

**BOROUGH OF SEASIDE PARK**

**ORDINANCE NO. 1659**

**AN ORDINANCE OF THE BOROUGH OF SEASIDE PARK, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER 200 ENTITLED "DEVELOPMENT REGULATIONS"**

**BE IT ORDAINED** by the Borough Council of the Borough of Seaside Park, County of Ocean and State of New Jersey as follows:

**SECTION 1.** Section 200-46 of the Code of the Borough of Seaside Park entitled "Nonconforming uses, structures and lots" is hereby amended and supplemented with a new subsection C. as follows:

Application for Abandonment of Non-Conforming Use. The Zoning Officer may issue a development permit to change the use of a lot or structure from a pre-existing non-conforming two or multi-family dwelling to a conforming single family dwelling for a lot in the Residential Zone upon application which shall include the following:

- (1) A deed restriction in recordable form which shall contain the following language:

In consideration of the grant of a development permit to change the use of the above-referenced lot or structure(s) contained thereupon from a pre-existing, non-conforming two or multi-family dwelling to a conforming single-family dwelling for a lot in the Residential Zone issued by the Zoning Officer of the Borough of Seaside Park pursuant to application of the title holder referenced hereinabove to said real property, the undersigned title holder does hereby establish and agree to be bound by this restrictive covenant to confirm that the above-referenced real property is used as a single-family residential dwelling and any pre-existing, non-conforming use is hereby legally abandoned. This covenant shall run with the land and be binding upon the heirs, successors and assigns and upon any other person(s) and/or entity to which the title holder transfers title.

The proposed deed shall be reviewed and approved by the Borough Attorney or Planning Board Attorney.

- (2) Proposed floor plans and elevations as applicable and may be required by the Zoning Officer of the structure(s) subject to the abandonment if any construction or alteration is proposed to effect the change of use; and
- (3) A written statement of all construction proposed to effect the change of use; and
- (4) Copies of all construction permit applications required to effect the proposed construction.

- (5) Any other documentation requested by the Zoning Officer that he determines is reasonably required to make a decision on the application.
- (6) Application fee of \$100 (if no permits are needed to be issued) made payable to the Borough of Seaside Park.
- (7) The effective date for the conversion of a pre-existing, non-conforming two or multi-family dwelling to a conforming single-family dwelling for a lot in the Residential Zone shall be upon the issuance of a Certificate of Occupancy for a single-family residential dwelling. The official records of the Borough of Seaside Park shall be adjusted accordingly.

Copies of the application and attachments shall be filed with the Construction Official, the Code Enforcement Official, the Water Superintendent (§94-2), Water and Sewer Utility Collector (§50-2) and Tax Assessor.

The Zoning Officer shall make inspections of the premises as necessary to determine and document existing conditions at the premises.

If the Zoning Officer determines the application constitutes an abandonment of a non-conforming two or multi-family use, and change of use to a conforming single family dwelling use, he shall approve the application and issue a permit for same upon appropriate conditions which shall include filing and recording of the deed restriction (as approved by Counsel) with the Ocean County Clerk's Office. A copy of the permit, recorded deed restriction, and Certificate of Occupancy shall be forwarded to the Planning Board, the Borough Clerk, the Code Enforcement Official, the Water Superintendent, and the Water, Sewer Utility Collector for filing and Tax Assessor.

If the Zoning Officer is unable to determine whether abandonment is effected by the application, the application shall be denied. The developer may appeal the decision to the Planning Board pursuant to N.J.S.A 40:55D-70(a). Nothing herein shall bar a developer from making an appropriate application for relief directly to the Planning Board.

**SECTION 2.** Subsections C, D, E, and F shall be recodified as D, E, F, and G, respectively.

**SECTION 3.** All other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.


**SECTION 4.** In the event that any portion of this ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the ordinance actually adjudged to be invalid, and the remaining portions of this ordinance shall be deemed severable therefrom and shall not be affected.

**SECTION 5.** This ordinance shall take effect upon final passage and publication in accordance with law.

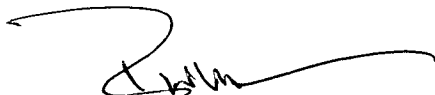
**NOTICE OF PENDING ORDINANCE**

A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall at 1701 North Ocean Avenue, Seaside Park, during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Borough who shall request such copies, at the office of the Municipal Clerk in said Borough of Seaside Park, in the County of Ocean, New Jersey.

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed on the first reading at the regular meeting of the Borough Council of the Borough of Seaside Park, in the County of Ocean, held on the 9<sup>th</sup> day of October 2014 and will be considered for second reading and final passage at the regular meeting of said governing body to be held on the 13<sup>th</sup> day of November 2014 at 7:00 PM at the Council Chambers, Municipal Building, Sixth & Central Avenues, Seaside Park, New Jersey at which time and place any person desiring to be heard upon same will be given an opportunity to be so heard.

  
Karen Barna, Borough Clerk

APPROVED:



ROBERT W. MATTHIES, MAYOR

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AMENDING CHAPTER 200 ENTITLED "DEVELOPMENT REGULATIONS"**

**NOTICE OF ADOPTION**

Please take notice that the above Ordinance No. 1659 was adopted upon final reading at the regular meeting of the Borough Council at a meeting held at Sixth and Central Avenues, Seaside Park, NJ on November 13, 2014.



Karen Barha  
Borough Clerk

November 14, 2014

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