

NOTICE OF INTRODUCTION AND FIRST READING

BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY

ORDINANCE NO. 834-2022

AN ORDINANCE AMENDING AND RESTATING ORDINANCE 829-2021 WHICH AMENDED CHAPTER 27 (ZONING) OF THE AVALON BOROUGH CODE PERTAINING TO FLOOR AREA RATIO (FAR)

This Ordinance amends, supplements, and restates Ordinance 829-2021 which amended Chapter 27 (Zoning) of the Avalon Borough Code pertaining to Floor Area Ratio ("FAR") and as amended and restated provided as follows:

- a. the Borough Code, and in particular Chapter 8 Sections 8-12 and 8-37 as follows:
- b. The definition of FAR is clarified to indicate what is included and what is excluded from the FAR Calculation.
- c. The term "20 lineal feet" has been deleted and replaced with "400 square feet" and "FEMA Regulations" has been replaced with the term "FEMA Guidance".
- d. Provides that those properties which are subject to the provisions of ORD 834-2022 will be subject to inspections, and perhaps multiple inspections depending upon circumstances, BUT IN NO EVENT LESS THAN ONCE PER YEAR.
- e. Provides that property owners discovered to be in violation will be subject to graduated increased penalties for failure to abate the violation commencing with the 31st day after service of the Notice of Violation and continuing thereafter until such time as the violation is corrected or abated. During such period, the property will not be eligible for any Borough issued permits, and the property will be prohibited from sale or transfer.
- f. Provides that property owners must, under circumstances described in the Ordinance, sign a Non-Conversion Agreement (NCA) which will be recorded in the Office of the County Clerk and also a deed restriction, the form and substance of which shall be approved by the Avalon Borough Solicitor or other legal counsel designated by the Borough.
- g. Provides that the NCA, the form of deed restriction, and the graduated schedule of penalties for violations shall be approved by Resolution of Borough Council.

This Ordinance shall take effect immediately upon adoption and publication as required by law and upon the filing of a certified copy thereof with the Cape May County Planning Board in accordance with the applicable provisions of the New Jersey Municipal Land Use Law.

This Ordinance was introduced and passed on first reading on February 23, 2022 and will be further considered for second reading, public hearing and final adoption on March 9, 2022 at the Municipal Building, 3100 Dune Drive, Avalon, NJ 08202 at 4:15 p.m.

A copy of the Ordinance is available at no charge from the Borough Clerk's Office, Borough of Avalon, 3100 Dune Drive, Avalon, NJ 08202 between the hours of 8:15 a.m. and 4:15 p.m., Monday through Friday, excluding holidays.

C. DANIELLE NOLLETT
Borough Clerk

Publication date: February 28, 2022