

BOROUGH OF ALLENHURST

ORDINANCE #2017-12

AN ORDINANCE REVISING THE BOROUGH CODE OF THE BOROUGH OF ALLENHURST, CHAPTER XXV ENTITLED “LAND USE PROCEDURES” AND CHAPTER XXVI ENTITLED “DEVELOPMENT REGULATIONS” AND REVISING THE DESIGN GUIDELINES FOR THE HISTORIC DISTRICT

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that it is in the best interests of the community to revise certain portions of its existing Borough Code concerning the Land Use Procedures and Development Regulations, and to revise portions of the Design Guidelines for the Historic District to address the needs of the community;

NOW THEREFORE, BE IT ORDAINED by the Borough of Allenhurst, County of Monmouth, and State of New Jersey, that the Borough Code of the Borough of Allenhurst be and is hereby amended and supplemented as follows:

I. Chapter XXV be and is hereby revised to delete the existing subsection “25-3.18” entitled “Applications; Procedures for Filing” and replace it with the following:

25-3.18 Applications; Procedures for Filing.

Applications for development within the jurisdiction of the Planning Board pursuant to the provisions of the Municipal Land Use Law, as supplemented by the recent amendment thereto (N.J.S.A. 40:55D-25(c)) shall be filed with the Secretary of the Planning Board. The applicant shall file at least thirty (30) days before the date of the monthly meeting of the Board, the following:

- a. Six (6) copies of a Sketch Map;
- b. Six (6) copies of applications for minor subdivision approval;
- c. Six (6) copies of applications for major subdivision approval, or Six (6) copies of an application for site plan review, conditional use approval or plan development;
- d. Two (2) original sealed surveys representing the current conditions of the Property. If the survey is more than six (6) months old as of the date of the application submission, the Applicant shall also provide a Survey Affidavit of No Change affirmed by the property owner;

- e. Six (6) copies of applicant's architectural, engineering, and/or other drawings and plans, plots and applications in connection with applications pursuant to N.J.S.A. 40:55D-70.

All plans, surveys, and plots shall be to scale. The Applicant shall also file with the Planning Board Secretary an electronic portable document format (.pdf) copy of the Applications, Sketch Map, and plans. The .pdf copy shall be submitted on a Compact Disc or similar transfer medium and emailed to the Board Secretary.

At the time of filing of the application, but in no event less than ten (10) days prior to the date set for hearing, the applicant shall also file all amended plot plans, maps, proposed Exhibits, names of witnesses, or other papers required by virtue of any provision of this chapter or any rule of the Planning Board. For applications for new construction, and for major alterations that are visible from the public right of way(s) on which the property is adjacent, the Applicant shall also provide an architectural rendering or photo simulation of the street scape, which shall include the immediately surrounding dwellings in order to demonstrate the proposed construction in context with the surrounding neighborhood and block for the siting, size and scale, rhythm and directional emphasis, building elements and materials within the block and street scape.

An application for development shall be complete for purposes of commencing the applicable time period for action by the Planning Board as set forth in subsection 16-1.16 when the application has been certified to be complete by the Planning Board or its authorized committee or designee. In the event that the Planning Board, its committee or designee, does not certify the application to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five (45) day period for purposes of commencing the applicable time period, unless:

- a. The application lacks information indicated on a checklist adopted by ordinance of the Borough and provided to the applicant.
- b. The Planning Board, or its authorized committee or designee, has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of submission.

All such applications shall be on forms provided by the Borough Planning Board. (Ord. 10/11/77 § 9; Ord. 11/10/86 § 11; Ord. __/__/2017).

II. Chapter XXVI be and is hereby revised to delete the existing subsection “26-2.1” entitled “Definitions” and replace it with the following:

26-2.1 Definitions.

For the purposes of this chapter, certain phrases and words are herein described as follows:

The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used; the word "lot" includes the words "plot," "premises," "tract;" the word "building" includes the words "structure," "dwelling" or "residence." Any word or term not defined herein shall be used with the meaning of standard use. Moreover, whenever a term is used in this chapter which is defined in N.J.S.A. 40:55D-1, et seq., such term is intended to have the meaning as defined in such statutes, unless specifically defined to the contrary in this chapter.

Administrative Officer shall mean the Zoning Officer of the Borough of Allenhurst, Monmouth County, New Jersey.

Alterations or additions, structural; shall mean any change in or addition to the supporting members of a building such as walls, columns, beams, girders, posts, or piers. All Additions shall conform to the development regulations of the Borough of Allenhurst, including but not limited to use, setback, coverage, and other bulk requirements for development.

