

**“GOD BLESS AMERICA”**

**REGULAR MEETING**

**AUGUST 5, 2014**

A regular meeting of the Mayor and Council of the Borough of Belmar held on the above date at 6:00 PM at the Belmar Municipal Building, 601 Main Street.

**PRESENT:** Mayor Doherty, Councilwoman Nicolay, Councilman Bean, Councilman Magovern, Councilwoman Keown-Blackburn, Borough Attorney Michael DuPont, Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

The Borough Clerk stated “Adequate notice of this meeting has been provided to The Coast Star, the official newspaper of the Borough of Belmar, and the Asbury Park Press on April 23, 2014 notice of this meeting was prominently posted on the bulletin board of the Municipal Building and filed with the Clerk of the Borough of Belmar.

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE:** Our troops and their families

**SPECIAL PRESENTATIONS:**

- National Dance Week Foundation donation to Sandy Relief Fund
- Honoring Water Rescue Team
- Employee of the Month

**WORKSHOP DISCUSSION:**

- **RESOLUTION APPROVING APPOINTMENT OF PATROLMAN OF THE BELMAR POLICE DEPARTMENT**
  - o Mayor Doherty to Administer Oath of Office
- Green Acres Public Hearing
- Maser Consulting: Lake Como Outfall Pipe

**PETITIONS:**

**REPORTS OF MAYOR AND COUNCIL:**

**APPROVAL OF MINUTES:**

**PUBLIC SESSION:** Public Session on resolutions only on the Agenda. We will continue to have a Public Session at the end of this meeting.

**RESOLUTIONS:**

- **RESOLUTION AUTHORIZING PAYMENT OF BILLS**
- **RESOLUTION FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM**
- **RESOLUTION SUPPORTING THE INCREASE IN FUNDING FOR THE NEW JERSEY SHORE PROTECTION FUND**

**CONSENT AGENDA:**

All matters listed in the Consent Agenda are considered to be routine by the Borough Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**RESOLUTIONS BY CONSENT:**

- **RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED GAMES OF CHANCE APPLICATION NUMBER 2014-04, 2014-05 and 2014-06**

- RESOLUTION AUTHORIZING THE ISSUANCE OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSE NO. 1306-32-006-009 (WITH “BROAD PACKAGE PRIVILEGE” PURSUANT TO P.L. 1948, CH. 98) FOR DCJ BELMAR, INC. T/A 507 MAIN STREET FOR PERIOD ENDING JUNE 30, 2015
- RESOLUTION AUTHORIZING THE ISSUANCE OF CLASS C LIQUOR LICENSE NO. 1306-33-002-004 TO TWO DAWGS, INC T/A THE BOATHOUSE BAR AND GRILL FOR PERIOD ENDING JUNE 30, 2015
- RESOLUTION BY THE MAYOR AND COUNCIL AUTHORIZING THE TAX COLLECTOR TO EXTEND THE GRACE PERIOD FOR THIRD QUARTER PROPERTY TAXES
- RESOLUTION APPROVING SPECIAL EVENTS APPLICATIONS
- RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF BELMAR PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)
- RESOLUTION PROVIDING FOR THE RECREATION AND OPEN SPACE INVENTORY FOR THE BOROUGH OF BELMAR PURSUANT TO N.J.A.C. 7:36-25.3
- RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AMENDMENT TO THE 2012-14 AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT

**ORDINANCES:**

*Second Reading & Public Hearing*

**ORDINANCE NO. 2014-12**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX, LICENSES OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR SECTION 5-1, DESIGNATION OF AMUSEMENT OR ENTERTAINMENT AREAS**

*Second Reading & Public Hearing*

**ORDINANCE NO. 2014-13**

**AN ORDINANCE AMENDING CHAPTER XL (Development Regulations) REVISE GENERAL ORDINANCES OF THE BOROUGH OF BELMAR**

*Second Reading & Public Hearing*

**ORDINANCE 2014-14**

**ORDINANCE OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, NEW JERSEY VACATING A PORTION OF A PUBLIC ROAD IN THE SEAPORT REDEVELOPMENT AREA IN FURTHERANCE OF THE REDEVELOPMENT PROJECT AT BLOCK 57, LOT 4.**

*First Reading & Introduction*

**ORDINANCE 2014-15**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVII BEACHFRONT & MARINE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, SECTION 18-3 WATERWAYS & WATERCRAFT**

*First Reading & Introduction*

**ORDINANCE NO. 2014-16**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX (TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, SECTIONS 19-46 HANDICAPPED PARKING SPACES**

*First Reading & Introduction*

**ORDINANCE NO. 2014-17**

**AN ORDINANCE AMENDING CHAPTER XL (Development Regulations)  
REVISE GENERAL ORDINANCES OF THE BOROUGH OF BELMAR**

**PUBLIC SESSION:**

**MEETING ADJOURNED**

**HONORING THE BELMAR WATER RESCUE TEAM, BELMAR FIRST AID AND POLICE  
DEPARTMENT FOR EXTRAORDINARY PERFORMANCE IN A WATER RESCUE ON JULY 4,  
2014**

**WHEREAS**, the Borough of Belmar is a top tourist destination at the Jersey Shore and attracts thousands of people to its beaches during the summer season particularly during holiday weekends; and

