

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

ORDINANCE 2022-12

**AN ORDINANCE AMENDING CHAPTER 258: “HOTELS”
AND CHAPTER 450: “ZONING” OF THE BOROUGH’S
REVISED GENERAL ORDINANCES TO PROHIBIT
HOTELS AND MOTELS WITHIN THE BOROUGH**

Mayor Fox offered the following Ordinance and moved its introduction:

WHEREAS, the Borough Council of the Borough of Bradley Beach (the “Borough”) is concerned about potential for large hotel or motel developments within the Borough; and

WHEREAS, the Borough desires to prohibit hotel and motel uses to promote the general welfare of the residents of Bradley Beach;

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

SECTION 1. Section 258-1 entitled “Conditions and Requirements” of Chapter 258 entitled “Hotels” of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

§ 258-1 Conditions and Requirements.

~~Hotels shall be permitted subject to the following conditions:~~

Hotels and Motels are each a non-permitted use under Chapter 450-10. In the event use variance is granted by the Land Use Board, the following conditions must be met:

- A. All guest rooms shall comply with N.J.A.C. 55:13A-1, Regulations for Hotel and Multiple Dwellings.
- B. A minimum of 15% of the total floor area of the hotel shall be devoted to common areas for the use and enjoyment of hotel guests and the general public.
- C. All service, garbage and loading facilities shall be located in the rear portion of the building, shall not be located in required yard setbacks and shall be suitably screened from adjacent properties.
- D. No exterior light levels which exceed 0.5 footcandle shall cross property lines.
- E. No parking facility or portion thereof shall be permitted in front yard areas.

- F. Preexisting hotel structures which are nonconforming with respect to the bulk requirements set forth in the Zoning Schedule shall be permitted to be altered, enlarged or extended, provided that all conditions of this chapter are complied with and existing nonconforming bulk conditions are not increased.
- G. The minimum lot area for a newly constructed hotel lot shall be 10,000 square feet. The minimum lot area for a hotel utilizing an existing structure shall be 3,600 square feet.
- H. Cooking and smoking in rooms shall be prohibited.
- I. The structure shall not be a "rooming house" or "boardinghouse" as defined by N.J.S.A. 55:13B-3.
- J. The facility shall not allow any guest to remain more than 30 days, or more than 30 days of any period of 60 successive days.

SECTION 2. Section 450-10 entitled "Prohibited Uses in All Zones" in Article VI: "General Regulations Applicable to All Zones" 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):

§ 450-10 Prohibited Uses in All Zones.

The following types of signs are specifically prohibited in all zones:

- A. The following uses are not permitted in any zone in the Borough:
 - (1) Self-service gasoline stations, self-service automobile filling and cleaning stations and self-service public garages.
 - (2) Auto body repairs of any kind or nature and any auto body repair shops.
 - (3) Auto body painting of any kind, nature or description.
 - (4) Gas, gasoline and motor fuel stations of every kind and nature.
 - (5) Automotive repairs or installation of any parts therefor or as to any installations of parts or repairs thereto; automotive shall include motor vehicles, motorcycles, motor bikes and all like vehicles of any kind or nature.
 - (6) Home for the aged.
 - (7) Children's home.

- (8) Training school; provided however that the foregoing shall not be deemed to prohibit dance studios or schools as to any types or styles of dance, nor shall the same prohibit other cultural or artistic schools or studios.
- (9) Hospital, convalescent home or any institutional projector program.
- (10) Pool parlor, billiard parlor, poolroom, billiard room.
- (11) New and used car lots except as permitted in § 450-11.
- (12) Cement plants or any such types of endeavors dealing with the mixing of minerals, chemicals or any similar types of endeavors.
- (13) Factories of any kind, nature or description whatsoever.
- (14) Establishments where any commercial painting endeavors are performed.
- (15) Commercial or semicommercial garages or parking lots.
- (16) Car wash or car washing whether automatic, manual, semiautomatic or otherwise.
- (17) Manufacturing, whether light or heavy or industrial of any kind or nature except as specified in § 450-31A(2).
- (18) New and used car lots and show rooms, that display for sale, motor vehicles, motorcycles, or motor bikes or any similar vehicle and any ancillary use normally found in conjunction therewith.
- (19) Plastics manufacturing or similar commercial endeavors.
- (20) Junkyards of any kind or nature or description.
- (21) Adult bookstores and establishments offering adult entertainment.
- (22) Storage warehouses of any kind or description.
- (23) Fuel oil distributors or gasoline distributors, or distributors of any inflammable materials, whether retail or wholesale.
- (24) Clothing manufacturing of any kind or nature.
- (25) Construction business in any phase or part thereof.
- (26) Commercial storage of heavy equipment of any kind or nature.