Architectural drawings; shall mean drawings prepared, signed and sealed by a New Jersey licensed architect, or drawings prepared by an applicant, which clearly and unambiguously indicate all existing structures on the property, and all proposed changes and new work in the case of an addition or modification, or all that is proposed to be constructed on the property if the proposal is for new construction. Drawings shall include a site plan, floor plans and elevations in sufficient scale and detail to convey the existing and the intended new work, and also show all impervious coverage existing and being proposed. The elevation drawings shall indicate all features (i.e. dormers, windows, roofs, trim, etc.) and surface finishes proposed for the project. Plans shall indicate the intended use of all rooms, terraces, porches, etc. on all floors of the building or structure.

Basement; shall mean that portion of a building which is partly or completely below grade and being at least one-half (1/2) its height below grade. The term Basement shall be used interchangeably with Cellar, and the definition of both words shall be the same for purposes of the Borough's Development Regulations, Development Procedures, Historic Preservation Ordinance, Design Guidelines, and any other section of the Borough's Ordinances associated with construction or development on properties within the Borough.

Boarding house; shall mean a dwelling with sleeping rooms used or intended for permanent or transient guests being lodged with meals for a fee and/or rent.

Building; shall mean any structure or extension thereof or addition thereto having a roof supported by such things as columns, posts, piers, or walls and intended for the shelter, business, housing or enclosing of persons, animals or property.

Building, principal; shall mean any building that is used primarily for occupancy for residential or commercial purposes.

Building, accessory; shall mean any building that is not used for occupancy for residential or commercial purposes, but is used ancillary to any principal building, and shall include garage, shed, recreation shelter, or any other building that is not a principal building.

Building coverage; shall mean the square footage or other area measurement by which the principal building and/or structure, and any detached garage with living space, occupies the ~~land~~ lot as measured on a horizontal plane at the closest points to any lot line. The maximum building coverage requirements permitted by this chapter shall be the total area of the principal building and/or structure, and shall include all attached decks, patios, and/or porches, and attached or integral garages, except that for single family residential dwellings, building coverage shall not include any open, unenclosed portion of a first floor porch or porte cochere that extends into a front yard or side yard from the building line. If a first floor, open front porch or porte cochere has any enclosed area, or there is an enclosed area on any story above the first floor, such enclosed area on the first floor and/or any story above the first floor shall be included in the building coverage calculation.

Building front; shall mean the main outer wall of a building facing a street having the main entrance thereto.

Building height; shall mean the vertical distance measured to the highest point from the mean elevation of the grade five (5) feet away from foundation, or proposed foundation, along the side(s) of the building facing a street or to the street line, whichever is closer to the foundation. On a corner lot the height shall be measured on the street having the greatest slope. In all cases where this chapter provides for a height limitation by reference to a specified height and a specified number of stories, the intent is to limit height to the specified maximum footage and specified number of stories within the footage.

Business office; shall mean an office for one of the following purposes: law, medicine, dentistry, engineering, architecture, real estate, insurance, financial and fiduciary institutions, stockbroker, optometrist, optician, and shall also be defined as including executive and clerical offices.

Cellar; shall mean that portion of a building which is partly or completely below grade and being at least one-half (1/2) its height below grade. The term Cellar shall be used interchangeably with Basement, and the definition of both words shall be the same for purposes of the Borough's Development Regulations, Development Procedures, Historic Preservation Ordinance, Design Guidelines, and any other section of the Borough's Ordinances associated with construction or development on properties within the Borough.

Curb level; shall mean the mean level of the curb opposite the center of the building on that side where the average curb is highest.

Depth of rear yard; shall mean the mean distance from the rear lot line or the district boundary line, if it is closer to the front lot line, and the part of the building which is nearest thereto.

Dwelling, detached; shall mean a building physically detached from other buildings or portions of buildings which is occupied or intended to be occupied for residence purposes by one (1) housekeeping unit and which has sleeping, sanitary, cooking and general living facilities.

Environmental design; shall mean the harmonious relating of proposed structures to the terrain and to existing buildings in the vicinity that have a visual

relationship to the proposed building, structure, and open spaces in a design control district.

Family; shall consist of persons constituting a single, bonafide, nonprofit housekeeping unit and who are living together as a stable and permanent living unit, being a traditional family unit or the functional equivalent thereof. A family, as defined in this chapter, does not include a society, club, fraternity, sorority, association, lodge, organization or similar group. In no case shall a boarding house or rooming house be considered a one (1) family dwelling.

Fast food restaurant; shall include drive-in restaurants as well as those restaurants where pre-prepared or quickly prepared food is served to customers who order food from counter persons. In such restaurants, food is dispensed by counter persons and removed by customers for consumption either in the out-of-doors, whether or not at tables, or in automobiles, or brought to some other location for consumption. Restaurants shall not be deemed to be fast food restaurants when food is served at counters or tables and chairs by either waiters or waitresses to customers. Food serving establishments shall not be deemed to be fast food restaurants, whether or not food is served in the manner described immediately above, where the service of such food for immediate consumption is merely an ancillary part of the business of a delicatessen, allowed grocery store, and/or package goods liquor store or similar establishment.