**WHEREAS**, the Belmar Water Rescue Team was created to respond to water related emergencies in the borough and to keep visitors and residents safe while enjoying the local waters; and

**WHEREAS**, the Belmar Water Rescue Team joined forces with the Belmar First Aid squad to create a more effective rescue unit; and

**WHEREAS**, the Belmar Water Rescue Team along with the Belmar First Aid squad and Police Department recognized the unique danger of an approaching hurricane on the July 4<sup>th</sup> holiday and took actions to proactively patrol the beachfront after the lifeguards had left for the evening; and

**WHEREAS**, in the early evening of July 4<sup>th</sup> Hurricane Arthur passed off the coast of Belmar and created extremely large surf and dangerous rip currents; and

**WHEREAS**, due to their presence on the beachfront members of both squads, along with the Belmar Police Department, were immediately able to respond to a 911 call for a swimmer in distress and take swift action to rescue the swimmer; and

**WHEREAS**, rescue swimmers Christian Jessop and Brian Allen entered the water and fought through large surf and strong currents to assist the victim at personal risk to themselves; and

**WHEREAS**, local resident and business owner Craig Pothers assisted in the rescue with his jet ski with no obligation to do so and with personal risk to himself; and

**WHEREAS**, the Belmar First Aid Squad responded quickly in treating the swimmer as soon as she was rescued from the water; and

**WHEREAS**, the combined actions of the Belmar Water Rescue Team, Belmar First Aid Squad and Belmar Police Department, as well as the actions of the individual rescuers saved the life of this swimmer allowing her to return home to her family; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Belmar hereby recognize and honor the Belmar Water Rescue Team, the Belmar First Aid Squad, Belmar Police Department and rescuers Christian Jessop, Brian Allen and Craig Pothers for their heroic actions that resulted in saving a life of a swimmer on July 4, 2014.

## RESOLUTION 2014-

### STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Belmar desires to further the public interest by obtaining funding in the amount of \$7,013,000 from the State to fund the following project(s): development and rehabilitation of recreational facilities and repair and replacement of the bulkhead at Maclearie Park at a cost of \$7,013,000;

NOW, THEREFORE, the governing body/board resolves that Colleen Connolly or the successor to the office of Borough Administrator is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE Mayor and Council of the Borough of Belmar

1. That the Borough Administrator of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Maclearie Park Improvements;
2. That the applicant has its matching share of the project, if a match is required and loan funds are not available, in the amount of \$5,259,750, which is 75% of the total project cost. The applicant is eligible for a 25% matching grant of up to \$1,753,250;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

### CERTIFICATION

I, \_\_\_\_\_ (*name and title of Secretary or equivalent*) do hereby certify that the foregoing is a true copy of a resolution adopted by Mayor and Council of the Borough of Belmar (*name of legal body or board*) at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(*name and title of Secretary or equivalent*)

**RESOLUTION 2014-**

**RESOLUTION AUTHORIZING A ISSUANCE OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSE NO. 1306-32-006-009 (WITH “BROAD PACKAGE PRIVILEGE” PURSUANT TO P.L. 1948, CH. 98) FOR DCJ BELMAR, INC. T/A 507 MAIN STREET FOR PERIOD ENDING JUNE 30, 2015**

**WHEREAS**, application has been made for Plenary Retail Consumption License No. 1306-32-006-009 by DCJ Belmar, Inc. t/a 507 Main Street; and

**WHEREAS**, said application is accompanied by and reports from Borough Inspection Officials, Chief of Police, Fire Official and Health Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council that a Plenary Retail Consumption License for the period from July 1, 2014 to June 30, 2015 both dates inclusive, be issued to the following, subject to the Special Conditions that no alcoholic beverages shall be sold, served, delivered to, or consumed in, or allowed to be sold, served, delivered to or consumed in the licensed premises during such times as the number of persons, exclusive of employees, occupying the licensed premises exceeds the number of persons as listed below:

1306-32-006-009-DCJ Belmar, Inc. t/a 507 Main St. for the premises at 507 Main Street. Occupancy limited to Two Hundred Ninety (290). Occupancy limited to Twenty-Eight Seats (28) on the outside patio.

**WHEREAS**, the Borough Council find the following:

1. Licensee will have counters placed at all entrances and exits of the establishment in order to keep track of the occupancy on Friday & Saturday nights.
2. It is a requirement that all employees licensed to handle alcoholic beverages undergo TAMS training within 30 days of being hired or its equivalent and shall maintain the CCTV system for surveillance of inside/outside the establishment.
3. The licensee shall continue use of Shush Patrols from Memorial Day weekend through and including Labor Day weekend. The Shush Patrols shall be coordinated with and approved by the Police Department.
4. The licensee shall maintain a no entry list, which is a list of persons who the licensee does not permit in the establishment.

