

ORDINANCE 2010-17

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING THE
MUNICIPAL CODE OF THE BOROUGH OF BAY
HEAD, SO AS TO AMEND CHAPTER 147, ENTITLED
“LAND USE.”**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Bay Head, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Chapter 147, entitled “Land Use,” so as to amend § 147-2, entitled “Definitions; word usage” to add the term “Museum” and arrange alphabetically as follows:

MUSEUM:

An institution for the acquisition, preservation, study or exhibition of works of artistic, architectural, historical, or scientific value.

SECTION 2. The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Chapter 147, entitled “Land Use,” so as to amend § 147-6.1, entitled “Permitted uses in all residential zones” to replace subsection (A) as follows:

A. Principal uses and buildings permitted in all residential zones shall be as follows:

- 1) Single-family detached dwellings.
- 2) Public parks and recreation facilities.
- 3) Municipal buildings and other municipal uses as are deemed necessary and appropriate by the governing body of the Borough.
- 4) Public and parochial schools.

SECTION 3. The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Chapter 147, entitled “Land Use,” so as to amend § 147-17, entitled “Standards for conditional use permit application” to add subsection (E) which shall read as follows:

E. Places of assembly. Places of assembly include but are not limited to churches, houses of worship, synagogues, meeting halls, civic clubs and similar places of assembly. Places of assembly may be permitted as conditional uses in all zoning districts, excluding the C Conservation Zone, provided that the lot and structures thereon shall adhere to the bulk requirements, standards and restrictions of the zone in which it is located and to the following:

(1) The applicant shall submit a list of proposed activities and anticipated participants, a timetable reflecting the hours in which each building will be used and any other pertinent uses and activities intended to take place on the site. Catering “eating and drinking” shall not be a primary use of these facilities.

(2) Off-street parking, loading and vehicular access shall be as follows:

(a) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 147-13 of this chapter and shall require one off-street parking space for every four (4) seats or for every four (4) persons who may be legally admitted, whichever is greater.

(3) Signs shall be as specified in § 147-14 of this chapter.

(4) The proposed use shall not cause to emanate from the property any vibration, glare, fumes, or odors detectable by neighboring property owners.

(5) The quantity and type of solid waste disposal shall be the same as other uses in the zone district.

(6) The site plan shall be accompanied by a traffic study prepared by a licensed professional engineer traffic consultant indicating the impact of the proposed place of assembly on surrounding roads. It shall include the following elements:

(a) Estimated peak hourly traffic to be generated by the use.

(b) Assignment of estimated peak hourly traffic by percentage and volume to surrounding roads.

(c) Determination of unused capacity of surrounding roads during peak hours.

(d) Recommendations for necessary road improvements and traffic control devices recommended for public roads surrounding the site.

(7) Lighting:

(a) Wherever artificial lighting is used on the premises, said lighting shall be so installed and maintained that no disturbing glare will be visible on adjacent properties or to motorists using the public street. The use of colored lights, which may be mistaken for traffic lights or signals, and artificial lights that change in intensity or produce a flashing or moving effect are hereby prohibited.

(b) All electrical lighting of parking areas or parking lots shall remain in operation for a maximum of ½ hour after the closing of the place of assembly.

(8) Noise:

(a) The proposed use shall not make or cause to be made any loud, unnecessary or unusual noises or any noise which does or is likely to annoy, disturb, injure, or endanger the comfort, repose, health, peace or safety of others.

(b) The reasonable use of bells, chimes or sound amplifiers by churches engaged in church activities is permitted, subject to the permission of the Mayor and Council pursuant to this chapter and the provisions of § 163-3.

(c) Noise shall be regulated as specified in Chapter 163 of this Code, "Noise."

(9) Hours of Operation:

(a) The facilities may be open Monday through Sunday not earlier than 7:00 a.m. and not later than 10 p.m.

(b) Exceptions to the hours of operation may be made for religious holidays and celebrations, seasonal celebrations or other special events or occasions subject to the permission of the Mayor and Council.

(10) Area and Bulk Regulations shall be as set forth in § 147-5 of this chapter. The maximum permissible size of a structure depends on the zone in which it will be located. The setbacks, maximum building height and permissible lot coverage are set forth in Appendix A to this chapter.