First floor area; shall mean the area of the first floor of a building measured by using the outside of the building at floor level excluding attached garages, and porches whether or not enclosed. For a split-level, bi-level, or tri-level dwelling, the area shall be considered to be the sum of the areas of two (2) adjoining levels. Cellars are not considered to be first floor.

Garage, private; shall mean a building used as an accessory to the dwelling and which provides for the storage of the passenger automobiles of the occupants of the dwelling and other equipment and items ancillary to the occupancy of such dwellings and in which no occupation, business or service is conducted. Private garages shall have a capacity of not more than three (3) such passenger automobiles.

A *Private Garage* on a residential property may be a detached building, or part of the attached structure, that is used as an accessory to the dwelling, and which provides for the storage of the passenger automobiles of the occupants of the primary residential

dwelling, and the storage of other equipment and items ancillary to the residential occupancy of such dwelling and in which no occupation, business or service is conducted. Detached garages are required within the Historic District.

A *Private Garage* on commercial properties shall mean a detached building or attachment structure that is used for the purpose of storing passenger automobiles and/or equipment ancillary to the commercial use of the commercial dwelling.

Gross floor area; shall mean the area measured by using the outside dimension of the building, excluding the area of a garage, attic, porch, patio or cellar. Only those floor areas which have a ceiling height of seven and one-half (7.5) feet or more and those areas used for storage in nonresidential uses shall be included in the gross floor area.

Impervious surface coverage; shall mean the square footage or other area measurement by which a building and/or structure occupies the land as measured on a horizontal plane. The maximum impervious surface coverage requirements permitted by this chapter shall be the total area of all buildings and structures as herein defined. Buildings and structures include, but are not limited to, buildings, structures, dwellings, accessory building, garages, storage sheds, tool sheds, recreational courts, including, but not limited to, tennis and basketball courts, pools, ~~pool houses, cabanas~~, decks, patios, all porches, driveways, walkways and all other areas covered by driveway material, pavers or other impervious or hardscape material.

Lot; shall mean a distinct and separate tax lot and block as issued by the tax assessor, or the combination of adjacent properties under common ownership and which have merged by operation of law even if there are separate and distinct tax lots and block identification for each adjoining lot.

Lot, corner; shall mean a lot with two (2) adjacent sides abutting upon streets or other public spaces. All residential corner lots shall have two (2) front yards, one (1) side yard, and one (1) rear yard. The rear yard shall be opposite the narrower of the two lot lines abutting upon streets or other public spaces.

Lot depth; shall mean the distance from the front line of the lot to its opposite rear line, measured in the general direction of the side lines of the lot and perpendicular to the front lot line. For non-rectangular or irregular lots, depth shall be the shortest distance from the front lot line to the rear lot line. In case of a corner lot, the greatest

dimension is in its depth and its least dimension is its main frontage unless otherwise specified in this chapter.

Lot, interior; shall mean a lot other than a corner lot.

Lot line; shall mean any line forming a portion of the exterior boundary of a lot and the same line as the street line for that portion of a lot abutting a street.

Lot Size; shall mean the total square footage of a lot under common ownership measured using all of the metes and bounds of the exterior lot lines.

Lot width; shall mean the straight and horizontal distance between side lot lines at setback points on each side lot line measured an equal distance back from the street line. The minimum lot width shall be measured at the minimum required building setback line.

Main front wall; shall mean the main wall nearest to and facing on a street, not including ground story porches and piazzas that are not closed in, and in which the main entrance is located.

Major subdivision; shall mean any subdivision not classified as a minor subdivision.

Minor subdivision; shall mean any subdivision of land fronting on an existing street that does not involve a. the creation of more than two (2) lots (one (1) new lot and the remaining parcel); b. planned development; c. any new street; and d. the extension of any off-tract improvement. Any readjustment of lot lines resulting in no new lot(s) shall be classified as a minor subdivision.

Official Map; shall mean a map adopted in accordance with the Municipal Land Use Law (Chapter 291) of the Laws of 1975) or any prior act authorizing such adoption. Such map shall be deemed to be conclusive with respect to the location and width of the streets, public parks and playgrounds and drainage rights-of-way shown thereon.

Parking space; shall mean an area of not less than nine (9) feet wide by twenty (20) feet in length, either within a structure or in the open, for the parking of motor vehicles, exclusive of driveways, access drives, fire lanes and public rights-of-way. The area is intended to be sufficient to accommodate the exterior extremities of the vehicles, whether in addition thereto wheel blocks are installed within this area to prevent the bumper from overhanging one end of the parking space. The width and length of each

space shall be measured perpendicular to each other regardless of the angle of the parking space to the access aisle or driveway.

Passenger automobiles; shall mean all automobiles used and designed for the transportation of passengers, other than omnibuses and school buses.

