

**BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY**

**ORDINANCE 2021-10**

**AN ORDINANCE AMENDING CHAPTER 450: "ZONING" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO AMEND THE TERMS "COVERAGE, BUILDING" AND "COVERAGE, IMPERVIOUS" IN SECTION 450-4: "DEFINITIONS" FOR CONSISTENCY WITH OTHER RECENTLY UPDATED SECTIONS OF CHAPTER 450.**

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Mayor Fox offered the following Ordinance and moved its introduction:

WHEREAS, recently, the Mayor & Council of the Borough of Bradley Beach (the "Borough") have revised the Borough's Zoning Ordinances at Sections 450-4, 450-12, 450-13, and 450-26 to resolve prior ambiguities contained therein; and

WHEREAS, during such revisions to its Zoning Ordinances, the Borough discovered that the terms "Coverage, Building" and "Coverage, Impervious" contained in Section 450-4: "Definitions" were inconsistent with other later-revised Sections of Chapter 450; and

WHEREAS, it is necessary to correct the aforementioned inconsistencies;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, and State of New Jersey as follows:

SECTION 1. Section 4 entitled "Definitions" of Chapter 450 entitled "Zoning" of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended as follows (stricken text deleted; underlined text added):

**§ 450-4 DEFINITIONS**

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**COVERAGE, BUILDING**

~~The ratio, expressed as a percentage, of the horizontal building area, measured from the exterior surface of the exterior walls of the ground floor, of all principal and accessory buildings, detached garage, garage apartment, second floor and half story cantilevers, sheds in excess of 120 square feet on a lot to the total lot area.~~

The ratio on a lot, expressed as a percentage to the total lot area, of the horizontal building area, measured from the exterior surface of the exterior walls of the ground floor, of all principal and accessory buildings, detached garage, garage apartment, second floor and half story cantilevers, sheds in excess of 100 square feet, or a shed of any size that is built over an impervious surface. Shed foundations of lumber, wood or timber are considered to be pervious.

## **COVERAGE, IMPERVIOUS**

~~All items as listed in "Coverage, Building" plus the area of any impervious surfaces, including walks, driveways, patios, above and below ground swimming pools, steps, and any other area that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Sheds less than 120 square feet in area and on "Pervious Foundations" shall not be included in this calculation. All decks no higher than the finished first floor of the dwelling, constructed in a pervious manner that allow storm water to filter to the ground shall not be included in this calculation. Inground Private Swimming Pool water surfaces shall be exempt from impervious coverage calculations up to 4%. (Above ground Private Swimming Pool are not included)~~

All items as listed in "Coverage, Building" plus the area of any impervious surfaces, including walks, driveways, patios, elevated decks, decks on grade areas that exceed 5% of lot size, inground private swimming pool area that exceeds 4% of lot size, above ground swimming pools, steps, and any other area that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. The following items are not included in this calculation:

- (1) Loose stone;
- (2) Deck on grade areas up to 5% of the lot size;
- (3) Stairs for decks;
- (4) Storage Sheds up to 100 square feet that are built upon a foundation of lumber, wood timber or other pervious material; and
- (5) Inground Private Swimming Pool water surfaces up to 4% of the lot size.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.


SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Bradley Beach, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Bradley Beach for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough's Mayor & Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 5. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.

**SO ORDAINED** as aforesaid.

  
ERICA KOSTYZ  
Municipal Clerk

  
LARRY FOX  
Mayor

Introduced: 3/23/21

Date of Hearing and Adoption: 5/11/21