ORDINANCE NO. 2021-36

AN ORDINANCE BY THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING THE SEAPORT REDEVELOPMENT ZONE

WHEREAS, the Borough of Belmar, in the County of Monmouth, New Jersey (the "**Borough**"), a public body corporate and politic of the State of New Jersey (the "**State**"), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 *et seq.* (the "**Redevelopment Law**"), to determine whether certain parcels of land within the Borough constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, the Borough Council of the Borough (the "**Borough Council**") adopted ordinances which designated the area known as Parcels 1 thru 6, 6B, 7 thru 9, and 11 thru 19 (the "**Redevelopment Area**") as an area in need of redevelopment pursuant to Section 5 of the Redevelopment Law; and

WHEREAS, the Borough Council adopted an ordinance which designated the area known as Parcel 20 (the "**Rehabilitation Area**", and collectively with the Redevelopment Area the "**Seaport Redevelopment Area**") as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law; and

WHEREAS, on August 13, 2003, the Borough Council adopted ordinance #2003-18, which designated the "Seaport Redevelopment Plan" prepared by Schoor DePalma, Inc. dated June 3, 2003 (the "**Original Redevelopment Plan**") as the redevelopment plan for the Seaport Redevelopment Area; and

WHEREAS, the Borough Council adopted the "Redevelopment Plan Update" prepared by Maser Consulting, P.A. dated April 15, 2011 as the amended redevelopment plan and on March 7, 2012 the Borough Council adopted ordinance #2012-02 which approved and adopted further amendments to the Original Redevelopment Plan (collectively, the "**Amended Redevelopment Plan**"); and

WHEREAS, on July 20, 2016, the Borough Council adopted a resolution designating the property commonly known as Block 106, Lots 1-3, 5-6, 10.01, 10.02 and 11; Block 116, Lots 1-2; Block 117, Lots 1-4, 6-9, and 12-15; Block 67, Lot 4.01; Block 86, Lots 1-7; Block 86.01, Lot 1; Block 87, Lots 1-3; and Block 96, Lots 1 and 3-9 on the tax map of the Borough of Belmar as an area in need of redevelopment without the power of condemnation, which area shall be included with the Seaport Redevelopment Area (the "**Expanded Seaport Redevelopment Area**"); and

WHEREAS, by virtue of Ordinance 2016-10 the Borough further Amended the Redvelopement plan to include the Expanded Seaport Redevelopment Area Block 106, Lots 1-3, 5-6, 10.01, 10.02 and 11; Block 116, Lots 1-2; Block 117, Lots 1-4, 6-9, and 12-15; Block 67, Lot 4.01; Block 86, Lots 1-7; Block 86.01, Lot 1; Block 87, Lots 1-3; and Block 96, Lots 1 and 3-9; and

WHEREAS, the Borough Council desires to further amend the Amended Redevelopment Plan including the Expanded Seaport Redevelopment area, previously described in the "Redevelopment Area Preliminary Investigatory Report, Seaport Redevelopment Area Expansion" prepared by Maser Consulting and dated June 28, 2016 ("**Amended and Restated Redevelpment Plan**"), with the revisions set forth in the "Amendment to the Seaport Village Redevelopment" prepared by Leon S. Avakian, Inc., Consulting Engineers ("**Amendment to the Seaport Village Redevelopment Plan"** attached hereto as **Schedule A**); and

WHEREAS, the Planning Boad of the Borough (the "**Planning Board**") must review the Amendment to the Seaport Village Redevelopment Plan and transmit its recommendations to the Amendment to the Seaport Village Redevelopment Plan to the Borough in accordance with the provisions of N.J.S.A. 40A:12A-7 of the Redevelopment Law; and

WHEREAS, subject to receipt of the Planning Board's recommendations relating to the Amendment to the Seaport Village Redevelopment Plan, the Borough believes that the adoption of the Amendment to the Seaport Village Redevelopment Plan is in the best interests of the Borough and the Development of the Expanded Seaport Redevelopement Area.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Council hereby refers the Amendment to the Seaport Village Redevelopment Plan to the Planning Board for its review and recommendation pursuant to *N.J.S.A.* 40A:12A-7.

Section 3. Contingent upon the receipt of the Planning Board's recommendations, the Borough Council hereby adopts the Amendment to the Seaport Village Redevelopment Plan pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law.