**BE IT FURTHER RESOLVED** that the Borough Clerk be and is hereby authorized to sign and deliver the license certificate to said applicant.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mrs. Nicolay				
Mr. Bean				
Mayor Doherty				

Adopted:

**RESOLUTION NO. 2014-**

**RESOLUTION AUTHORIZING THE ISSUANCE OF CLASS C LIQUOR  
LICENSE NO. 1306-33-002-004 TO TWO DAWGS, INC T/A  
THE BOATHOUSE BAR AND GRILL FOR PERIOD ENDING JUNE 30, 2015**

**WHEREAS**, application has been made to the Borough Council for a Class C License No. 1306-33-002-004 by for the premises located at 1307-1309 Main Street, Belmar, New Jersey; and

**WHEREAS**, said application is accompanied by reports from the borough inspection officials, health inspector and the Chief of Police.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Belmar that the Class C License No.1306-33-002-004, be granted to TWO DAWGS, INC., t/a Boathouse Bar & Grill for effective July 1, 2014 to June 30, 2015.

**WHEREAS**, the Borough Council finds the following:

1. Licensee will designate clean up crew for neighborhood Railroad Ave. to C St., 12<sup>th</sup> to 15<sup>th</sup> Ave. This clean up crew shall wear Boathouse shirts and the hours of operation shall be at closing.
2. Licensee shall be prohibited on the distribution of pre mixed drinks, such as Jello shots.
3. Licensee shall maintain a counting system at each entrance and exit on Fridays, Saturdays and any special promotional nights. The only entrance for patrons shall be the Main Street entrance (south entrance) near 15<sup>th</sup> Ave. One counter for people entering and one for people leaving will be maintained at that location.
4. No alcoholic beverages shall be sold, served, delivered or consumer in the licenses premises during such time as the number of persons, exclusive of employees, occupying the licensed premise exceeds the occupancy limit established by the fire official. Occupancy for this premise shall be Two Hundred Thirty-Seven (237) Inside and Seventy (70) Outside. Occupancy may be recalculated and designated on a per room basis.
5. The licensee will have posted security personnel, floor men, in the vestibule of the main entrance to ensure unruly persons are not permitted to enter the establishment and to check the identification of all persons entering the licenses premises.
6. The licensee will ensure that any fraudulent identification presented at the door will be immediately confiscated and the Police Department shall be immediately notified to respond. The licensee and their employees will make every reasonable attempt to detain the person presenting the identification pending police arrival. If this is not possible, they will provide the responding officers with a description of the person and the direction of travel.
7. The licensee will ensure that all employees who have contacts with patrols; i.e. floor men, waitresses and bartenders have undergone Techniques in Alcohol Management (TAM) provided through the NJ Beverage Licenses Association or its equivalent and shall maintain the CCTV System for surveillance of inside/outside the establishment. Certification of the employee's attendance will be provided to the Belmar Police Department. This training is to be completed within 30 days of the date of employment at the establishment.
8. The licensee shall cease all music, live or canned, at 1:30 AM bar time. As stipulated in the establishment's regulations, bar time is calculated as 15 minutes prior to EST.
9. Live entertainment shall be permitted as follows: The current rotation of bands

consisting of four (4) to five (5) members. Any other live entertainment consisting of more than four (4) members including instrumentalists and vocalists must be approved by the Borough Council.

10. The licensee shall ensure that all incidents such as fights, disorderly patrons, etc. are immediately reported to Police Headquarters.
11. The licensee shall ensure that any line outside the establishment does not interfere with persons using the sidewalk. A security employee of the establishment shall be posted outside to control the line and ask any disorderly person to leave prior to entering the establishment.
12. The licensee shall continue use of Shush Patrols from Memorial Day weekend through and including Labor Day weekend. The Shush Patrols shall be coordinated with and approved by the Police Department.
13. The licensee shall maintain a no entry list, which is a list of persons who the licensee does not permit in the establishment.
14. Between the months of March and October the licensee will schedule a monthly meeting with the Chief of Police to review any incidents at the establishment the preceding month.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mrs. Nicolay				
Mr. Bean				
Mayor Doherty				

Adopted:

**RESOLUTION NO. 2014-**

**RESOLUTION APPROVING APPOINTMENT OF PATROLMAN OF THE  
BELMAR POLICE DEPARTMENT**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Belmar, on this 5<sup>th</sup> day of August, 2014 that \_\_\_\_\_ is appointed and confirmed as Patrolman of the Belmar Police Department effective August 5, 2014.

offered the above resolution and moved for its adoption.

Seconded by and adopted by the following vote on roll call:

	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:



**RESOLUTION NO. 2014-**

**RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK  
TO EXECUTE AN AMENDMENT TO THE 2012-14 AGREEMENT WITH  
MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE  
COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL  
SERVICES ACT**

**WHEREAS**, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

**WHEREAS**, it is necessary to establish a legal basis for the County and its residents to benefit from this program; and

**WHEREAS**, an Agreement has been adopted under which the Borough of Belmar and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

**WHEREAS**, it is in the best interest of the Borough of Belmar to enter into such an agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Borough of Belmar, that the amendment to the agreement entitled "AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES", a copy of which is attached hereto, be and same is hereby approved.

