

**ORDINANCE #2019-06**

**AN ORDINANCE REVISING THE BOROUGH CODE  
OF THE BOROUGH OF ALLENHURST, CHAPTER  
XXVI, SUBSECTION 26-11.1 ET SEQ, KNOWN AS THE  
“HISTORIC PRESERVATION REGULATIONS OF THE  
BOROUGH OF ALLENHURST”**

Offered By: Mayor McLaughlin

Seconded By: Comm. Bolan

**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 Chapter XXVI, Subsection 26-11.1, et seq. known as the “Historic Preservation Regulations of the Borough of Allenhurst”;

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

**I.** Chapter XXVI, Subsection 11.5 be and is hereby revised to delete the definitions of “Alteration, major,” and “Alteration, minor,” and to revise the following definitions to read as follows:

*“Application”* shall mean the formal request by a property owner to the Planning Board for review of an activity, implicating this Ordinance.

*“Cost estimate”* shall mean a written estimate of the costs, prepared by an architect, engineer or contractor licensed in the State of New Jersey, broken down by category of work, for any proposed architectural alteration, or demolition.

**II.** Chapter XXVI, Subsection 11.8 entitled “Historic Review Process” be and is hereby revised to delete the current subsection a. in its entirety, and replace it with the following:

a. Requirement for a Certificate of Appropriateness.

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

(a) A change, rehabilitation, restoration, reconstruction, improvement or alteration to the exterior of a building, accessory building or garage, which would modify the architectural elements of the building or structure as follows:

- i. Effecting the design/shape/pitch or existence of the roof including, but not limited to, main roofs, dormers, roofs of bay or cantilevered windows, pediments/parapets, towers, porches, cupolas, Porte-coch-eres, balconies;
- ii. Alteration of, or changes to, windows, including demotion of non-linear (e.g. oval, palladian, etc.) window frame outlines;
- iii. Alteration of the traditional predominant substance/texture/finish of a building (e.g. changing from wood siding to stucco, stucco to brick, from wood material to composite material, any existing wall surface to a different wall surface).

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

(c) Demolition of any building, accessory building or garage as defined

herein;

(d) New construction;

(e) Exceptions: There is no requirement for a Certificate of Appropriateness ("COA") in, *inter alia*, the following circumstances:

- i. A COA shall NOT be required for the mere replacement of roofing material, re-shingling or other roof repair work, where the same does NOT alter the design/shape/pitch of any roof, as such efforts are considered "maintenance" work;
- ii. A COA shall NOT be required for the replacement, repair or reconstruction of any architectural feature (i.e. windows [*size must be the same as original, change in size requires a COA*], railings, balustrades, decking, exterior flooring on porches, columns, column capital & column base replacement [*must be same size and profile, change in size and/or profile requires a COA*], etc.) that is "in-kind" such that the final replaced or repaired feature will appear (i.e. *it need not be of identical material, just similar "appearance"*) substantially the same as it did before the work in question;
- iii. A COA shall NOT be required for the resurfacing of driveways so long as the resurfacing material is "in-kind" and/or consistent with materials permitted in the Design Guidelines, and the work will not increase the impervious coverage at the property.

2. Any applicant undertaking a change to the exterior of any building, accessory building or garage as indicated in paragraph 1 above, 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 a exterior change to any building, accessory building or garage, as indicated in paragraph 1 above, nor shall any construction occur in the case where a construction permit is not required, 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. 26-11.8 Historic Review Process.

**III.** Chapter XXVI, Subsection 11.8 entitled "Historic Review Process" be and is hereby revised to delete the current subsection c. 3. in its entirety, and replace it with the following:

3. Any application for an alteration or a demolition as required by 26-11.8(a) above or for 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.

IV. Chapter XXVI, Subsection 11.8 entitled "Historic Review Process" be and is hereby revised to delete the current subsection c. 4. in its entirety.

And, it is further

**ORDAINED** that except as herein above provided, the remainder of Chapter XXVI, subsection 11.1 et seq. entitled "Historic Preservation Regulations of the Borough of Allenhurst," 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.

There was no response to Mayor McLaughlin's request for public comments.

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

**APPROVED:** May 14, 2019

**ADOPTED:** May 28, 2019

  
\_\_\_\_\_  
Administrator/Clerk