that the Borough investigate the potential for an Area in Need of Rehabilitation along Main Street. Should the area meet the statutory criteria to be designed An Area in Need of Rehabilitation, the Borough to investigate areas of potential redevelopment within the designated Rehabilitation Area. Any redevelopment plan prepared should also include design guidelines for any development along Main Street.

g. Density Standards

It is recommended that the Borough investigate appropriate density provision for the properties along Main Street within the GB, GBW, O-P and B-O-R Zoning Districts.

h. Review Ordinance Standards and Correct any Conflicts

It is recommended that the Borough review ordinance standards to identify any conflicts between sections and make the necessary corrections.

i. Accessory Structures

The Borough should review the definition of accessory uses and provide applicable bulk standards to said uses. Sheds in particular should be separately defined and adequate size requirement and bulk standards should be established.

j. Affordable Housing

It is recommended that the Borough consider an affordable housing update that would require a 20% set aside for affordable housing for all project proposals that include 5 or more units of housing. Such an ordinance would assist the Borough in meeting its fair share obligation.

k. Review Ordinance Definitions

It is recommended that the Borough review the definitions of all terms in its ordinance for internal consistency with land use regulations, and to update outdated terminology.

l. Routine Maintenance of Ordinance

The Borough should regularly review the regulations within the land development ordinance against its planning goals and objectives, clarifying, amending, and updating when appropriate.

Recommended Ordinance Changes

a. §450-4 Definitions should be amended to include the following definitions:

- i. PARTIAL DESTRUCTION - A building or structure that, because of fire, flood, explosion, or other calamity, required the rebuilding of less than half of the floor area.
- ii. NONCONFORMING LOT - A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of ~~this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.~~ the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
- iii. NONCONFORMING STRUCTURE OR BUILDING - A structure or building, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of ~~this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.~~ the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.
- iv. NONCONFORMING USE - A use or activity which was lawful prior to the adoption, revision or amendment of ~~this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.~~ the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
- v. SIGN, PREEXISTING NONCONFORMING - A sign lawfully erected and maintained prior to the adoption of an ordinance, that, because of amendments to that ordinance, no longer conforms with the requirements of that ordinance.

b. §450-12 Non-conforming Uses, Structures and Lots should be revised as follows:

The following provisions shall apply to valid nonconforming use, structures and lots at the time of adoption of this Ordinance:

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

- B. No existing use, structure or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, unless it is changed to a conforming use or structure as follows:
1. A building or structure that, because of fire, flood, explosion, or other calamity, is damaged to less than fifty percent (50%) of its existing floor area, as defined by the Construction Official, may be restored, reconstructed or used as before; provided, that the volume of such use or structure shall not exceed the floor area which existed up to the time of such damage; and, provided further, that such restoration shall be in accordance with the following:
 - a. It shall be completed within two (2) years of such damage. Extensions from the two (2) year time period may be approved by the Zoning Officer and/or Construction Official upon receipt of an application demonstrating the satisfactory reason for the request.
 - b. Except for the previous nonconformance, it shall be in accordance with all other requirements of this Chapter.
 2. Normal maintenance and repair of a structure containing a nonconforming use is permitted, provided that it does not extend the area or volume of space occupied by the nonconforming use or structure and does not increase the intensity of use. Nothing in this section shall prevent the restoring to a safe or lawful condition any part of any structure declared unsafe by the Construction Official.
 3. A building containing residential nonconforming use may be altered in any way to improve interior livability. No structural alterations shall be made which would increase the number of bedrooms or dwelling unit.
- C. Nonconforming uses and structures are considered terminated and shall not be revived in any way except as a conforming use or structure in accordance with the following:
1. A nonconforming use or structure abandoned in accordance with this Ordinance and accompanied by an intent on the part of the owner to abandon such use as evidenced by some act or failure to act which carries with it a sufficient implication that the owner neither claims nor retains any interest in the subject matter of the abandonment shall be considered a termination thereof. Such implication shall be reputably presumed by nonuse for any period of two (2) or more years. Nonuse by successive owners shall be considered continuous nonuse.

2. The change of a nonconforming use or structure to a more or entirely conforming use for any period of time shall be considered an abandonment of the previous nonconforming use, and a reversion to the previous nonconforming use shall not be permitted.
 3. A building or structure that, because of fire, flood, explosion, or other calamity which has fifty percent (50%) or more of its existing floor area, as determined by the construction official, shall be permitted to reconstruct within the same footprint provided no expansion of said use or structure is realized. Those structures that realize damage by fire or natural disaster that are found to be damaged due to lack of maintenance to the property and/or structure shall not be permitted to reconstruct should fifty percent (50%) or more of a non-conforming structure be determined to be damaged. Any such restoration shall be in accordance with the following:
 - a. It shall be completed within two (2) years of such damage. Extensions from the two (2) year time period may be approved by the Zoning Officer and/or Construction Official upon receipt of an application demonstrating the satisfactory reason for the request.
 - b. Any reconstruction shall conform to all current Building Code requirements.
- 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 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 family dwelling located in a residential zone destroyed by fire, flood, explosion, or other calamity may be rebuilt on the same foundation in the same layout; however, the existing lot need not comply with minimum lot width, depth and area requirements where the existing condition is non-conforming.
- E. The exiting property owner, prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply for, in writing, the issuance of a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming. The applicant shall have the responsibility of

affirmatively proving the preexisting nonconforming use or structure. Application pursuant hereto may be made to the Zoning Board of Adjustment Administrative Officer within one year of the adoption of the ordinance which rendered the use or structure nonconforming or at any time to the Zoning Board of Adjustment.

c. Elimination of the RT Zoning District:

The following Block 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
- Block 40 – Lots 1, 3-11, 18-29

d. §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 same requirements and limitations as 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 a two-family dwelling.
- (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).~~

e. Conditional Use Standards for Garden Apartments and Townhouses:

§ 450-37.1 Garden Apartments and Townhouses

(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.

f. Graduated Housing Plan

PROPOSED												
Lot Delineations			Minimum Yard Standards					Maximum Coverage and Height				
	Minimum Requirements		Principal Structure			Accessory		Building (%)	Impervious (%)	Stories (ft)	Height (ft)	1/2 story area (%)
Area	Width	Depth	Front	Rear	Side	Rear	Side					
Less than 2,500	25	50	15/25	5	4 & 4	3	3	40	60	1.5	25	70
2,500-4,999	25	50	15/25	20	4 & 10	5	5	40	60	2	30	60
5,000 or greater	50	100	15/25	25	5 & 10	5	5	35	60	2.5**	35	60

** 2.5 story home can be built on a 5,000 to less than 7,500 square foot lot provided no additional variances are required. A 2.5 story house can be built on a 7,500 square foot or greater lot provided no additional variances are required.

SECTION E. Recommendations Concerning the Incorporation of Redevelopment Plans into the Land Use Element and Local Development Regulations

Currently, there are no Redevelopment Areas in the Borough, but it should be recognized that this is still a viable tool to stimulate private investment, economic development and reconstitute otherwise stagnant buildings, structures, properties and or areas of the Borough. As such, it is recommended that the Borough consider utilization of this tool in the future, in appropriate areas of the Borough, especially along the Main Street corridor.