

ORDINANCE 20-18C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 64, WHICH PERTAINS TO BUILDING CONSTRUCTION, CHAPTER 164, WHICH PERTAINS TO SITE PLAN REVIEW, CHAPTER 205, WHICH PERTAINS TO ZONING, AND CHAPTER 82, WHICH PERTAINS TO FEES

STATEMENT OF PURPOSE

This Ordinance amends Chapters 64, 82, 164, and 205 to add definitions and amend the requirements relating to the requirements for certificates of occupancy, the definition of and requirements for zoning permits for the addition of any use at property, the necessity of site plan approvals for the addition of a use at property, requirements relating to outdoor seating, and zoning permit fees.

SECTION I

§64-7A(3) is hereby repealed and replaced with the following.

- (3) The change in use of and/or addition of any use to any building and/or property.

SECTION II

§ 164-2 is hereby repealed and replaced with the following.

§ 164-2 Definitions.

Words and phrases used in this article shall, unless the context clearly indicates a different meaning, be defined as the same are defined in the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-3 through 40:55D-7, and, where not defined in the aforesaid, as defined in Chapter 205.

SECTION III

§ 164-3 is hereby repealed and replaced with the following.

§ 164-3 Necessity of site plan review.

Except as hereinafter provided, site plan approval shall be required and no building permit, certificate of occupancy, nor certificate of nonconformance shall be approved for any new construction nor for any change in use as hereinafter defined in Subsection A for any commercial, retail, industrial, office building, garden-apartment building, high-rise apartment building, low-rise apartment building, multifamily use, marina, or mixed use; provided, however, that single detached two-family dwellings are exempt from the requirements herein imposed, or any recreational use, unless a site plan is first submitted to and approved by the Land Use Board in accordance with the terms of this Article. No certificate of occupancy or final approval to occupy or use any land which has been subject to site plan application shall be issued until all of the conditions imposed by the Land Use Board upon such site plan application have been complied with. Enlargements or alterations of existing structures or uses as described above shall be subject to the terms of this Article. However, site plan approval shall not be required if a building permit is to be obtained in order to perform interior or exterior cosmetic changes not affecting the use of the property and in conformity with Chapter 205.

- A. The change of use requiring site plan submission and approval pursuant to this Article shall be any change of use which shall impose, pursuant to the terms of Chapter 205, stricter or more stringent controls, requirements, or burdens on the lands where such use is to be conducted, or the addition of any use to a building or property.

- B. The provisions of this Article shall not limit the requirements for submission of a subdivision plan for subdivision approval as may be required by Chapter 176.
- C. The provisions of this Article shall not limit the requirements for submission of any application for variance or conditional use to the Land Use Board as may be required by the Code.
- D. Nothing herein contained shall be construed to permit any use or structure except as such use or structure may be permitted by the Code.
- E. Nothing contained herein shall be construed to require the owner or operator of a food- or beverage-selling establishment to make application to the Land Use Board of the Township of Long Beach to increase indoor or outdoor seating at the establishment, provided that indoor or outdoor seating was previously approved pursuant to the Code, lawfully exists, and the seating capacity does not exceed that set forth in the Code.
 - (1) Any food- and beverage-selling establishment desiring to increase seating shall make application to the Building Department and satisfy all parking requirements set forth in the Code. Upon such proof being submitted to the Building Department, the Department shall issue a license for such increased seating, providing that such increased seating complies with all applicable building codes, fire codes, and occupancy codes.
 - (2) The license or permit issued pursuant to Subsection E(1) above shall at all times be prominently displayed in any such food- or beverage-selling establishment.
 - (3) The Building Department shall provide a copy of such license to the Secretary of the Land Use Board for the Land Use Board records.

SECTION IV

§205-2 is hereby amended to add the following definition.

ZONING PERMIT

A document signed by the zoning officer:

- (1) Which is required as a condition precedent to the commencement of a use, change in use, addition of a use, or the erection, construction, reconstruction, alteration, conversion, or installation of a structure or building; and
- (2) Which acknowledges that such use, structure, or building complies with the provisions of the Code or requires a variance approved by an approving authority.

SECTION V

§205-67D is hereby repealed and replaced with the following.

- D. Zoning permits.
 - (1) Upon application to the Zoning Officer of the Township of Long Beach, the Zoning Officer shall issue a zoning permit prior to the issuance of any permit to be issued by the Building Department and prior to any change of use or addition of any use to any building and/or property. The application for the permit shall be on such form as Township may prescribe and shall be accompanied by a surveyor's plot plan prepared by a licensed surveyor and submitted with the surveyor's seal thereon showing the entire lot for which the zoning permit is sought, the improvements to be placed on said lot, the location of improvements

This ordinance shall take effect after final adoption and publication as required by law.

Effective date.

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

SECTION VIII

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION VII

- B. Section 205-58, Permits.
 - (1) Zoning permits: \$100.

§82-27 Chapter 205, Zoning.

§82-27B is hereby repealed and replaced with the following.

SECTION VI

- (2) A zoning permit shall be good for a period of six months, provided that no construction is commenced on any adjoining lot.
 - (3) A fee for the issuance of a zoning permit shall be in accordance with Chapter 82.
- on all adjoining lots, the location and scope of the use and/or uses at the property, all existing and proposed parking on the lot, and a basic rendering of the property for which the zoning permit is sought showing proposed heated areas per floor and proposed heights of grade, first floor, and overall height.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Monday, June 29, 2020, at 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Monday, August 3, 2020, at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

Danielle La Valle, RMC
Deputy Municipal Clerk

First Reading: June 29, 2020
Publication: July 2, 2020
Second Reading: August 3, 2020
Final Publication: August 6, 2020
Effective: August 6, 2020

CERTIFICATION

I, Danielle La Valle, RMC, Deputy Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 20-18C was duly adopted by the Board of Commissioners at their meeting held on Monday, August 3, 2020, at 4:00 p.m.

Danielle La Valle, RMC
Deputy Municipal Clerk

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