

BOROUGH OF DEAL

ORDINANCE NO. 1162

AN ORDINANCE AMENDING CHAPTER XXX DEVELOPMENT REGULATIONS OF THE BOROUGH OF DEAL IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED, by the Board of Commissioners of the Borough of Deal, in the County of Monmouth and State of New Jersey, not less than two thirds of all members thereof affirmatively concurring, and the Board of Commissioners having referred the within ordinance to the Borough of Deal Planning Board pursuant to NJ.S.A. 40:55D-64 and NJ.S.A. 40:55D-26, and the Borough of Deal Planning Board having reviewed the ordinance on March 15, 2018 and reported to the Board of Commissioners its recommendations, and the Board of Commissioners having reviewed the recommendations of the Planning Board, as follows:

Section 1. Chapter XXX, of the Ordinances of the Borough of Deal are hereby amended by the following:

CHAPTER XXX

DEVELOPMENT REGULATION

30-6 Definitions and Word Usage

Balcony shall mean a platform on the outside of a building enclosed by balustrades projecting from the wall of a building above the ground floor below the height of the roof of the principal structure.

Deck shall mean a raised platform that is 24" or greater than the ground elevation below the height of the roof of the principal structure, with or without railings. A deck shall only be permitted in the rear yard only with or without a roof projecting out from the entrance and should comply with the principal building setback requirements.

Patio shall mean a paved outdoor platform at ground elevation.

Porch shall mean a veranda or raised level platform below the height of the roof to the principal structure with open sides, with or without a roof projecting out from a main exterior wall or a building and used as an entranceway and/or for sitting or lounging out-of-doors. Porches shall be located in the front yard and may wrap around to a side yard and comply with the front and side yard setback requirements of the principal building.

Roof Top Decks shall mean a flat portion of any roof or extending from any portion of the roof used for walk, terrace, or seating.

30-86.5 Additional Regulations Concerning Yards in Residential Districts

d. No roof top decks are permitted in any residential districts.

30-87.5 Additional Regulations Covering the Commercial Districts

e. No roof top decks are permitted in the commercial district.

Section 2. The Borough Administrator /Clerk is directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required).

Upon the adoption of this Ordinance after public hearing thereon, the Borough Administrator/Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.

Section 3. If any word, phrase, clause, section or provision of this ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of this ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediately upon its final passage and publication as required by law.

Introduced by Commissioner Ades on February 14, 2018
Seconded by Commissioner Simhon
Roll Call: Ayes 3; Cohen, Ades & Simhon

Motion to Adopt by Commissioner Simhon on April 11, 2018
Seconded by Mayor Cohen
Roll Call: Ayes 2; Cohen & Simhon
Absent 1; Ades