

ORDINANCE 23-25C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, “CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)” IN CHAPTER 205, WHICH PERTAINS TO ZONING

WHEREAS, the existing mixed-use zoning regulations prohibit any residential use on the first floor of any structure, which includes the prohibition on garages and/or storage areas on the first floor relating in any manner to the residential use of a structure; and

WHEREAS, the amendment of the mixed-use zoning regulations to further confirm and clarify the prohibition on garages and storage areas for any residential-related use is proposed to ensure there is no uncertainty; and

WHEREAS, the current mixed-use regulations fail to specifically address a proposed three-floor structure and this ordinance addresses and regulates proposed three-floor structures consistent with intent of the existing regulations.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of Township of Long Beach, Ocean County, State of New Jersey, in accordance with the aforesaid Recitals, which are incorporated herein by reference, as follows.

STATEMENT OF PURPOSE

The purpose of the Ordinance is to clarify and amend the mixed-use zoning regulations in the general commercial and marine commercial zones.

SECTION I

§205-59A(18) is repealed and replaced with the following.

- (18) Mixed uses, provided that the following standards and conditions are followed.
 - (a) No residential use shall be permitted on the first floor of any structure, except access for ingress and egress to the second and third floor shall be permitted. The foregoing includes a prohibition on garages and storage areas related in any manner to the residential use of the property. The sole residential use permitted on the first floor shall relate to access to the second and/or third floors.
 - (b) The square footage of the residential portion of the mixed use on a second floor shall not the exceed the square footage of the commercial use on the first floor. In the event there is a third floor, the square footage of the residential use on the third floor shall be equal to or smaller than the residential use on the second floor.
 - (c) A minimum of 50% of the parking at the property shall be for the non-residential uses located at the property and such parking shall otherwise comply with the minimum space requirements set forth in the Code.

SECTION II

§205-61A(1)(o) is repealed and replaced with the following.

- (o) Mixed uses, provided that the following standards and conditions are followed.
 - [1] No residential use shall be permitted on the first floor of any structure, except access for ingress and egress to the second and third floor shall be permitted. The foregoing includes a prohibition on garages and storage areas related in an manner to the residential use of the property. The sole residential use permitted on the first floor shall relate to access to the second and/or third floors.
 - [2] The square footage of the residential portion of the mixed use on a second floor shall not the exceed the square footage of

the commercial use on the first floor. In the event there is a third floor, the square footage of the residential use on the third floor shall be equal to or smaller than the residential use on the second floor.

- [3] A minimum of 50% of the parking at the property shall be for the non-residential uses located at the property and such parking shall otherwise comply with the minimum space requirements set forth in the Code.

SECTION III

All Ordinances or parts of Ordinance inconsistent herewith are repealed to the extent of such inconsistency.

SECTION IV

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 V

This Ordinance shall take effect upon publication thereof after final passage according to law.

Effective date.

This ordinance shall take effect after final adoption 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 Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Monday, November 13, 2023, 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, December 18, 2023, at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

Danielle La Valle, RMC
Municipal Clerk

First Reading: November 13, 2023
Publication: November 16, 2023
Second Reading: December 18, 2023
Final Publication: December 21, 2023
Effective: December 21, 2023

CERTIFICATION

I, **DANIELLE LAVALLE, RMC**, Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 23-25C was duly adopted by the Board of Commissioners at their meeting held on Monday, December 18, 2023, at 4:00 p.m.

Danielle LaValle, RMC
Municipal Clerk

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