Section 4. The zoning ordinances of the Borough are hereby amended to include the amendments indicated in the Amendment to the Seaport Village Redevelopment Plan and the provisions therein.

Section 5. The Mayor and Council of the Borough of Belmar shall serve as Redevelopment Entity for purposes of implementing the Amendment to the Seaport Village Redevelopment Plan and exercising the powers granted to a redevelopment entity under the Redevelopment Law.

Section 6. In case any one or more of the provisions of this Ordinance or the Amendment to the Seaport Village Redevelopment Plan shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance or the Amended and Restated Redevelopment Plan and this Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 7. This Ordinance shall take effect upon final adoption and publication thereof according to law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading by the Council of the Borough of Belmar, County of Monmouth, State of New Jersey on **December ____, 2021 at 6:00 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Borough of Belmar Municipal Building located at 601 Main Street, Belmar, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **December ____, 2021**, **at 6:00 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Borough of Belmar Municipal Building located at 601 Main Street, Belmar, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

_____

APRIL CLAUDIO, Borough Clerk

CERTIFICATION

I, **APRIL CLAUDIO**, Municipal Clerk of the Borough of Belmar, do hereby certify that the foregoing ordinance was duly adopted on second reading by the Mayor and Borough Council at a meeting held on the ____ day of _____, 2021.

_____
APRIL CLAUDIO, Borough Clerk

SCHEDULE A

Amendment to the
Seaport Village Redevelopment Plan
Blocks 67, 86.01, & 87

Prepared for:

The Borough of Belmar
Monmouth County, New Jersey

ADOPTED
December 2021

Prepared By:

LEON S. AVAKIAN INC.
CONSULTING ENGINEERS

788 Wayside Road
Neptune, New Jersey 07753
(732) 922-9229

The original of this report was signed and
sealed in accordance with N.J.S.A. 45:14A-12

Jennifer C. Beahm, PP, AICP
License No. 05625

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BACKGROUND

As redevelopment within Belmar and the surrounding communities have continued to evolve, it was recognized that the "one size fits all" requirements of the Seaport Village Redevelopment Plan were not conducive to effective and successful future redevelopment efforts. In October 2021, the Borough Council directed Leon S. Avakian, Inc. to revise the redevelopment standards for specific areas of the expanded Redevelopment Area, taking into consideration the scale of surrounding existing uses, completed redevelopment projects, and the location within the redevelopment area. This amendment to the Revised Seaport Redevelopment Area will focus on Blocks 87, 86.01, and 67, of the Seaport Redevelopment Area, to be known as the Seaport Village Southwest sub-area.

The original Seaport Village Redevelopment Area in the Borough encompassed approximately seven (7) blocks in the northwestern end of the Borough. The area extended from the centerline of Eighth Avenue north to the Shark River, including the main commercial corridor along Route No. 71. The Area further extended to the west out to Railroad Avenue across Route No. 35 to the Shark River, including all of the property north of Eighth Avenue, which is currently host to the Belmar Marina.

After the portion of the Belmar Marina not included in the original Seaport Village Redevelopment Area, as well as Maclearie Park, were designated as an Area In Need of Rehabilitation, the Borough Council adopted the "Redevelopment Plan Update" prepared by Maser Consulting, P.A. dated April 15, 2011 as the amended redevelopment plan and on March 7, 2012 the Borough Council adopted ordinance #2012-02 which approved and adopted further amendments to the Original Redevelopment Plan (collectively, the "Amended Redevelopment Plan") to include requirements for the Belmar Marina and Maclearie Park Rehabilitation Area.

As part of the implementation of the Advisory Committee's report of January of 2015, an Area In Need of Redevelopment (AINR) Preliminary Investigation and Report (entitled, "Redevelopment Area Preliminary Investigation Report, Seaport Redevelopment Area Expansion", dated June 28, 2016) was performed by Maser Consulting, PA during the months of April through July of 2016 and a public hearing was held by the Belmar Planning Board on July 18, 2016. The Planning Board made a recommendation to the Borough Council to expand the Seaport Village Redevelopment Area to include Block 106, Lots 1-3, 5-6, 10.01, 10.02 and 11; Block 116, Lots 1-2; Block 117, Lots 1-4, 6-9, and 12-15; Block 67, Lot 4.01; Block 86, Lots 1-7; Block 86.01, Lot 1; Block 87, Lots 1-3; and Block 96, Lots 1 and 3-9 on the tax maps of the Borough of Belmar without the power of condemnation (see map of expanded Redevelopment Area in Appendix). On July 20, 2016, the Borough Council adopted a resolution (see Appendix) designating the property recommended by the Planning Board as part of the Seaport Village Redevelopment Area (the "Expanded Seaport Redevelopment Area").