(11) When Site Plan Approval is required it shall be as specified in § 147-60 - § 147-67 of this chapter.

(12) Maximum occupancy of any building constructed or utilized as a place of assembly under this chapter shall be determined by the Construction Official, enforcing officer of the State Uniform Construction Code, pursuant to Chapter 104 of the Municipal Code.

(13) Applicability of the remainder of Code: Places of assembly must comply with all applicable standards and regulations established by the Code of the Township, except to those standards and regulations specifically addressed by this section.

SECTION 4. The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Chapter 147, entitled “Land Use,” so as to amend § 147-17, entitled “Standards for conditional use permit application” to add subsection (F) which shall read as follows:

F. Museums. Museums may be permitted as conditional uses in all zoning districts, excluding the C Conservation Zone, provided that the lot and structures thereon shall adhere to the bulk requirements, standards and restrictions of the zone in which it is located and to the following:

(1) The applicant shall submit a list of proposed activities and anticipated participants, a timetable reflecting the hours in which each building will be used and any other pertinent uses and activities intended to take place on the site. Catering “eating and drinking” shall not be a primary use of these facilities.

(2) Off-street parking, loading and vehicular access shall be provided in accordance with the standards set forth in § 147-13 of this chapter.

(3) Signs shall be as specified in § 147-14 of this chapter.

(4) The proposed use shall not cause to emanate from the property any vibration, glare, fumes, or odors detectable by neighboring property owners.

(5) The quantity and type of solid waste disposal shall be the same as other uses in the zone district.

(6) The site plan shall be accompanied by a traffic study prepared by a licensed professional engineer traffic consultant indicating the impact of the proposed museum on surrounding roads. It shall include the following elements:

(a) Estimated peak hourly traffic to be generated by the use.

(b) Assignment of estimated peak hourly traffic by percentage and volume to surrounding roads.

(c) Determination of unused capacity of surrounding roads during peak hours.

(d) Recommendations for necessary road improvements and traffic control devices recommended for public roads surrounding the site.

(7) Lighting:

(a) Wherever artificial lighting is used on the premises, said lighting shall be so installed and maintained that no disturbing glare will be visible on adjacent properties or to motorists using the public street. The use of colored lights, which may be mistaken for traffic lights or signals, and artificial lights that change in intensity or produce a flashing or moving effect are hereby prohibited.

(b) All electrical lighting of parking areas or parking lots shall remain in operation for a maximum of ½ hour after the closing of the museum.

(8) Noise:

(a) The proposed use shall not make or cause to be made any loud, unnecessary or unusual noises or any noise which does or is likely to annoy, disturb, injure, or endanger the comfort, repose, health, peace or safety of others.

(b) Noise shall be regulated in accordance with Chapter 163 of this Code, "Noise."

(9) Hours of Operation:

(a) The facilities may be open Monday through Sunday not earlier than 7:00 a.m. and not later than 10 p.m.

(b) Exceptions to the hours of operation may be made for seasonal celebrations or other special events or occasions subject to the permission of the Mayor and Council.

(10) Area and Bulk Regulations shall be as set forth in § 147-5 of this chapter. The maximum permissible size of a structure depends on the zone in which it will be located. The setbacks, maximum building height and permissible lot coverage are set forth in Appendix A to this chapter.

(11) When Site Plan Approval is required it shall be as specified in § 147-60 - § 147-67 of this chapter.

(12) Maximum occupancy of any building constructed or utilized as a museum under this chapter shall be determined by the Construction Official, enforcing officer of the State Uniform Construction Code, pursuant to Chapter 104 of the Municipal Code.

(13) Applicability of the remainder of Code: Museums must comply with all applicable standards and regulations established by the Code of the Township, except to those standards and regulations specifically addressed by this section.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Bay Head held on the 6th day of December, 2010, and will be considered for second reading and final passage at a regular meeting of the Borough Council to be held on the 20th day of December, 2010 at 7:00 p.m., at the Borough Hall, located at 81 Bridge Avenue, Bay Head, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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