

ORDINANCE NO. 2020 - 05

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE II OF CHAPTER 147 OF THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD, ENTITLED "LAND USE"

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Bay Head, County of Ocean, 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 Appendix A, "Schedule of Area, Yard and Building Requirements" so as to amend the Front Yard requirement for Lots in the R-100-OF Zone, the attached amended Appendix A is hereby adopted and incorporated herein.

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 include the attached Appendix B entitled "Borough of Bay Head Land Use Appendix B, Oceanfront Properties – Front Yard Setback Map" as Appendix B to Chapter 147 of the Municipal Code.

SECTION 3. The Front Yard Setback Line depicted on Appendix B entitled "Borough of Bay Head Land Use Appendix B, Oceanfront Properties – Front Yard Setback Map" is hereby established for the Lots and Blocks of the specific properties as set forth for each property on Appendix B.

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 §147-2 entitled "Definitions; word usage" so as to amend Subsection C. so as to amend in their entirety the definitions for "Setback line" and "Yard, Front" so that they shall read as follows:

SETBACK LINE

A line within any lot parallel to a lot line marking the limits of a required yard space, between which line and the lot line no building or portion thereof may be erected, except as provided in this chapter. In the case of an Oceanfront lot, the required setback shall be as set forth on the Borough of Bay Head Land Use Appendix B, Oceanfront Properties – Front Yard Setback Map.

YARD, FRONT

An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the street line and front line of the building projected to the side lines of that lot parallel to the street line. In the case of lots abutting the Barnegat Bay and Atlantic Ocean, the yard area abutting the waterfront shall be considered the front yard. For lots abutting the Atlantic Ocean, the required front yard setback line shall be as set forth on the Borough of Bay Head Land Use Appendix B, Oceanfront Properties – Front Yard Setback Map. The depth of the front yard shall be measured at right angles to the street line or waterfront in the case of lots abutting the Barnegat Bay or

Atlantic Ocean. Notwithstanding the provisions of this section, no building shall be located closer than 20 feet to the street line.

SECTION 5. 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 §147-7.2 entitled "R-100-OF Single-Family Residential Oceanfront Zone" so as to amend Subsection F. so that it shall read as follows:

F. For properties which abut the Atlantic Ocean, the front yard setback line shall be specific to each property and is depicted on the Borough of Bay Head Land Use Appendix B, Oceanfront Properties – Front Yard Setback Map. Notwithstanding this provision, construction east of the front yard setback line that had been lawfully erected pursuant to a permit granted by the Borough prior to the enactment of this ordinance may be left in place and shall not be deemed to violate this ordinance. This exception shall not apply to construction within any easement area associated with the USACE Beachfill and Dune Project.

SECTION 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.


SECTION 7. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 8. This ordinance shall take effect after second reading and publication as required by law.

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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 February 3, 2020, and will be considered for second reading and final passage at a regular meeting of the Borough Council to be held on the 6th day of April, 2020, at 7:00 p.m. at the Bay Head Municipal Building, located at 83 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.


Patricia M. Applegate, RMC
Borough Clerk, Borough of Bay Head