

**ORDINANCE NO. O-23-13**

**AN ORDINANCE AMENDING CHAPTER 10 - SWIMMING POOLS AND CHAPTER 18 - ZONING TO ELIMINATE IMPERVIOUS SURFACE DEFINITION, REVISE LOT COVERAGE DEFINITION AND ADD STRUCTURE DEFINITION IN THE BOROUGH OF WEST LONG BRANCH**

WHEREAS, as a result of various cases heard by the borough's land use boards, and questions and concerns raised by the borough's code enforcers, the Planning Board considered the existing ordinances on the subjects of lot coverage, impervious surfaces, the definition of structures and ordinances regarding swimming pools; and

WHEREAS, the West Long Branch Planning Board has recommended certain additions and changes to the borough's ordinances on these subjects, and the governing body concurs with the Board's recommendations;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of West Long Branch that revisions to amend subsections to Chapter 10 Swimming Pools and Chapter 18 Zoning are as follows:

**SECTION 1**

CHAPTER 10 - SWIMMING POOLS

§10-1.15. As-Built Survey. [Added 9-21-2022 by Ord. No. O-22-19] The as-built survey required to be provided for any swimming pool permit, shall include the ~~impervious~~ lot coverage percentage, which information shall be certified by the applicant's engineer.

**SECTION 2**

CHAPTER 18 - ZONING

18-3 DEFINITIONS

§ 18-3.1. Intent. [Ord. #513] For the purposes of this Chapter, certain terms or words used herein shall be interpreted or defined in the meaning herein indicated. Words used in the present tense include the future tense. The singular number indicates the plural. The word person includes a corporation or partnership as well as an individual. The word lot includes the word plot or parcel. The term shall is always mandatory. The word used or occupied as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

Any word or term not defined herein shall be defined in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. Any word or term not defined herein or in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. shall be used with a meaning of standard usage for the context in which the word is used.

**IMPERVIOUS SURFACE**

~~Shall mean a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. Impervious surfaces shall include all buildings and accessory buildings, sidewalks, walkways, driveways, patios, swimming pools and other surfaces that cover the surface of the lot including roofed areas and surfaces covered with cement, asphalt, paver blocks and other surfaces that are resistant to infiltration by water.~~

**LOT COVERAGE**

Shall mean the percentage of lot area devoted to structure area.

~~Shall mean that percentage of the lot area which may be devoted to building area plus impervious surface.~~

**STRUCTURE**

Shall mean a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

**18-5 DIMENSIONAL REQUIREMENTS**

§ 18-5.1. Schedule of Area, Yard, Building (Bulk) and Unit Requirements. [Ord. #513; Ord. #O-8-07, S XV; Ord. #O-08-9, S 3; Ord. #O-09-10; Ord. #O-12-20, S 7] Schedule of Area, Yard, Building (Bulk) and Unit Requirements is attached hereto and applies to the uses of land, buildings and open spaces, minimum sizes of lots, lot areas, and all other matters therein contained as indicated for the various zones established by this Chapter, in addition to the minimum and maximum regulations set forth therein and is hereby declared a part of this Chapter. Schedule of Area, Yard, Building (Bulk) and Unit Requirements is included as an attachment to this chapter.

\*\*See attached amendments to Schedule to revise column headings and footnotes (2) and (7) as indicated.

**18-6 GENERAL REGULATIONS**

§ 18-6.6. Regulations Applying to Conditional Use Permits.1 [Ord. #513; Ord. #O-08-7, S XIV; Ord. #O-09-10; Ord. No. O-2015-4 § 8]

– a. ~~f.~~ (No changes)

g. Houses of Worship. Houses of worship shall be permitted as conditional uses in the R-22 and R-15 Residential Zones subject to compliance with ~~based on~~ the following standards ~~minimum conditions~~: Minimum lot area of three (3.0) acres, maximum ~~impervious~~ lot coverage of 60%, maximum building coverage of 20%, minimum buffer of twenty-five (25') feet, minimum front yard ~~set-back~~ setback of seventy-five (75') feet, minimum lot width of two hundred (200') feet, minimum side yard setback of fifty (50') feet, and a minimum rear yard setback of seventy-five (75') feet.

**SECTION 3**

This Ordinance shall take effect immediately upon passage and publication according to law.

[Any crossed-out language represents existing ordinance language being removed. Any underlined language is being added.

Introduced: September 6, 2023  
Passed: September 20, 2023  
Adopted: September 20, 2023

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
BOROUGH CLERK