The intention of this amendment to the Seaport Village Redevelopment Plan is to encourage further development within the Seaport Village Southwest Redevelopment area to complement and support the existing commercial uses within the Borough of Belmar, while recognizing the success of previous redevelopment efforts throughout the Seaport Village Redevelopment Area.

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SEAPORT VILLAGE SOUTHWEST REDEVELOPMENT AREA

The Seaport Village Redevelopment Southwest area has been added to the amended Seaport Village Redevelopment Area to better reflect differences in existing and intended land uses throughout the redevelopment area. The amended Seaport Village Redevelopment Area boundaries can be found in Figure 1., below.

A. Permitted Uses:

The following uses are to be permitted as principally permitted uses within the Seaport Village Southwest Redevelopment Area. Any land use that is not specifically included as a permitted use is prohibited unless determined by the Borough Council to be equivalent to a listed permitted use and consistent with the purposes and goals of this Plan:

1) Public Parking Facilities
2) Public Plazas and Recreation Areas
3) Restaurants & Brew Pubs, excluding fast food but allowing cocktail lounges & outdoor cafes
4) Indoor and Outdoor Farmers/Seafood Markets
5) Pedestrian & Bicycle Pathways and Facilities
6) Art Studios, Galleries, & Craft Shops
7) Performing Arts Theaters
8) Antique Shops
9) Gift, Novelty, & Souvenir Shops
10) Cafes, Candy, Confectionery & Ice Cream Shops
11) Bicycle Rental
12) Camera & Photography Supply Stores
13) Professional & General Offices
14) Real Estate and Travel Agencies
15) Municipal Offices & Services
16) Borough Licensed Vendor Carts, and Vendors who are veterans, exempt fireman or others possessing a valid license issued pursuant to N.J.S.A. 45:24-9 et seq.
17) News Dealers and Newstands
18) Indoor and Outdoor Recreation and Community Facilities
19) Retail Clothing Stores
20) Hobby Shops
21) Sporting Goods, Apparel and Equipment
22) Residential Dwelling Units, provided that they shall be restricted to the second floor or above
23) Existing Educational Facilities, provided that a site not currently used for educational facilities and not located on Main/F Street may be constructed or rehabilitated for an educational facility that is being relocated from another site in the Seaport Village

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B. Lot and Bulk Requirements:

	Seaport Southwest
Minimum Lot Area	7,000 sq. ft.
Minimum Lot Width	50 ft.
Minimum Lot Frontage	50 ft.
Minimum Front Yard	0 ft
Minimum Side Yard	NA
Minimum Rear Yard	NA
Maximum F.A.R.[1]	1.5
Max. Impervious Coverage[2]	80%
Max. Building Height[3,4]	60 ft.
Max. Building Stories	5 stories

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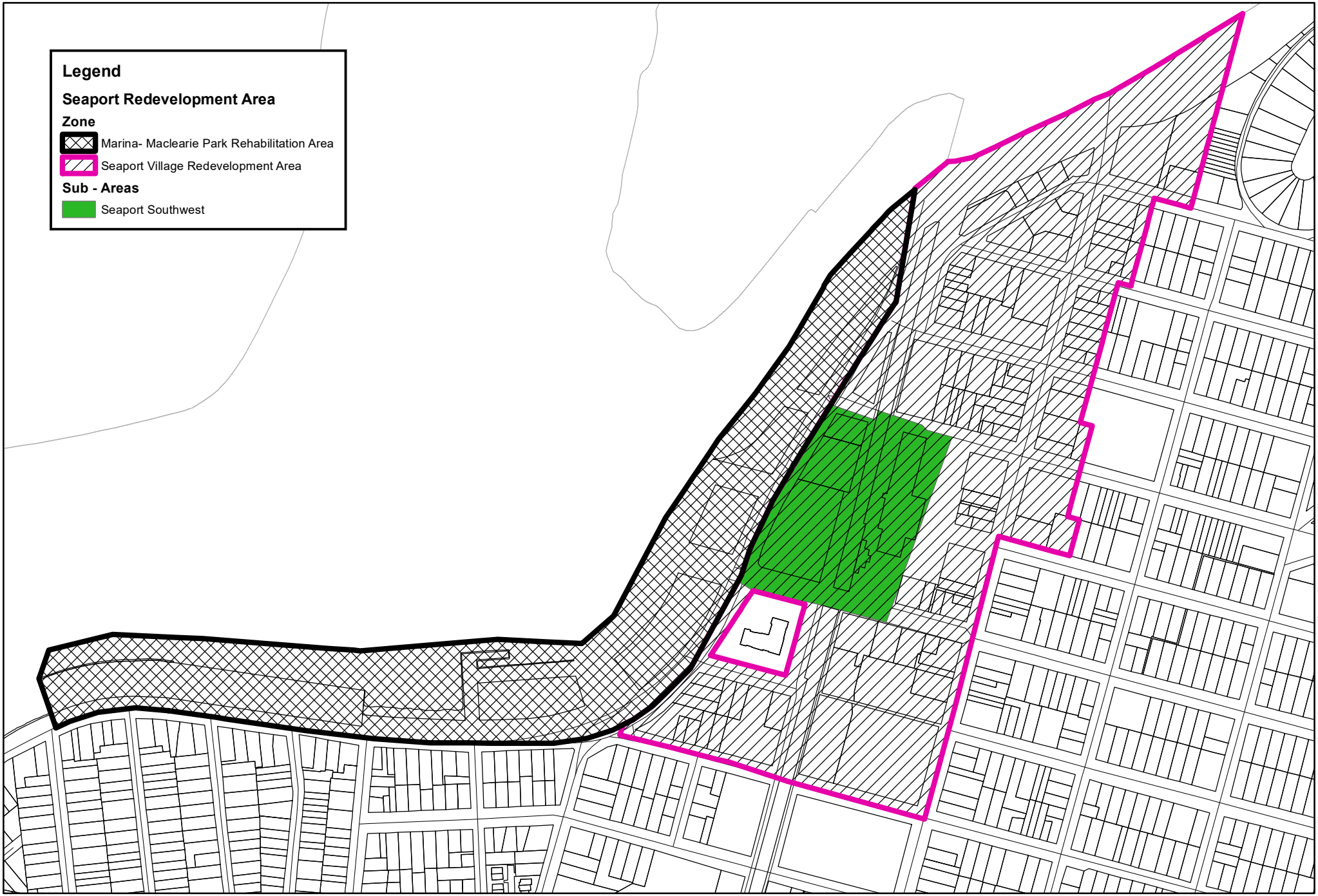
[1] The Floor Area Ratio shall not apply where redevelopers provide enclosed parking on site for at least all required parking spaces for residential units.

[2] Maximum impervious surface shall be the percentage of impervious surface that existed prior to demolition of the site in preparation for redevelopment or 80%, whichever is greater. Maximum impervious surface means the total allowable coverage of any lot by any natural or man-made surface that does not permit infiltration of water, including all buildings, concrete and asphalt and other materials determined by the Borough Engineer to be impervious.

[3] The height and amount of "step back" and "set back" of buildings shall be in accordance with the Design Guidelines, unless a deviation is recommended by the Technical Design and Review Committee. For uniformity, all heights set forth in this Section 4.1.2 are to be measured from grade at the centerline of Main Street, except that for parcels located in a flood hazard area delineated by the Federal Emergency Management Agency (FEMA), the height may be measured from the Base Flood Elevation; to the eave of a pitched roof and the base of the parapet or cornice of a flat roof. A "half-story" shall be defined as the livable space located in a finished attic or dormer area above the eave of the building. The "principal portion" shall be defined as the structure's façade exclusive of architectural elements such as window bays, trellises, roof overhangs, decorative screens, railings and the like as are contemplated by the Design Guide and permitted by the Planning Board.

[4] The maximum height of the principal portion of the structure at a zero foot (0') setback from a property line fronting on a street shall be 28'. No principal portion of the structure that exceeds 28' feet in height shall be located within 8 feet of the property line fronting on a street.



LEON S. AVAKIAN, Inc.
Consulting Engineers

0 65 130 260 390 520
Feet

Figure 1. Revised Seaport Redevelopment Area Zones

Borough of Belmar
Monmouth County, New Jersey

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Source: LSA, NJGIN, ESRI, FEMA, and Monmouth County GIS.