

ORDINANCE NO. 2013-395

AN ORDINANCE TO AMEND ORDINANCE NO. 156 ENTITLED "AN ORDINANCE ESTABLISHING LAND USE DEVELOPMENT REGULATIONS AND RESTRICTIONS PURSUANT TO THE MUNICIPAL LAND USE LAW (CHAPTER 291, P.L. 1975); ESTABLISHING A ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD PURSUANT TO SAID LAW; AND REPEALING ALL PRIOR ORDINANCES RELATING TO ZONING AND PLANNING, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE TERMS AND PROVISIONS THEREOF IN THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY." SO AS TO AMEND AND SUPPLEMENT ARTICLE 7, SECTION 706 B, ENTITLED "BEACH".

BE IT ORDAINED by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth and the State of New Jersey, that the Ordinance referred to in the title hereof is amended and supplemented as follows:

Section 1. Article 7, Section 706 "B" Beach is hereby amended to read as follows:

A. Purpose.

The purpose of this district is to preserve the existing natural beach area and dunes which are present in the Village for their unique beauty and recreational assets, subject to allowing the limited development as hereinafter permitted.

B. Principal Permitted Uses on the Land and in Buildings.

Cabana, refreshment stand, open beach area, and off-street parking in conjunction with beach facilities. For the purposes of this section, cabana shall mean a public or private bathhouse with bath and shower facilities, cooking and full kitchen facilities, changing rooms, multi-purpose rooms, storage areas or office space with associated decks and other accessory structures customarily incident to a beach, cabana or bathhouse, but not for residential or other overnight accommodations.

C. Building Height.

For all permissible principal uses - - no building shall exceed two stories and ~~15~~ 24 feet in height as measured from the top of foundation and sill plate to the top of the structure, but provided that the height of any principally permitted use shall be no greater than 30 feet from Existing Grade, which is defined as Elevation 11.9 according to NAVD 1988 or North American Vertical Datum 1988. Any accessory structure or structures as hereinafter permitted shall not exceed 10 feet in height measured from Existing Grade as defined hereinabove.

D. Area and Yard Requirements.

No building shall exceed 2,200 square feet in interior gross floor area and shall be set back from any street, property or municipal boundary at least 50 feet.

E. Signs.

1. Flagpoles and signs stating beach rules and regulations and other applicable laws pertaining to traffic, parking, swimming, eating locations, anti-litter and similar items are permitted at locations designated by the Board of Commissioners or as approved by the Planning Board.
2. No signs shall be lighted, except municipal purposes aforesaid.

F. No commercial vehicle shall be parked out-of-doors overnight.

G. Accessory Structures.

No more than one (1) accessory structure, which shall not exceed 800 square feet of gross floor area shall be permitted. Said accessory structure shall not be utilized for finished living space nor overnight accommodations but for storage or other use incident to the permitted uses referred to in this section. No accessory structure shall be located in the front yard setback.

H. Vegetation.

Vegetation in the form of trees, shrubbery or other plantings shall be permitted in Block 8 of the Beach Zone only and said vegetation shall be installed and maintained at a height not to exceed 6 feet from Existing Grade. Any vegetation existing in the attached historic aerial photo shall, for ecological reasons, be permitted to continue, but shall be maintained at a height not to exceed 6 ½ feet measured from Existing Grade.

I. Elevation of Principal Uses.

Principal uses shall be elevated so as to comply with Advisory Base Flood Elevation (ABFE) and FEMA guidelines, as well as the Village's flood control ordinance. Any area below ABFE may be screened from ground level to the level of the bottom of finished living space by the use of plantings or breakaway non-structural walls and may be utilized for storage space.

J. Partitions.

Any partitions between the sand beach and parking lot in the Beach Zone existing in the attached historic aerial photo shall be permitted to remain, provided that any such partition shall be no greater than 4 feet in height, as measured from existing grade.

Section 2. This Ordinance shall become effective twenty days after its final passage and publication as required by law.

CERTIFICATION

I, Daniel J. Mason, Acting Clerk of the Village of Loch Arbour, do hereby certify that the above is a true and exact copy of the Ordinance introduced during the first reading on November 6, 2013 and adopted after a second reading and public hearing thereon held the 4th day of December, 2013.

A handwritten signature in black ink, appearing to read 'DJM', is written over a horizontal line.

Daniel J. Mason, Acting Clerk
Village of Loch Arbour

Introduced: November 6, 2013
Public Hearing: December 4, 2013
Adoption: December 4, 2013
Publication: December 11, 2013
& December 12, 2013