

ORDINANCE 2025-03

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 147 OF THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD, ENTITLED "LAND USE" (VARIANCE APPLICATION)

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Bay Head, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Borough Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Chapter 147, entitled "Land Use" so as to amend §147-44.A(5) (w) entitled "Determination of complete application" so as to add a new subsection A(5)(w) as follows:

(w) When submitting an application to restore, alter, rebuild, or repair a nonconforming building or structure in accordance with §147-15.D (1) or §147-15.D (2), the details and basis for determining compliance with the 50% partial destruction requirement shall be submitted with the application and include:

- (a) The details of determining the square footage area of the aggregate structure being restored, altered, rebuilt, or repaired.
- (b) The details of determining the square footage area of the aggregate structure before restoration, alteration, rebuilding or repair.

SECTION 2. The Borough Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Chapter 147, entitled "Land Use" so as to amend §147-44.B(4)(h) entitled "Determination of complete application" so as to add a new subsection B(4)(h) as follows:

(h) When submitting an application to restore, alter, rebuild, or repair a nonconforming building or structure in accordance with §147-15.D (1) or §147-15.D (2), the details and basis for determining compliance with the 50% partial destruction requirement shall be submitted with the application and include:

- (c) The details of determining the square footage area of the aggregate structure being restored, altered, rebuilt, or repaired.

(d) The details of determining the square footage area of the aggregate structure before restoration, alteration, rebuilding or repair.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after the second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Bay Head held on the 7th day of **April, 2025**, and will be considered for second reading and final passage at a regular meeting of the Borough Council to be held on May 5th, at 7:00 p.m. at the Bay Head Municipal Building, located at 83 Bridge Avenue, Bay Head, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

NOTICE OF ADOPTION

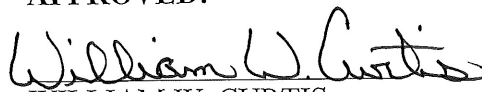
PUBLIC NOTICE IS HEREBY GIVEN that the foregoing ordinance published herewith has been finally adopted by the Borough Council of the Borough of Bay Head, in the County of Ocean, New Jersey on May 5, 2025.

ATTESTED TO BY:



ANTOINETTE JONES, RMC, CMR
BOROUGH CLERK

APPROVED:



WILLIAM W. CURTIS,
MAYOR