- (27) Any commercial or industrial endeavor reasonably to be deemed a part of any of the foregoing
- (28) Organization meeting places.
- (29) Fraternity or sorority houses.
- (30) Clubhouses, civic clubs or any like use or uses.
- (31) Bail bonding companies and bail bondsmen
- (32) Conversion of single-family uses to multiple-family uses.
- (33) Trailer parks or camps.
- (34) Any more than one amusement game device commonly known as a "pinball machine" or similar game, located as an accessory use.
- (35) Hotels, Motels, Boarding homes and rooming houses.
- (36) Tattoo establishments and body piercing establishments.
- (37) Check cashing establishments or check cashing services except as part of services offered by banks.
- (38) Any use of land or buildings or any activity not specifically permitted in a zone.
- (39) The operation of cannabis cultivators, cannabis distributors, cannabis manufacturers, cannabis wholesalers, cannabis retailers, medical cannabis alternative treatment centers, medical cannabis cultivators, medical cannabis dispensaries, and medical cannabis manufacturers.

SECTION 3. Section 450-29 entitled "GB – General Business Zone" in Article V: "Zone Regulations" of Chapter 450 entitled "Zoning" of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended as follows (~~striken~~ text deleted; underlined text added):

§ 450-29 GB – General Business Zone.

In the General Business Zone, no premises shall be used and no structure shall be erected, altered, or occupied for any purpose except the following and shall be further limited to those uses which are clearly of a scale and nature designed primarily to serve adjacent residential areas within a three-mile radius and which only incidentally serve other areas.

A. Permitted principal uses.

- (1) Retail business establishments, including but not limited to the following:
 - (a) Stores selling groceries, meats and poultry, baked goods, and other such items.
 - (b) Drug and pharmaceutical stores.
 - (c) Hardware, dry goods, and household supply stores.
 - (d) Liquor stores.
 - (e) Stationery, tobacco and newspaper stores.
 - (f) Luncheonettes, delicatessens and confectionery stores.
 - (g) Haberdashery, apparel and shoe stores.
 - (h) Restaurants, diners and other eating and drinking establishments.
- (2) Personal service establishments, which shall include, but are not limited to, the following:
 - (a) Barber- and beauty shops.
 - (b) Shoe repair shops.
 - (c) Tailor shops, dry-cleaning shops and self-service laundries.
- (3) Business and professional offices, banks and fiduciary institutions, and post offices.
- (4) Office buildings.
- (5) Public parks and playgrounds.
- (6) Municipal buildings and other public facilities providing services essential to the operation of the Borough, subject to the general review and recommendation by the Planning Board.
- ~~(7) Hotels and motels, subject to the requirements and limitations of Chapter 258, Hotels.~~
- ~~(8)~~ (7) Residential on the second and third floors in combination with permitted retail business or personal service establishments on the first floor.
- ~~(9)~~ (8) Child-care centers.

B. Permitted accessory uses.

- (1) Storage buildings and garages subject to requirements in the Schedule of Height, Area and Yard Requirements.

- (2) Signs and awnings, subject to the requirements and limitations of Article X, Signs and Awnings.
- (3) Parking lots and parking garages.
- (4) Trash storage and recycling enclosures.

C. Conditional uses.

- (1) Churches, lodges and similar quasi-public uses subject to the requirements and limitations in § 450-35.
- (2) Telecommunications towers and antennas, subject to the requirements and limitations of § 450-37 and Article XI, Telecommunications Towers and Antennas.
- (3) Townhouses subject to the requirements and limitations of § 450-27D(2).

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) Area, yard and building limitations:
 - (a) Minimum lot area: 5,000 square feet.
 - (b) Minimum lot width: 50 feet.
 - (c) Minimum lot depth: 100 feet.
 - (d) Minimum front yard: none.
 - (e) Minimum side yards: none.
 - (f) Minimum rear yard: 10 feet.
 - (g) Maximum building height: 40 feet (three stories).
 - (h) Maximum building coverage: 90%.
 - (i) Maximum impervious coverage: 100%.
 - (j) Minimum off-street parking: per § 450-39.
 - (k) Minimum side yard (accessory structure): five feet.
 - (l) Minimum rear yard (accessory structure): five feet.
 - (m) Maximum building area (accessory structure): 120 square feet.
 - (n) Maximum building height (accessory structure): 16 feet (one story).