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk be and same are hereby authorized to execute said amendment in accordance with the provisions of law; and

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately upon its enactment.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**RESOLUTION NO 2014-**

**RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON  
LEGALIZED GAMES OF CHANCE APPLICATION NUMBER  
2014-04-05-06-07**

**WHEREAS**, the Borough Council has received from the Chief of Police a written report for the following named applicant for Legalized Games of Chance.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Belmar that it is their Findings and Determinations that the following has qualified for the Raffle License:

<u>APPLICANT</u>	<u>NUMBER</u>	<u>PREMISES</u>	<u>DATE</u>	<u>TIME</u>
<u>Best Day Foundation</u>	<u>2014-04</u>	<u>16<sup>th</sup> Avenue</u>	<u>9/14/14</u>	<u>5:00 pm</u>
<u>St. Rose Rosary Altar Society</u>	<u>2014-05</u>	<u>603 7<sup>th</sup> Avenue</u>	<u>11/08/14</u>	<u>8:00am – 4:00pm</u>
<u>St. Rose Church</u>	<u>2014-06</u>	<u>603 7<sup>th</sup> Avenue</u>	<u>8/23/14</u> <u>10/5/14</u>	<u>12:30-4:30pm</u> <u>2:30-5:30pm</u>
<u>St. Rose Grammar School PTA</u>	<u>2014-07+</u>	<u>603 7<sup>th</sup> Avenue</u>	<u>9/9,10/4,11/11,12/9/14,</u> <u>1/3. 2,10/15</u>	<u>7:00 pm</u>

**BE IT FURTHER RESOLVED** that said licenses are granted and the Clerk of the Borough of Belmar is authorized to issue said licenses upon the payment of required fee, and the Borough Clerk is authorized to file Findings and Determinations Form LGCC5A with the Legalized Games of Chance Commission as the verifying official.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**RESOLUTION 2014-**

**RESOLUTION SUPPORTING THE INCREASE IN FUNDING FOR THE NEW JERSEY SHORE PROTECTION FUND**

**WHEREAS**, the Borough of Belmar is an oceanfront, tourism driven, beach community located within Monmouth County in New Jersey; and

**WHEREAS**, the Borough of Belmar is dedicated to advancing the balanced and orderly growth and development of the area; and

**WHEREAS**, New Jersey is recognized as a national leader in shore protection, serving as a model for states throughout the nation; and

**WHEREAS**, for the past two decades, a \$25 million annual Fund has served as a catalyst for the state to acquire federal matching dollars of 65% to New Jersey's 35% share for important coastal projects; and

**WHEREAS**, the dedicated \$25 million annual allocation for the New Jersey Shore Protection Fund has supported a unique and successful cost-sharing partnership with the federal government in replenishing eroded beaches along the 137 mile Jersey coast from Middlesex County to Cape May County, and provides needed matching funds for the New Jersey Department of Environmental Protection's numerous other county and municipal coastal projects; and

**WHEREAS**, healthy beaches, coastal ocean front, and bayside shorelines fuel our State's economy, bringing in \$19 billion in tourism revenue annually – one half of the State's total \$38 billion tourism revenue. People invest in the Jersey Shore because we have recreational and protective beaches and waterfronts; and

**WHEREAS**, New Jersey, working with the Army Corps of Engineers, must develop a more comprehensive plan that includes inland waterways that increasingly flood coastal and urban communities, including the back bays and barrier islands; and

**WHEREAS**, the \$25 million allocated from the Shore Protection Fund will not be enough to meet current and anticipated future matching costs of the Corp of Engineers and State of New Jersey replenishment projects and other needed coastal protection projects around New Jersey. Further, the 2015 proposed federal budget for beach replenishment projects is the lowest it has been in the past decade.

**NOW, THEREFORE BE IT RESOLVED** that the Borough of Belmar calls on the Governor of New Jersey and the New Jersey State Legislators to work together in a spirit of bi-partisanship to increase funding for the dedicated \$25 million New Jersey Shore Protection Fund which will be used for future coastal protection projects, and to provide a further incentive for federal matching funds.

**RESOLVED**, copies of this resolution shall be transmitted to the Governor of New Jersey, the Senate President, the Speaker of the Assembly, Members of the State Legislature in Districts 11 & 13 and the Monmouth County Freeholders.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
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Ms. Keown-Blackburn

Mr. Magovern

Mrs. Nicolay

Mr. Bean

Mayor Doherty

Adopted:

**RESOLUTION NO. 2014-**

**RESOLUTION PERMITTING SPECIAL EVENTS**

**WHEREAS**, applications have been received by the Special Events Committee as per Ordinance 16-14.4 “Permits and Special Event Permits;” and

**WHEREAS**, said applications have been reviewed by the Special Events Committee and by the Borough Council; and

**WHEREAS**, the following events are recommended for approval with conditions if applicable:

The Friendly Sons of the Shillelagh, 5K Run/Walk, October 4<sup>th</sup> 2014, no additional resources necessary.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Belmar that permission is granted for the special events as noted above with conditions if cited.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**RESOLUTION NO. 2014-**

**RESOLUTION PROVIDING FOR THE RECREATION AND OPEN SPACE  
INVENTORY FOR THE BOROUGH OF BELMAR PURSUANT TO N.J.A.C. 7:36-25.3**

**WHEREAS**, N.J.A.C. 7:36-25.3 requires municipalities to prepare a Recreation and Open Space Inventory (ROSI) as a condition of applying for and receiving Green Acres funding. The ROSI lists all Green Acres-funded properties ("funded parkland") as well as all other lands held for conservation and/or recreation purposes at the time the Local Unit last received funding from Green Acres ("unfunded parkland").

