ORDINANCE NO. 2019-18

ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SUBSECTION F. OF CHAPTER 40-3.3 OF THE CODE OF THE BOROUGH OF BELMAR ENTITLED PROVISIONS APPLICABLE TO BOTH MUNICIPAL AGENCIES (PLANNING BOARD, ZONING BOARD OF ADJUSTMENT)

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that certain changes must be made to the Borough Code.

SECTION 1. The Revised General Ordinances of the Borough of Belmar is hereby amended and supplemented so as to amend Subsection f. of Chapter 40-3.3 is hereby amended as follows (stricken text indicates deletions, <u>underlined text</u> indicates additions):

40-3.3 Provisions Applicable to Both Municipal Agencies (Planning Board, Zoning Board of Adjustment).

f. Appeal of Use Variance Approvals. Appeals from the Zoning Board of Adjustment Any interested party may appeal to the Governing Body a court of competent jurisdiction any final decision of the Zoning Board of Adjustment approving an application for development involving a variance under pursuant to N.J.S.A. 40:55D-70d. The appeal shall be made pursuant to the provisions outlined under N.J.S.A. 40:55D-17.

SECTION 2. SECTION 2. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 3. The Township Committee authorizes the Mayor, Township Clerk and Township Administrator to execute any and all necessary documents in order to implement the intent of this Ordinance.

SECTION 4. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 5. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.