E. Supplementary regulations.

- (1) Nothing shall be stored out-of-doors for any purpose except that garbage and trash or any other refuse awaiting disposal may be stored in a rear yard in a completely enclosed container.
- (2) Persons establishing uses in this zone are encouraged to give particular attention to aesthetic considerations, especially in connection with structural design and the use of landscaping to soften building lines.

SECTION 4. Section 450-29.1 entitled “GBW – General Business West Zone” in Article V: “Zone Regulations” 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):

§ 450-29.1 GBW – General Business West Zone.

In the General Business West Zone, no premises shall be used and no structure shall be erected, altered, or occupied for any purpose except the following and shall be further limited to those uses which are clearly of a scale and nature designed primarily to serve adjacent residential areas within a three-mile radius and which only incidentally serve other areas.

A. Permitted principal uses.

- (1) Retail business establishments, including but not limited to the following:
 - (a) Permitted on the first floor only:
 - [1] Stores selling groceries, meats and poultry, baked goods, and other such items.
 - [2] Drug and pharmaceutical stores.
 - [3] Hardware, dry goods, and household supply stores.
 - [4] Liquor stores.
 - [5] Luncheonettes, delicatessens and confectionery stores.
 - (b) Permitted on the first and second floor only:
 - [1] Stationery, tobacco and newspaper stores.
 - [2] Haberdashery, apparel and shoe stores.
 - [3] Restaurants, diners and other eating and drinking establishments.
- (2) Personal service establishments, which shall include, but are not limited to, the following:
 - (a) Barber- and beauty shops.
 - (b) Shoe repair shops.
 - (c) Tailor shops, dry-cleaning shops and self-service laundries.
- (3) Business and professional offices, banks and fiduciary institutions, and post offices are permitted on the first and second floors only.
- (4) Office buildings are permitted on the first and second floors only.
- (5) Public parks and playgrounds are permitted on the ground floor only.

(6) Municipal buildings and other public facilities providing services essential to the operation of the Borough, subject to the general review and recommendation by the Planning Board, are permitted on the first and second floors only.

~~(7) Hotels and motels, subject to the requirements and limitations of Chapter 258, Hotels.~~

(8) (7) Child-care centers are permitted on the first and second floors only.

~~(9)~~ (8) Residential on the second, third and fourth floors in combination with permitted retail business or personal service establishments on the first floor.

B. Permitted accessory uses.

(1) Storage buildings and garages subject to requirements in the Schedule of Height, Area and Yard Requirements.

(2) Signs and awnings, subject to the requirements and limitations of Article X, Signs and Awnings.

(3) Parking lots and parking garages, limited to grade or first floor only.

(4) Trash storage and recycling enclosures.

C. Conditional uses.

(1) Churches, lodges and similar quasi-public uses subject to the requirements and limitations in § 450-35.

(2) Telecommunications towers and antennas, subject to the requirements and limitations of § 450-37 and Article XI, Telecommunications Towers and Antennas.

(3) Townhouses subject to the requirements and limitations of § 450-27D(2).

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) Area, yard and building limitations:
- (a) Minimum lot area: 5,000 square feet.
 - (b) Minimum lot width: 50 feet.
 - (c) Minimum lot depth: 100 feet.
 - (d) Minimum front yard: none.
 - (e) Minimum side yards: none.
 - (f) Minimum rear yard: 10 feet.

- (g) Maximum building height: 48 feet (four stories).
- (h) Maximum building coverage: 90%.
- (i) Maximum impervious coverage: 100%.
- (j) Minimum off-street parking: per § 450-39.
- (k) Minimum side yard (accessory structure): five feet.
- (l) Minimum rear yard (accessory structure): five feet.
- (m) Maximum building area (accessory structure): 120 square feet.
- (n) Maximum building height (accessory structure): 16 feet (one story).

E. Supplementary regulations.

- (1) Nothing shall be stored out-of-doors for any purpose except that garbage and trash or any other refuse awaiting disposal may be stored in a rear yard in a completely enclosed container.
- (2) Persons establishing uses in this zone are encouraged to give particular attention to aesthetic considerations, especially in connection with structural design and the use of landscaping to soften building lines.

SECTION 5. 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 6. 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 7. 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 8. This Ordinance shall take effect upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final 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: September 28, 2022
Date of Hearing and Adoption: