

BOROUGH OF SEASIDE PARK

ORDINANCE NO. 1637

AN ORDINANCE OF THE BOROUGH OF SEASIDE PARK, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER 200 ENTITLED “DEVELOPMENT REGULATIONS” TO ESTABLISH A LIMITATIONS PERIOD ON VARIANCES.

WHEREAS, Ordinance 1637 of the Borough of Seaside Park established a combined Planning Board pursuant to N.J.S.A. 40:55D-23 and 25c; and

WHEREAS, said ordinance repealed the limitations period for certain variances set forth in Borough development regulation section 200-7E (formerly 25-404E) as part of its abolishment of the former Zoning Board of Adjustment; and

WHEREAS, said ordinance repealed subsections A, B, C, D, and E of Borough development regulation section 200-16 (formerly 25-414) as part of its abolishment of the former Planning Board; and

WHEREAS, the Council is desirous of reestablishing a limitations period applicable to bulk variances and use variances as the passage of time may result in certain development being less compatible with the zone plan, and can eliminate the mitigating factors in support of a variance grant; therefore, further review by the Planning Board is necessary and appropriate.

THEREFORE, 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 200-16 of the Code of the Borough of Seaside Park entitled “Provisions Applicable to both Board of Adjustment and Planning Board” is hereby amended as follows:

1. Section 200-16 shall be renamed “Additional Planning Board Provisions”
2. Subparagraphs F, G, and H shall be re-lettered as A, B, and C respectively.
3. A new subparagraph D shall be inserted as follows:

Expiration of Variance. In the granting of bulk variances under N.J.S.A. 40:55D-70c and use and/or density variances under N.J.S.A. 40:55D-70d, a time limitation of two (2) years from the date of approval shall be set within which the owner shall secure a building permit, otherwise the variance granted shall be null and void. The approving authority may for good cause shown extend the period for securing a building permit for an additional six month period.

SECTION 2. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.


SECTION 3. 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 4. This ordinance shall take effect upon final passage and publication in accordance with law.

NOTICE

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 16th day of September, 2013 and will be considered for second reading and final passage at the regular meeting of said governing body to be held on the 26th day of September, 2013 at 7:00 p.m. 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.

A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall of the Borough 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.



KAREN BARNA, Borough Clerk

Approved:



ROBERT W. MATTHIES, MAYOR

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NOTICE OF ADOPTION

Please take notice that the above Ordinance No. 1637 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 September 26, 2013.



Karen Barha
Borough Clerk

September 27, 2013