**BE IT RESOLVED**, that the Hon. Matthew J. Doherty, Mayor of the Borough of Belmar, be and is hereby authorized to sign the Recreation and Open Space Inventory (ROSI).

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**RESOLUTION NO. 2014-**

**RESOLUTION BY THE MAYOR AND COUNCIL AUTHORIZING THE TAX COLLECTOR TO EXTEND THE GRACE PERIOD FOR THIRD QUARTER PROPERTY TAXES**

**WHEREAS**, according to N.J.S.A. 54:4-64 the delivering of tax bills to property owners shall be at least 47 days before the third installment of taxes fall due, and

**WHEREAS**, due to a delay in the printing and mailing of the tax bills, the tax bills for the third quarter were not mailed out until July 30, 2014; and

**WHEREAS**, the Mayor and Council have granted an extension of the grace period to August 29, 2014 and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Belmar that the Tax Collector be authorized to grant this extension until August 29, 2014.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Keown-Blackburn				
Mr. Magovern				
Mrs. Nicolay				
Mr. Bean				
Mayor Doherty				

Adopted:

**ORDINANCE NO. 2014-12**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER XX, LICENSES OF  
THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF BELMAR SECTION 5-1, DESIGNATION OF AMUSEMENT OR  
ENTERTAINMENT AREAS**

**WHEREAS**, the Borough of Belmar seeks to amend Section 5-1 of Chapter XX , entitled Designation of Amusement or Entertainment Areas to include the eastern side of Main Street between Eleventh Avenue and Twelfth Avenue and only 150 feet of depth from the easterly line of Main Street.

**NOW, THEREFORE BE IT ORDAINED** by the Borough of Belmar, County of Monmouth, New Jersey that CHAPTER XX, License of the Revised General Ordinances of the Borough of Belmar Section 5-1, Designation of Amusement or Entertainment Areas is amended and supplemented by adding the following subsection (c):

**Statement of Purpose**

Provides for the licensing of Amusement or Entertainment Areas within the Borough of Belmar.

**SECTION I: 20-5.1 Designation of Amusement or Entertainment Areas.**

The Borough of Belmar constitutes a seashore resort with parts thereof customarily constituting an amusement or entertainment area according to the customary under-standing of terms in the community. Those amusement or entertainment areas are more particularly described as follows:

- a. The west side of Ocean Avenue to a depth of one hundred fifty (150') feet between Fourth Avenue and Fifth Avenue and between Eighth Avenue and Fifteenth Avenue.
- b. The east side of Ocean Avenue on the boardwalk between Tenth Avenue and Eleventh Avenue.
- c. The east side of Main Street between Eleventh Avenue and Twelfth Avenue and only 150 feet of depth from the easterly line of Main Street.

**SECTION II.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION III.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

**SECTION IV.** This Ordinance shall take effect 20 days after final passage, adoptions and publication according to law

Additions noted by underlining  
~~Deletions noted by strikethrough~~

**ORDINANCE NO. 2014-13**

**AN ORDINANCE AMENDING CHAPTER XL (Development Regulations)  
REVISE GENERAL ORDINANCES OF  
THE BOROUGH OF BELMAR**

The Mayor and Borough Council of the Borough of Belmar do ordain as follows:  
ARTICLE V, CHAPTER XL, Schedule 40-5-2B, **Schedule of Uses, Commercial Districts**  
**continued** is hereby amended as follows:

**SECTION I:**

SCHEDULE 40-5-2B

**Schedule of Uses, Commercial Districts, Continued**

Borough of Belmar

(Subsection 40-5.1)

X- Permitted Principal Use

A - Permitted Accessory Use

C - Permitted Conditional Use

R - Required Accessory Use

Type of Use	CBD-1	CBD-2	B-C	MC-1	MC-2	PO-75
Other Electrical Equipment Repair Shops	X	X				
Motion Picture Theaters, Except Drive-In	X		X			
Video Tape Rentals	X	X	X			
Bowling Centers	X		X			
Professional Offices, Business Offices	X	X				
Professional Offices, as defined in subsection 40-2.4						X
Child Care Centers	X	X	X	X	X	
Reupholstery and Furniture Repair	X	X				
Book Stores			X			
Apartments/Residences on second floor of Commercial or Professional Office Structure	X	X	X	X	X	X
Health and Fitness Clubs and Gymnasiums <u>and studios for art, music, dance, gymnastics, yoga for the purpose of giving instruction (9)</u>	<u>X</u>	<u>X</u>	X			
PRD Planned Residential Development District		C				
MARINE						
Boat Building and Repairing					X	
Services incidental to Water Transportation				X	X	
Marinas and Related Support Facilities				X	X	
Boat Dealers					X	
PUBLIC (1)						
Public Libraries	X	X	X	X	X	
Municipal Services and Facilities	X	X	X	X	X	X
Post Offices	X	X				
Public Utilities			C			C

SCHEDULE 40-5-2B

**Schedule of Uses, Commercial Districts, Continued**

Borough of Belmar

(Subsection 40-5.1)