Plat; shall mean the map of a subdivision or site plan and is used interchangeably in the chapter with "plan".

a. Sketch plat shall mean the sketch map of a subdivision of sufficient accuracy to be used for the purposes of discussion and classification and meeting the requirements of this chapter.

b. Preliminary plat shall mean the preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the Planning Board for Planning Board consideration and preliminary approval and meeting the requirements of subsection 26-6.6 of this chapter.

c. Final plat shall mean the final map of all or a portion of the subdivision or site plan which is presented to the Planning Board for final approval in accordance with these regulations.

Porch; shall mean a veranda or raised level platform with open sides, with or without a roof, projecting out from a main exterior wall of a building and used as an entrance way and/or for sitting or lounging out of doors.

Restaurant; shall mean a commercial operation where food and drinks are prepared and served to customers by waiters or waitresses for consumption while seated at tables inside the building or outside.

Rooming house; shall mean a dwelling which contains sleeping rooms used or intended for permanent or transient guests being lodged without meals for a fee or rent.

Setback line; shall mean a line drawn parallel with the street line or front lot line and drawn through the point of a building nearest to the street line or lot line. The term "required setback" means a line that is established a minimum horizontal distance from the street line or lot line and beyond which a building or part of a building is not permitted to extend toward the street line or lot line; with the exception of an open front porch in a residential district which may extend within the required front yard a maximum of ten (10) feet.

Sidewalk; shall mean a hard-surfaced pedestrian walkway which is in close proximity and runs parallel to the street curb.

Site plan review; shall mean the examination of the specific development plans for a lot. Whenever the term "site plan approval" is used in this chapter, it shall be understood to mean a requirement that the site plan be reviewed and approved by the municipality.

Story; shall mean that portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this chapter, the interior of the roof shall not be considered a ceiling. A half story is the area under a pitched roof at the top of a building, the floor of which is at least four (4) feet, but no more than six (6) feet, below the plate.

Street line; shall mean the dividing line between a lot and the street, including sidewalks or other public or open space to which there is permanent access to the lot.

Structure; shall mean a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

Swimming pool, portable. Portable pools shall not be subject to the requirements of Section 26-5 and are those pools which are not otherwise permanently installed; do not require water filtration, circulation and purification; do not exceed a water surface area of one hundred (100) square feet; have a depth of less than eighteen (18) inches; and do not require braces or supports.

Swimming pools, private residential; shall mean and include artificially constructed pools, having a depth of eighteen (18) inches or more and/or a water surface of one hundred (100) square feet or more; designed and maintained for swimming and bathing purposes by an individual for use by members of his household and guests and which is located within a dwelling or on a lot as an accessory use to a dwelling and shall include all equipment and appurtenances thereto.

Yard, front; shall mean an unoccupied space open to the sky extending across the full width of the lot and lying between the street line and the closest point of any building on the lot with the exception of an open porch which may extend ten (10) feet into the required front yard area in a residential district. The depth of the front yard

shall be measured horizontally at right angles to either a straight street line or the tangent lines of curved street lines. The minimum required front yard shall be the same as the required setback. For lots fronting on the ocean rather than on a street, the front yard is measured from the face of the bulkhead or retaining wall nearest to the building.

Yard, rear; shall mean an unoccupied space open to the sky extending across the full width of the lot and lying between the rear lot line or the district boundary line, if it is nearer to the front lot line, and the closest point of the principal building on the lot. The depth of the rear yard shall be measured horizontally and at right angles to either a straight rear lot line or the tangent of curved rear lot lines or at right angles to the district boundary line. The minimum required rear yard shall be the same as the required setback.

Yard, side; shall mean an unoccupied space open to the sky extending from the front yard to the rear yard and lying between each side lot line and the closest point of the principal building on the lot. The width of the required side yard shall be measured horizontally and at right angles to either a straight side line or the tangent lines of curved side lot lines.

(Ord. 6/26/79 § 200; Ord. 9/11/84 § 1; Ord. 91-14 § I; Ord. 96-15 § I; Ord. No. 2005-06 § 1; Ord. No. 2005-09, Ord. No. 2006-06 § 1; Ord. No. 2011-13; Ord. __/__/2017).

III. Chapter XXVI be and is hereby revised to delete the existing subsection “26-4.4” entitled “Regulations Applying to all Residential Districts” and replace it with the following:

26-4.4 Regulations Applying to all Residential Districts.

a. In each residential district, building height shall not exceed two and one-half (2 1/2) stories in height or thirty-five (35) feet in height, except that the provision of this subsection with regard to height shall not apply to chimneys or flagpoles. No residential dwelling shall have living, or habitable, space on more than three (3) stories, which shall include any portion or all of any one-half (1/2) story permitted by the Borough’s Development Regulations.

b. *Front Yards; Front Setback.* In all residential districts a front yard is required. No story of a building shall be nearer to the street line of any street on which it faces than the average alignment of the corresponding stories of existing buildings within the same block, excepting that no building shall be required to be set back more than fifty (50) feet from the front property line. Every front yard

shall have an established landscaped green space (such as lawn, vegetative ground cover, bushes, trees, etc., but not any hardscape or impervious surface) of not less than eighty percent (80%) of the total front yard area remaining after deducting that portion of the front yard area that contains a front porch and any stairs leading to the front porch.

