

## ORDINANCE 2020-03

AN ORDINANCE AMENDING, REVISING, AND/OR REPEALING ORDINANCES ENTITLED “REVISED GENERAL ORDINANCES OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, 2000” SECTIONS OF CHAPTER 30 ENTITLED ZONING. SPECIFICALLY, AS FOLLOWS. SECTION 30-11.5(C)4 OUTDOOR RECREATIONAL FIRES AND DEVICES, SECTION 30-6.4(B) & SECTION 30-7.4(B) BUILDING AREA & DIMENSIONS, AND SECTION 30-5.2(A) BUSINESS ZONE- USES & REGULATIONS.

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Surf City, as follows.

### SECTION 1

Section 30-11.5(c)4 entitled “Outdoor Recreational Fires and Devices” as amended by Ordinance 2019-17 is hereby repealed and replaced, as follows. Permanent fire devices shall be a minimum of five (5) feet from any building or accessory structure and a minimum of ten (10) feet from any lot line.

### SECTION 2

Section 30-6.4(b) entitled “Building Area and Dimensions” is hereby revised, as follows. The maximum height of the main building shall be no more than thirty-three (33) feet above the elevation of the center line of the street upon which the lot fronts. The minimum average finished grade elevation, including the slab, shall not be lower than one (1) foot above the centerline of the street.

Exceptions:

- i. The maximum height of a building shall be no more than thirty-four (34) feet above the average finished grade (excluding designated driveways) provided the grade elevation is a minimum of twenty-four (24) inches and no more than thirty (30) inches above the centerline of the street upon which the lot fronts.
- ii. Buildings on lots which are crossed by the oceanfront building line shall not exceed thirty-four (34) feet in height from an elevation determined by striking a line, perpendicular to the building line, at the elevation thereof and running to the lot elevation at the setback line at the opposite side of the lot from the building line. The thirty-four (34) foot height limitation is to be measured from the elevation established at the midpoint in the line so struck between the building line and the opposite side setback line.
- iii. Chimneys may exceed the height limitations, herein established.
- iv. Deck railing, as established in Section 11-7.8(h).

### SECTION 3

Section 30-7.4(b) entitled "Building Area and Dimensions" is hereby revised, as follows. The maximum height of the main building shall be no more than thirty-three (33) feet above the elevation of the center line of the street upon which the lot fronts. The minimum average finished grade elevation, including the slab, shall not be lower than one (1) foot above the centerline of the street.

Exceptions:

- v. The maximum height of a building shall be no more than thirty-four (34) feet above the average finished grade (excluding designated driveways) provided the grade elevation is a minimum of twenty-four (24) inches and no more than thirty (30) inches above the centerline of the street upon which the lot fronts.
- vi. Buildings on lots which are crossed by the oceanfront building line shall not exceed thirty-four (34) feet in height from an elevation determined by striking a line, perpendicular to the building line, at the elevation thereof and running to the lot elevation at the setback line at the opposite side of the lot from the building line. The thirty-four (34) foot height limitation is to be measured from the elevation established at the midpoint in the line so struck between the building line and the opposite side setback line.
- vii. Chimneys may exceed the height limitations, herein established.
- viii. Deck railing, as established in Section 11-7.8(h).

### SECTION 4

Section 30-5.2(a) entitled "Business Zone – Uses and Regulations" is hereby repealed and replaced, as follows. Said application shall be submitted no later than April 30<sup>th</sup> of each year and shall include a \$50.00 fee, a survey or final site plan and a photograph showing the proposed location of the seating.

### SECTION 5

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 6

This ordinance shall take effect immediately upon its enactment after a second reading and publication, as required by law.

## NOTICE

Public notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Surf City, County of Ocean, State of New Jersey, on Wednesday, March 11, 2020 at 7:30 PM.

Further notice is given that said Ordinance will be considered for final passage and adoption, after public hearing, to be held at a regular meeting of the Mayor and Council on Wednesday, May 13, 2020 at 7:30 P.M. in the Municipal Building, 813 Long Beach Blvd., Surf City, New Jersey, at which time and place, any person desiring to be heard upon the same will be given the opportunity to be so heard.

CHRISTINE HANNEMANN, RMC/CMR/QPA

Borough Clerk/Administrator