X - Permitted Principal Use

A - Permitted Accessory Use

C - Permitted Conditional Use

R - Required Accessory Use

Type of Use	CBD-1	CBD-2	B-C	MC-1	MC-2	PO-75
Public Parks, Playgrounds, Athletic Fields and Swimming Pools	X	X	X	X	X	
Hospitals, Philanthropic and Eleemosynary						
Public Utilities		C				
OTHER						
Noncommercial TV/Radio Antennas	A	A	A	A	A	A
Exempt Signs as set forth in subsection 40-7.24d	A	A	A	A	A	A
Signs as set forth in subsection 40-7.24	A	A	A	A	A	
Fences, Hedges and Walls	A	A	A	A	A	A
Garages for Commercial Vehicles	A	A	A	A	A	A
Private, Noncommercial Swimming Pool	A (2)	A (2)		A (2)	A (2)	A (6)
Off-Street Parking and Loading (3)	R	R	R	R	R	R
Buffers (4)	R	R	R	R	R	R
Essential Services	A	A	A	A	A	A
Tool Sheds						A (6)
Wireless Telecommunications Facilities (8)						
Planned residential development district		C(9)				

SCHEDULE 40-5-2B

**Schedule of Uses, Commercial Districts, Continued**

Borough of Belmar

(Subsection 40-5.1)

Notes:

- (1) See subsection 40-5.4 for Public Use Overlay District provisions.
- (2) A private noncommercial swimming pool shall be a permitted accessory use to a hotel or a motel in the CBD-1, CBD-2, B-C, and MC-1 zones.
- (3) Off-street parking and loading shall be required as an accessory use in all zone districts, except the CBD-1 zone. Within the CBD-1 zone, off-street parking shall be provided in public or shared use parking lots. New Development in the CBD-1 zone shall be required to demonstrate that, under a shared parking approach, adequate parking is available in a public or shared parking lot. New development in the CBD-1 zone shall also demonstrate that off-street loading can be provided in a common area or on-site.
- (4) Buffers shall be required as an accessory use to any nonresidential use which abuts a residential zone district. Buffers shall also be required as an accessory use to any multi-family

development which abuts a single family or two family residential zone district.

(5) Without liquor licenses.

(6) Permitted when associated with second floor apartments.

(7) PRD Planned Residential Development District within the CBD-2 zone see subsection 40-5.5.

(8) See subsection 40-6.12 Wireless Telecommunications Towers and Antennas.

(Ord. No. 1993-24 §§ 1—5; Ord. No. 1996-10 § 2; Ord. No. 1998-03 § 1; Ord. No. 2001-21 §§ 1, 2; Ord. No. 2004-02 § 2; Ord. No. 2004-15 §§ 2, 3; Ord. No. 2004-20 § 2)

(9) Facilities identified may be up to 5,000 square feet gross floor area (GFA) and shall provide off street parking of 1 space per 100 square feet of GFA.

**SECTION II:** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION III:** All Ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION IV:** This Ordinance shall take effect 20 days after final passage, adoptions and publication according to law.

#### **STATEMENT OF PURPOSE**

Provides for the inclusion of health, fitness clubs and gymnasiums and studios for art, music, dance, gymnastics, yoga for the purpose of giving instruction within the CBD 1 and CBD 2 zoning districts and establishes GFA and parking requirements for such uses.

## ORDINANCE 2014-14

### ORDINANCE OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, NEW JERSEY VACATING A PORTION OF A PUBLIC ROAD IN THE SEAPORT REDEVELOPMENT AREA IN FURTHERANCE OF THE REDEVELOPMENT PROJECT AT BLOCK 57, LOT 4.

**WHEREAS**, the Borough of Belmar (“**Borough**”) seeks to cause the redevelopment of a portion of the downtown area consisting in part of Block 57, Lot 4, as designated on the Borough’s Official Tax Map (the “**Property**”); and

**WHEREAS**, on March 12, 1997, the Borough Council of the Borough (the “**Council**”) adopted Resolution No. 1997-55 authorizing the Planning Board of the Borough (the “**Planning Board**”) to investigate whether certain property within the Borough qualified as an “area in need of redevelopment” in accordance with the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et. seq.* (the “**Redevelopment Law**”), which Redevelopment Area (as defined herein) includes the Property; and

**WHEREAS**, on October 7, 1997, the Planning Board adopted Resolution No. 1997-02 determining that certain property within the Borough and identified on the “Belmar Seaport Redevelopment Area Investigation Map” met certain criteria under the Redevelopment Law for designation as an “area in need of redevelopment,” all as described in the map and report prepared by Schoor DePalma entitled “Belmar Seaport Redevelopment Area Investigative Map and Seaport Redevelopment Program” dated August 4, 1997, revised to September 10, 1997; and

**WHEREAS**, on November 26, 1997, the Council adopted Resolution No. 1997-235 which designated the property identified in the “Belmar Seaport Redevelopment Area Investigation Map” as an “area in need of redevelopment” in accordance with Redevelopment Law and declared such area as the “Belmar Seaport Redevelopment Area” (the “**Seaport Redevelopment Area**”); and

