

ZONING PERMIT APPLICATION INFORMATION SHEET

BOROUGH OF BRADLEY BEACH

Department of Community Development
zoning@bradleybeachnj.gov

In order to expedite the review of your Zoning Permit application, fill out the application *in its entirety*, and *submit all required documents*:

- **Owner and Applicant contact information must be provided, including email addresses.**
- **When stating the current approved and proposed Zoning Use of the Property**, specify single family, two family, multi family, business office, professional office, retail, personal service (with type), etc.
- **Describe what it is that you are proposing to do.** If it's a construction project, give details, dimensions and setbacks in your description of work proposed. If you are proposing a change of use for the property, describe the proposed use. If it's a commercial enterprise, and the business name is changing, provide new business name.
- **Calculate and state Building and Lot Coverages.** Include your calculations in detail in submitted documents.
- **Submit three (3) copies of all plans.**
- **Submit three (3) copies of a current property survey, showing the existing conditions of the property.** All surveys must be prepared and signed by a land surveyor, and at least one (1) copy submitted must have a raised seal. Surveys submitted must be actual size – no reductions or enlargements will be accepted -- and must not be presented as part of architectural plans.
- **Make sure application is signed by both Owner and Applicant.**

APPLICATION FEES -- The application fee for a Zoning Permit shall be \$45, which fee shall be paid at the time of application.

ORDINANCE

§ 450-79 Administration; enforcement; zoning permits; violations. [Amended 7-14-2020 by Ord. No. 2020-10]

A. Administration. These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Borough. Any action taken by the Borough under the terms of this chapter or Chapter **270**, Land Development, shall give primary consideration to the above mentioned matters and to the welfare of the entire community of Bradley Beach.

B. Enforcement. It shall be the duty of the Borough's Zoning Officer and Department of Construction, Code Enforcement, Zoning and Department of Community Development to administer and enforce the provisions of this chapter and Chapter **270** of this Code. No structure or building improvement shall be erected until a zoning permit is obtained by the Zoning Officer and no structure or lot shall be used in violation of this chapter or Chapter **270** of this Code. It shall be the duty of the Zoning Officer to keep a record of all zoning permit applications and all zoning permits which are either issued or denied, with notations of any conditions involved, which data shall form a part of the Borough's public records. It shall be the duty of the Zoning Officer to inspect the structures and land in the Borough and order the owner, in writing, to remedy any condition found to exist in violation of any provision(s) of this chapter and/or Chapter **270** of this Code. [Amended 12-28-2021 by Ord. No. 2021-35]

C. Zoning permits.

(1) When required. A zoning permit shall be issued prior to:

- (a)** The commencement or change of a use of a property, building or structure;
- (b)** The commercial occupancy of any building or structure; or
- (c)** The construction, erection, reconstruction, alteration, conversion, or installation of any building or structure.

(2) Submission requirements. Every application for a zoning permit shall be accompanied by three copies of a current survey/site plan and three sets of construction plans. All submissions shall be also be simultaneously submitted in electronic format, to scale where appropriate, by the applicant. Surveys must show the existing conditions and exact location of physical features, including metes and

bounds, drainage, waterways, specific utility locations and easements, all drawn to scale. All surveys must be prepared by a land surveyor. Survey information may be transposed to a site plan if the date of the survey and by whom and for whom it was prepared is noted on the site plan. Vegetation, general flood plain determinations or general location of existing utilities, buildings or structures may be shown by an architect, planner, engineer, land surveyor, or certified landscape architect. All plans must display the actual shape and dimensions of the lot to be built upon, the exact location, size and height of all existing and proposed structures and substructures (drawn to scale), the number of dwelling units the structure is designed to accommodate, the number and location of off-street parking spaces and off-street loading areas and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of the Zoning and Land Development Ordinances of the Borough.

(3) A zoning permit shall be granted or denied, in writing, within 10 business days from the date of a complete application submission, unless additional time is agreed upon. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey of the lot by a land surveyor licensed in the State of New Jersey. No zoning permit shall be issued for any structure until prior site plan, subdivision and variance approvals as may be necessary, have been granted by the appropriate Board in accordance with the provisions of the Zoning and/ or Land Development Ordinances of the Borough and until all review and inspection fees and all local taxes and assessments on the property have been paid.

(4) The fee for an application for a zoning permit shall be \$45, which fee shall be paid at the time of application.

(5) The fee for a zoning determination shall be \$100 per property, which fee shall be paid at the time of application.

(6) Temporary zoning permits may be issued by the Zoning Officer for the location of temporary trailers permitted by this Code for a period not to exceed one year; however, the permit may be renewed for like periods until completion of construction. Such permits may be revoked or reissue refused in the event that the trailer is no longer used for the purposes for which the permit was issued or the use discontinued, subject to the penalties for violation of this chapter.

D. Violations. In case any building or structure is erected, constructed, reconstructed, altered, moved or converted; or any building, structure or land is used in violation of, or contrary to. the provisions of the Zoning and/or Land Development Ordinances, the Borough may institute an action to enjoin or take any other appropriate action to remedy such unauthorized activity, including remediation or removal. Nothing in this Code shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law.

E. Penalties.

(1) Fines.

(a) Any person, firm or corporation that shall violate any provisions of this chapter shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be fined such sum not exceeding \$2,000 as such court in its discretion may impose; or if the party so convicted be a natural person, such person may be sentenced to community service not exceeding 90 days, as such court in its discretion may impose; or, if the party so convicted be a natural person, such person may be imprisoned for such term not exceeding 90 days, as such court in its discretion may impose; or such natural person may be both imprisoned and fined not exceeding the maximum limits set forth herein, as such court in its discretion may impose. Each day that such violation exists shall constitute a separate offense.

(b) Any person or entity who assists in the commission of any such violation shall each be guilty of a separate violation, and upon conviction thereof shall each be liable for the same fines or imprisonment, or both, as specified in Subsection **E(1)(a)** hereinabove. These persons or entities may include but are not limited to the owner(s) of any building or structure, lot or land, or part thereof, and/or the tenant or occupant of any building or structure, lot or land, or part thereof, and any architect, builder, developer, contractor, agent, person or corporation engaged in connection therewith where

anything in violation of the Zoning and/ or Land Development Ordinances of the Borough shall be placed or shall exist or be suffered, allowed or permitted to exist.

(2) Selling land before subdivision approval.

(a) If, before final subdivision approval has been granted, any person as owner or agent., transfers or sells or agrees to transfer or sell any land which forms a part of a subdivision for which municipal approval is required in accordance with the provisions of the Zoning and/or Land Development Ordinances of the Borough, except pursuant to an agreement expressly conditioned on final subdivision approval, such person shall be subject to a penalty not to exceed \$1,000, and each lot disposition so made may be deemed a separate violation.

(b) In addition to the foregoing, the Borough may institute and maintain a civil action:

[1] For injunctive relief; and

[2] To set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56.

(c) In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the subdivider or his or her assigns or successors, to secure the return of any deposit made or purchase price paid, and also a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two years after the date of the recording of the instrument of transfer, sale conveyance of said land, or within six years if unrecorded.

F. Additional remedies. In addition to the remedy or remedies hereinbefore provided, any person., persons. company or corporation violating Borough ordinances or any provision or section thereof, may be proceeded against by the Borough of Bradley Beach or by the Zoning Officer of the Borough of Bradley Beach or any designee of the Borough of Bradley Beach or Zoning Officer or by the owner of any property in the Borough of Bradley Beach by appropriate action or by proceeding in equity or otherwise to prevent and enjoin any threatened violation or any existing violation or continuing violation of the Borough ordinances or any provision or section thereof.