c. Any structure located on a corner lot shall be set back from both streets at least the required front yard distance.

d. *General Rear and Side Yards.* Along and within fifteen (15) feet of any boundary line, between two different kinds of districts, yards required in the less restricted area shall be at least equal in depth or width respectively at any level to the depth or width required for yards in the more restrictive district.

e. *Rear Yards.* In all residential districts a rear yard is required. Its depth at the ground story shall be not less than twenty (20%) percent of the depth of the lot. No portion of a principal dwelling shall be located any closer to a rear lot line than 120% of the building height at that point.

f. *Side Yards.* In all residential districts, a side yard shall be at least ten percent (10%) of the lot width but not less than five (5') feet from the side lot line to any dwelling or building, with the exception of the set back requirements for private, detached garages. Combined side yards shall be at least thirty (30%) percent of the width of the lot, and all new construction shall be so arranged to provide the greatest distance between adjacent buildings. No building shall be nearer to any side lot line than five (5') feet except as provided in paragraph g.3. of this subsection. No accessory building shall be permitted in the side yard of a corner lot.

In addition:

1. For lots that are not wider than sixty feet (60'), no portion of a principal dwelling shall be located closer to a side lot line than 40% of its height at that point;
2. For lots that are greater than sixty feet (60') but not wider than one hundred feet (100'), no portion of a principal dwelling shall be located closer to a side lot line than 50% of its height at that point; and

3. For lots that are wider than one hundred feet (100'), no portion of a principal dwelling shall be located closer to a side lot line than 60% of its height at that point.

g. Private Garages.

1. A completely enclosed private garage shall be located on every property on which a dwelling is newly constructed or a dwelling rebuilt. Detached garages are required within the Historic District.

2. No garage shall have a capacity greater than required for the storage of three (3) passenger automobiles and accessory items ancillary to occupancy of the dwelling.

3. Garage area shall not exceed thirty-five (35%) of the required rear yard area. Detached Garages shall be located at least three and one-half (3 1/2') feet from each side and rear lot line. Attached Garages must comply with the setback requirements for dwellings and buildings.

4. The minimum width of any private garage shall be twelve (12) feet measured at the exterior, and the minimum depth of any private garage shall be twenty (20) feet measured at the exterior. The minimum width of the primary garage door to provide vehicular access shall be eight (8) feet. A Private Garage shall also have an unobstructed interior space of not less than eleven (11) feet in width and not less than nineteen (19) feet in depth, with sufficient height for vehicular storage of at least one (1) standard size passenger vehicle that can enter and exit the garage from a primary garage door. No garage door shall be wider than ten feet (10').

5. Facilities for cooking, such as stoves and ovens, shall not be permitted in a Private Garage, although portable equipment such as bar-b-que grills are not prohibited as long as the owner complies with all fire codes and equipment recommendations for the use of such portable equipment outside of the garage and dwelling when in use.

6. All Private Garages shall have a driveway that leads to at least one (1) primary garage door and the unobstructed interior space that meets the minimum requirements for vehicular storage as required by Subsection 4 herein, and in the Borough's Development Regulations.

h. Projection into Yards.

1. Chimneys or flues may be erected within a required rear yard or a required side yard provided they do not project into the yard more than two (2) feet and do not exceed ten (10) square feet in aggregate external area measured at ground level.

2. Required yards shall be open to the sky, unobstructed, except for the ordinary projection of parapets, skylights, windowsills, door posts, rain water leaders, and ornamental fixtures which may not project more than six (6) inches into the yard.

3. An open porch may project into any required front yard in any residential district a maximum of ten (10) feet. Porches may be screened with wire mesh, or equivalent, but not enclosed either partially or fully, in plastic or in glass, or in any other manner whatsoever. A temporary glass or plastic enclosed vestibule may be erected on any front porch during the winter against the main front wall at the front door entrance, providing it does not exceed thirty (30) square feet in the floor area.

i. Maximum Building Coverage. In all residential districts, building coverage which applies to the principal building only, may not exceed twenty (20%) percent of the total lot area.

j. Maximum Impervious Surface Coverage. In all residential districts, the maximum impervious surface coverage may not exceed forty (40%) percent of the total lot area.

k. On-Site Parking. Each residential dwelling shall accommodate on-site parking within a driveway according to the following requirements, and for purposes of calculating the number of spaces, the distance between the street and the front of the dwelling shall not be used for calculating the number of off-street parking spaces.

Off-Street Parking Requirements, Borough of Allenhurst	
Number of Bedrooms	Number of Parking Spaces
3 or less	2

4	3
5	3
6	4
7	5
8	6
9	6
10 or more	As required by the Residential Site Improvement Standards, but not less than six (6)

In the event of any conflict between the Allenhurst Land Use and Development Ordinance and the Residential Site Improvement Standards (“RSIS”), the provision of RSIS shall control the off-street parking requirements for residential dwellings within the municipality.

(Ord. 6/26/79 § 404; Ord. No. 2005-09 § 2; Ord. No. 2006-06 § 1; Ord. No. 2008-02; Ord. No. 2010-14; Ord. __/__/2017).

IV. Chapter XXVI be and is hereby revised to delete the existing subsection “26-5.4” entitled “Driveways” and replace it with the following:

26-5.4 Driveways and Curb Cuts.

All driveways must run from any public street, highway or thoroughfare directly to an attached or detached garage located on the property. Installation of new driveways shall not disturb existing street trees. Common, combined Driveways are prohibited, and U-shaped driveways are discouraged. The minimum width of any driveway shall be nine (9) feet, and shall not be more than ten (10) feet wide from the public right of way to the front building line of the dwelling. Driveways shall not be constructed of any material other than brick, concrete, asphalt, or other similar rigid, non-porous material. Paving strips of such rigid, non-porous material shall be allowed provided that each strip shall be continuous from the public right of way to the garage, and each strip shall not be less than twenty-four (24) inches wide with lawn planted and maintained between strips.

Driveway curb cuts shall be limited to those necessary to service driveways of no greater than ten feet (10'), and shall not be wider than twelve (12) feet. Vehicular parking is encouraged behind the front of the dwelling and discouraged in front yards. (Ord. 6/26/79 § 504; Ord. 2006-17 § 1; Ord. __/__/2017).

V. Chapter XXVI be and is hereby revised to add to the existing subsection "26-5.11" entitled "Swimming Pools; Permit Required" the following section "q":

q. No pool shall be constructed in a front yard or in a front yard setback, except that for lots fronting on the Ocean rather than on a street, a pool may be constructed in a front yard as long as it is not constructed in the front yard setback and it complies with all other provisions of the Borough of Allenhurst Ordinances.

(Ord. __/__/2017).

VI. Chapter XXVI be and is hereby revised to delete the existing subsection "26-11.8" entitled "Historic Review Process" and replace it with the following:

26-11.8 Historic Review Process.

a. Requirement for a Certificate of Appropriateness.

1. A Certificate of Appropriateness is required in the District for the following actions:

(a) Any change, rehabilitation, restoration, reconstruction, improvement or alteration to the exterior of a building, accessory building or garage, which would constitute a major alteration, as defined herein;

(b) Any change, rehabilitation, restoration, improvement or alteration to the exterior of a building, accessory building or garage, which would constitute a minor alteration, as defined herein;

(c) Additions to any building, accessory building or garage as defined herein;

(d) Demolition of any building, accessory building or garage as defined herein;

(e) New construction.

2. Any applicant undertaking any change to the exterior of any building, accessory building or garage which would constitute (i) major alteration (as defined herein), (ii) a minor alteration (as defined herein),

(iii) demolition of and/or (iv) new construction shall first complete and submit an application for a Zoning Permit and Impervious Coverage Determination to the Zoning Officer. After receiving the determinations from the Zoning Officer, the applicant shall then file an application for a Certificate of Appropriateness and/or a General Application to the Planning Board.

3. The Construction Official shall not issue a building permit for any exterior change to any building, accessory building or garage, which would constitute (i) major alteration (as defined herein), (ii) a minor alteration (as defined herein), (iii) demolition, or (iv) new construction, or (v) any change

that would result in the non-conformity of the Borough of Allenhurst Development Regulations prior to review by the Planning Board and the issuance of a Certificate of Appropriateness and issuance of any required variances, except in the case of an ordinary repair (as defined herein), or an emergency repair (as defined herein) or in the event of the Board's failure to act in the time prescribed in N.J.S.A. 40:55D-111.

- b. A complete application for a Certificate of Appropriateness shall consist of:
1. Completed application form in full as supplied by the administrative officer or Planning Board Secretary on the application form(s) approved by the Planning Board to the Planning Board Secretary, and a Zoning Permit Application and Impervious Coverage Determination to the Borough Zoning Officer;
 2. Architectural drawings or renderings of the details of the exterior of the building, accessory building or garage;
 3. A narrative description pursuant to the Design Guidelines of the proposed scope of work;
 4. In the case of an application for a partial or total demolition, a cost estimate (as defined herein) to rehabilitate/restore the building, accessory building or garage or part thereof sought to be demolished and a cost estimate (as defined herein) of the proposed demolition and replacement;
 5. Application and Escrow fees required for the Application(s) and relief requested, Zoning Permit, and Impervious Coverage Determination,

as may be required by Resolution of the Borough of Allenhurst Planning Board and/or the Borough of Allenhurst governing body.

c. Hearings.

1. Within ninety (90) days of receipt of a complete application, the Secretary of the Planning Board will schedule a public hearing on the application to take place at a regular meeting of the Planning Board. The presence of the property owner or his legal representative is required.