**WHEREAS**, the Planning Board issued its findings and recommendations as to the manner in which the Redevelopment Area is to be redeveloped and rehabilitated in the “Seaport Redevelopment Program - Borough of Belmar, New Jersey - Redevelopment Plan” dated June 3, 2003 (the “**Original Redevelopment Plan**”); and

**WHEREAS**, on August 13, 2003, the Council adopted Ordinance 2003-18 approving and adopting the Original Redevelopment Plan, which Original Redevelopment Plan was amended and supplemented by Ordinance No. 2006-26 adopted on December 27, 2006, Ordinance No. 2007-15 adopted on October 24, 2007, Ordinance No. 2008-05 adopted on February 13, 2008, Ordinance 2010-11 adopted on June 16, 2010, Ordinance No. 2010-21 adopted on September 15, 2010, Ordinance No. 2011-02 and Ordinance No. 2011-03 adopted on March 2, 2011, Ordinance No. 2011-17 adopted on June 6, 2011, and Ordinance No. 2012-02 adopted on March 7, 2012 (the “**Redevelopment Plan Ordinances**”) (the “Original Redevelopment Plan as amended and supplemented by the Redevelopment Plan Ordinances is referred to herein as the “**Redevelopment Plan**”); and

**WHEREAS**, on October 11, 2006, the Council adopted Ordinance No. 2006-23 which combined certain other lots into the “Seaport Village Redevelopment Area” (the “**Redevelopment Area**”); and

**WHEREAS**, the Property is in the Redevelopment Area and is governed by the Redevelopment Plan; and

**WHEREAS**, Loko Co., LLC (“**Redeveloper**”) is the owner of the Property and proposes to redevelop the Property by demolishing the existing structures located thereon and constructing two (2) buildings consisting of, in the aggregate, up to ten (10) residential units and approximately eleven thousand (11,000) square feet containing retail and restaurant establishments which will include outdoor seating and a tiki bar, with associated on-site parking and other improvements in accordance with the Redevelopment Plan (the “**Project**”); and

**WHEREAS**, Redeveloper and the Borough have entered into that certain Redevelopment Agreement, dated January 10, 2014 (the “**Redevelopment Agreement**”), pursuant to which the Redeveloper will redevelop the Property with the Project; and

**WHEREAS**, in order to facilitate development, financing, construction and operation, the Project requires that the Borough vacate certain property including a portion of River Road; and

**WHEREAS**, the Borough now desires to take such steps as are necessary to vacate its right, title and interest in portions of the roadways surrounding the Property, specifically, River Road, which portions are more particularly identified in the metes and bounds descriptions attached hereto as **Exhibit A** (collectively, the “Vacated Rights-of-Way”); and

**WHEREAS**, *N.J.S.A. 40A:12A-8f* and *N.J.S.A. 40:67-1 et seq.* both permit the Borough to close and vacate its interest in streets where necessary for projects such as the Project; and

**WHEREAS**, the Council is of the opinion that the public interest would be best served by abandoning, vacating, releasing, and extinguishing any and all public rights in the Vacated Rights-of-Way, which is not necessary for general public use, and where the rights of the public will not be injuriously or adversely affected by the requested vacation; and

**WHEREAS**, the Council seeks to additionally authorize the execution of a quitclaim deed and any other document required to effect the vacation of the Vacated Rights-of-Way; and

**WHEREAS**, it is the intent of the Borough that upon vacation the Redeveloper will own fee title to the entirety of the area of the Vacated Rights-of-Way.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, NEW JERSEY AS FOLLOWS:**

**Section 1.** All public easements, rights and interests in the Vacated Rights-of-Way (as more particularly depicted in **Exhibit A** attached hereto) be and are hereby vacated, abandoned and released for street or rights of way purposes; provided, however, that all rights and privileges possessed by public utilities, as defined in *N.J.S.A. 48:2-13*, and by any cable television company, as defined in the Cable Television Act, P.L.1972, c. 186, to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, are expressly reserved and excepted from the vacations set forth above.

**Section 2.** The Council hereby authorizes the execution of a quitclaim deed to the Vacated Rights-of-Way to Redeveloper. The Mayor, Borough Administrator, Borough Clerk, and Director of Law are hereby authorized and directed to take such steps and execute such documents as are necessary for the Borough to effectuate the conveyance of title to such property.

**Section 3.** The official Tax Map of the Borough be and is hereby amended and revised to reflect the vacation of the Vacated Rights-of-Way. Redeveloper shall merge the area of the Vacated Rights-of-Way in to Block 57, Lot 4.

**Section 4.** The Clerk of the Borough is hereby authorized and directed to: (i) publish notice of the introduction of this Ordinance pursuant to *N.J.S.A. 40:49-2*; provided, however, that the second notice as to the public hearing on second reading shall be made, pursuant to *N.J.S.A. 40:49-6*, at least ten (10) days prior to said public hearing and adoption hereof; and (ii) to mail, at least one week prior to the public hearing and adoption hereof, a copy of this Ordinance and the notice referenced in subsection (i) hereof to every person whose lands may be affected by this Ordinance.

**Section 5.** All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

**Section 6.** This Ordinance shall become part of the Borough Code as though codified and fully set forth therein. The Borough Clerk shall have this Ordinance codified and incorporated in the official copies of the Borough Code, as and where necessary.

