

**ORDINANCE NO. 2019-18**

**ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SUBSECTION F. OF CHAPTER 40-3.3 OF THE CODE OF THE BOROUGH OF BELMAR ENTITLED PROVISIONS APPLICABLE TO BOTH MUNICIPAL AGENCIES (PLANNING BOARD, ZONING BOARD OF ADJUSTMENT)**

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that certain changes must be made to the Borough Code.

**SECTION 1.** The Revised General Ordinances of the Borough of Belmar is hereby amended and supplemented so as to amend Subsection f. of Chapter 40-3.3 is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

**40-3.3 Provisions Applicable to Both Municipal Agencies (Planning Board, Zoning Board of Adjustment).**

f. ~~Appeal of Use Variance Approvals.~~ Appeals from the Zoning Board of Adjustment Any interested party may appeal to ~~the Governing Body~~ a court of competent jurisdiction any final decision of the Zoning Board of Adjustment approving an application for development involving a variance under pursuant to N.J.S.A. 40:55D-70d. ~~The appeal shall be made pursuant to the provisions outlined under N.J.S.A. 40:55D-17.~~

**SECTION 2. SECTION 2.** All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** The Township Committee authorizes the Mayor, Township Clerk and Township Administrator to execute any and all necessary documents in order to implement the intent of this Ordinance.

**SECTION 4.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**SECTION 5.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 6.** This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.