2. Hearings will be conducted pursuant to the administrative procedures established in the Developmental Ordinance of the Borough of Allenhurst as amended, as well as other statutory requirements of the State of New Jersey for the conduct of Planning Board Hearings, and as adopted by the Borough of Allenhurst Planning Board to the extent such procedures are not contrary to the statutory or regulatory laws of the State of New Jersey.

3. Any application for the granting of a major alteration or a demolition as defined herein or from any other relief from the Developmental Regulations of the Borough of Allenhurst shall require the applicant to advertise and give public notice to owners of property within two hundred (200) feet of the proposed project, in accordance with the procedure for development applications. The applicant shall be responsible for sending out the appropriate notices and shall be responsible for paying the cost of the proceedings. On the date of the hearing, the applicant shall be required to provide the Planning Board with an Affidavit of Mailing and an Affidavit of Publication as proof of fulfilling the notification and advertisement requirements specified herein.

4. Applications for minor alterations, as defined herein, shall not require the applicant to comply with the notice and advertisement provisions of subparagraph c,3 of this subsection.

d. Determination by the Board. Upon completion of review by the Board, the Board may:

1. Approve, approve with conditions or deny a development application;

(a) When denying an application, the Planning Board shall state the reasons for the action;

(b) Upon favorable decision approving, or approving with conditions, any Certificate of Appropriateness application, the Planning Board shall issue a Resolution for Certificate of Appropriateness within forty-five (45) days, which shall include all conditions of the approval, and which may also include any condition to have any other Planning Board professional review final plans.

(c) Upon the applicant satisfying all Resolution compliance conditions, the Applicant shall submit six (6) sets of final plans signed by the Applicant. The Planning Board Chairman, Vice-Chairman, or designee, and the Planning Board Secretary, shall sign the final, approved, plans after the Board and/or the Board's Professional's determinations that the plans conform for Resolution Compliance.

(d) The Construction Official(s) shall only issue construction permits when the final, approved, and sealed plans have been signed by all required parties, which include but may not be limited to the Applicant; Applicant's Professionals who prepared the Plans; Planning Board Chairperson, Vic-Chairperson or designee; Planning Board Secretary; and Planning Board Professionals as may be necessary. A fully signed set of the final plans shall be retained by the Planning Board Secretary for the Planning Board File, and a fully signed set shall be delivered to the Zoning Officer and the Construction Official for their respective files. A set of fully signed plans shall also be delivered to the applicant and applicant's professionals by the Planning Board Secretary.

2. The Certificate of Appropriateness shall authorize the Construction Official to issue a building permit if all other conditions or requirements of the Resolution or law, and the Borough's Development Regulations, have been satisfied.

(a) The Certificate of Appropriateness shall be valid for one (1) year from the date it is issued by the Planning Board. Two (2) extensions of six (6) months each may be granted by the Planning Board, at their discretion, upon written request by the applicant and the applicant's appearance before the Board to substantiate the basis upon which the Board should grant any such extension.

(b) If a Certificate of Appropriateness has been denied, the Construction Official or his agent shall not issue a building permit;

(1) The Construction Official or his agent may stop work at any site which does not comply with an issued Certificate of Appropriateness or this section.

3. If, after a Certificate of Appropriateness has been issued, a change in the scope of the work becomes necessary or desired by the applicant, the applicant shall immediately halt all ongoing activity and reapply to the Planning Board pursuant to the procedures set forth in this section.

(Ord. No. 2003-05, § 008; Ord. ___/___/2017).

VII. The Borough of Allenhurst “Design Guidelines for the District” as respects the Historic Preservation Ordinance be and are hereby revised to delete the existing Section 6 entitled “NEW CONSTRUCTION” and replace it with the following:

SECTION 6 - NEW CONSTRUCTION AND ADDITIONS

The character of the streetscapes in Allenhurst is defined by the general alignment of building facades, vertically-proportioned residences from 1 ½ to 3 stories high, a rhythm of porch projections along the street and architectural diversity within an overall pattern of continuity. All of these aspects should be considered in new construction and additions.

The design of any new construction and/or additions in the Allenhurst Historic District is of great importance because it must be compatible with existing buildings, accessory buildings and garages, and must harmonize with the visual characteristics of the neighborhood. The basis of guidelines for new construction relates to existing architecture. The major architectural elements of buildings, accessory buildings, and garages, are the roof structure, non-linear windows, predominant surface facade finish, and columns and railings.

The following guidelines cover entirely new construction as well additions to existing buildings within the Allenhurst Historic District. The guidelines are not intended to dictate particular styles or features. They are intended to identify a range of design options which will encourage new development that is harmonious with the character of the district. The important elements to consider in new construction and additions are scale, relationship to neighboring buildings, and the degree to which new construction represents an historic style or period.

New construction, as well as additions, will be reviewed in terms of the following siting, size and scale, rhythm and directional emphasis, building elements, and materials.

6.1 SITE UTILIZATION

New construction, including additions, should follow a pattern of site utilization similar to adjacent buildings. In particular, consideration should be given to the setback of the principal building from the street, the width of their facades and the spaces between them. Where principle buildings are predominantly aligned along the street creating a unified edge, the front of a new principal building shall be aligned within the general facade line of its neighbors.

6.2 SIZE & SCALE

New additions to buildings should be extended from the rear and side walls only, and should harmonize with the massing, style and details of the original structure. Additions should not diminish the integrity of the street facade of a building.

6.3 HEIGHT

Height limitations shall be as set forth in the Borough Code, Chapter XXV entitled "Development Regulations," for the relevant zone in which the parcel is located, but the Planning Board may additionally require that the cornice line of a proposed building or addition be no higher than the cornice line of the tallest of the two adjacent (to either side) buildings. For corner lots (buildings), the height of the proposed building should be no higher than the closest side-abutting principal building.

6.4 RHYTHM & DIRECTIONAL EMPHASIS

New construction, including additions, should be compatible with the rhythm of neighboring buildings along the street. Rhythm is defined as the relationship of buildings to open space along the street, the relationship of solids to voids on building facades, and the relationship of entrance and porch projections to the street.

The directional emphasis - whether vertical or horizontal in character - of new construction should relate to that of neighboring buildings. In the Allenhurst Historic District, the emphasis is definitely on the vertical.

6.5 BUILDING ELEMENTS

The various individual elements of a building (for example, roof, windows, doors, porches, and trim, etc.) should be carefully integrated into the overall design of new construction and any addition. These elements also should complement those on neighboring buildings. The shape, pitch and color of the roof should be considered. Flat roofs should be avoided. New roofs should be designed to be compatible with existing buildings within the Historic District. Window and door proportion, size, design and pattern of spacing between openings should be compatible with historic treatments of windows and doors in the Historic District. Since open first floor front porches leading to the main entranceway are prominent features within the Historic District, the inclusion of front porches in new construction is required, and they are encouraged on any addition or renovation. Front porches shall have a depth of not less than eight feet (8') from the building front, and a width of not less than eighty percent (80%) of the width of the building front of the dwelling.

6.6 MATERIALS

The exterior materials used in new construction, including additions, should be compatible with historically appropriate materials of neighboring buildings and structures.

6.7 MECHANICAL SYSTEMS

Vertical runs of ducts, pipes and cables, especially in places where they will obscure character-defining features should be avoided.

6.8 COMPATIBILITY OF NEW CONSTRUCTION

A. PRINCIPAL BUILDINGS

The following will favor compatibility of new construction of, and additions to, a PRINCIPAL BUILDING:

1. The distinguishing roof style or design should be substantially similar to the roof style or design of any one (1) or more Key dwelling or Historic Landmark dwelling within the HISTORIC DISTRICT.
2. The proposed building should also possess at least five (5) MAJOR ARCHITECTURAL ELEMENTS consistent with major architectural style

in Allenhurst that is proposed by the applicant, (e.g. dormer roof style, Porte-Cochere, roof style, tower style, non-linear window style, parapet/pediment, predominant surface finish) of any single or any combination of one or more buildings in the architectural style proposed by the applicant and within the HISTORIC DISTRICT.

B. ACCESSORY BUILDINGS and GARAGES

New construction, or renovation, of ACCESSORY BUILDINGS and GARAGES shall be guided by the following criteria:

1. The ACCESSORY BUILDING or GARAGE's predominant surface finish and texture should be closely similar to that of the PRINCIPAL building, and the accessory building or garage should also possess at least one (1) MAJOR ARCHITECTURAL ELEMENT of the PRINCIPAL building. Matching the roof shape and pitch of the PRINCIPAL building is recommended.
2. The construction of new additions to a PRINCIPAL BUILDING, ACCESSORY BUILDING or GARAGE should possess a roof which is identical in shape and pitch to the original building and be closely similar in predominant surface texture and finish to that of the original building. Having at least one (1) major architectural element of the original building is recommended but not required. Additions should be constructed in such a way that will not compromise an existing MAJOR ARCHITECTURAL ELEMENT of the PRINCIPAL building.

And, it is further

ORDAINED that except as herein above provided, the remainder of Chapter XXV, entitled "Land Use Procedures," Chapter XXVI entitled "Development Regulations" and the "Design Guidelines for the District" shall remain unaltered and in full force and effect; and it is further

ORDAINED that the provisions of these ordinances are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, clauses and phrases of these ordinances shall stand notwithstanding the invalidity of any part; and it is further

ORDAINED, That this Ordinance shall take effect after publication and adoption according to law.

VOTE: Comm. McLoughlin-AYE; Comm. Bolan-AYE; Mayor McLaughlin –AYE

APPROVED: August 22, 2017

ADOPTED: September 12, 2017