**Section 7.** Within sixty (60) days after adoption of this Ordinance, the Borough Clerk is authorized and directed to cause a certified copy of this ordinance to be filed with the office of the Monmouth County Clerk/Register.

**Section 8.** This Ordinance shall take effect at the time and in the manner provided by law.

I, April Claudio, Borough Clerk of the Borough of Belmar, Monmouth County, New Jersey, do hereby certify the foregoing to be a true and exact copy of the Ordinance which was introduced by the Borough Council at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2014 and finally adopted by the Borough Council at a meeting held on the \_\_\_\_\_ of \_\_\_\_\_, 2014.

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April Claudio  
Municipal Clerk

**EXHIBIT A**

Metes and bounds descriptions of Vacated Rights-of-Way

**ORDINANCE 2014-15**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER XVII BEACHFRONT & MARINE REGULATIONS OF THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF  
MONMOUTH, NEW JERSEY, SECTION 18-3 WATERWAYS & WATERCRAFT**

WHEREAS, the Borough of Belmar now desires to amend and supplement specific provisions with regards to smoking on the beach of the Borough of Belmar Revised General Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XVII Beachfront & Marine Regulations of the Borough of Belmar Revised General Ordinances are hereby amended and supplemented as follows:

**SECTION I.**

**18-3.10 Prohibited Uses and Areas.**

- i. No person shall smoke any cigarettes, cigars or other tobacco products in the beachfront area known as L Street Beach located at any time. The penalty for violation of this section shall be twenty-five (\$25.00) dollars.

**SECTION II.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION III.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency

**ORDINANCE NO. 2014-16**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX  
(TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF BELMAR, SECTIONS 19-46  
HANDICAPPED PARKING SPACES**

**THEREFORE, BE IT ORDAINED** by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XIX Traffic, Section 19-46.1 Handicapped Parking On-Street of the Borough of Belmar Revised General Ordinances is hereby amended and supplemented as follows:

**SECTION I. 19-46.1 Handicapped Parking On-Street.**

In accordance with the provisions of N.J.S.A. 39:4-197, the following on street locations are designated as handicapped parking spaces. Such spaces are for use by persons who have been issued special vehicle identification cards or plates or placards by the Motor Vehicle Commission or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

<u>ADDRESS</u>	<u>#SPACES</u>	<u>LOCATION</u>
<u>216 Ninth Avenue</u>	<u>1</u>	<u>North side of 200 block of Ninth Avenue</u>

**SECTION II.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION III.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

**SECTION IV.** This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

**ORDINANCE 2014-17**

**AN ORDINANCE AMENDING CHAPTER XL (Development Regulations)  
REVISE GENERAL ORDINANCES OF  
THE BOROUGH OF BELMAR**

The Mayor and Borough Council of the Borough of Belmar do ordain as follows:  
ARTICLE V, CHAPTER XL, SECTION 7.8(c), **Accessory Buildings and Structures/Uses** is hereby amended as follows:

**SECTION I**

40-7.8 Accessory Buildings and Structures/Uses.

Unless otherwise specified in this chapter on the Schedule of Zoning District Requirements, accessory buildings and structures shall conform to the following regulations as to their locations on the lot:

a. Location of Accessory Buildings.

1. An accessory building attached to a principal building shall comply in all respects with the zoning requirements for the principal building.
2. Detached accessory buildings shall not be located in a front yard.
3. Detached accessory buildings shall comply with the Schedule of Zoning District Requirements.
4. Aboveground and in-ground swimming pools shall comply with setbacks established for detached structures and shall not be less than ten (10') feet from a principal building or a garage.

b. No detached accessory garage building in any zone, shall be less than ten (10') feet from a principal building. In residential zones no vehicular access into a garage (i.e. garage door) shall be oriented towards a street unless the point of access into the garage is set back at least twenty (20') feet from the street right-of-way line. As applicable to corner lots, access into a garage shall not face the street which serves as the primary access for the residence. Attached accessory garages which are adjacent to the primary entrance to a residential structure shall not make up more than fifty (50%) percent of the entire front façade of the residential structure.

c. No accessory building shall be constructed before the principal building, except for aboveground and in-ground swimming pools constructed on an immediately adjacent property to the principal building provided that both share the same street frontage. Prior to completion of construction of the principal building all obsolete signs, stanchions, pylons and other such structures shall be removed.

d. Accessory buildings must be located on the same lot as the principal use to which they are accessory.

e. A driveway may cross a yard to give access to a site but shall otherwise adhere to the setback for an accessory structure and to any applicable buffer requirements.

f. A deck, patio or similar structure designed to adjoin or as part of the principal building shall in all cases conform to the yard requirements for the principal building. Where the structure has no roof and is constructed of not more than six (6") inches above grade, it shall adhere to the yard requirements for an accessory structure. Provided further that where a principal residential structure conforms to the rear yard setback requirement, an uncovered, unenclosed deck and associated access area adjoining the principal structure shall be permitted to encroach into the rear yard setback in accordance with the distance set forth in Table 40-7.8(f).

**SECTION II.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision,

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Additions are indicated by underline; and, deletions by ~~strikeout~~.

clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION III.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency