

ORDINANCE 265

AN ORDINANCE TO AMEND ORDINANCE NO. 156 ENTITLED "AN ORDINANCE ESTABLISHING LAND USE DEVELOPMENT REGULATIONS AND RESTRICTIONS PURSUANT TO THE MUNICIPAL LAND USE LAW (CHAPTER 291, P.L. 1975); ESTABLISHING A ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD PURSUANT TO SAID LAW; AND REPEALING ALL PRIOR ORDINANCES RELATING TO ZONING AND PLANNING, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE TERMS AND PROVISIONS THEREOF IN THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY."

BE IT ORDAINED by the Board of Trustees of the Village of Loch Arbour, in the County of Monmouth and the State of New Jersey, that the Ordinance referred to in the title hereof is amended and supplemented as follows:

Section 1. Subsection C, Variance, of Section 412, FEES, of Article 4, GENERAL PROVISIONS, is hereby amended to read as follows:

1. Hear and decide appeals	\$1,250.00
2. Conditional uses	1,250.00
3. Interpretation of zoning map	1,250.00
4. Hardship variance	1,250.00
5. Use variance:	
a. Residential	1,250.00 per dwelling unit
b. Other uses	2,500.00
6. Building permit in conflict with Official Map or Building Permit For a lot not related to a street	1,250.00

Subsection D. All applications for variances shall be accompanied by a minimum \$2,500.00 deposit for engineering and/or inspection fees to be held in escrow and disburse as necessary. Any balance remaining upon completion and final approval shall be returned to the applicant.

Section 3. Section 419, Prohibitions, is amended as follows:

- A. Any and all activity which is pornographic as appealing to a person's prurient interests and not protected by the First Amendment of the Constitution of the United States, including films, books, pictures, live and simulated productions, together with any and all sale or exhibition of goods and articles similarly not protected by the First Amendment of the Constitution of the United States, including sexually explicit articles and products are prohibited.
- B. All uses not expressly permitted in this Ordinance are prohibited.

Section 2. Section 702, Zoning Map of Article 7, Zoning Districts and Map, is hereby amended to read as follows:

The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of the Village of Loch Arbour" dated October 19, 1994, which accompanies and is hereby made a part of this Ordinance. The aforesaid map is amended to designate a Beach Zone with respect to the property designated as the 175 foot by 100 foot section of Lot 1, Block 8, formerly designated a "C - Commercial" zone.

Section 3. Section 705 of Article 7, "C" Commercial, is hereby amended to read as follows:

- A. Purpose
The purpose of this district is to incorporate into the commercial district the existing area serving a commercial use at the time of the adoption of this Ordinance. Said zoning district is also limited in location to that area where the commercial character is in continuation of the external commercial influence from Allenhurst along Main Street.
- B. Principal Permitted Use on Land and in Buildings
Office buildings and banks; car wash; tavern; restaurant for sit-down dinners only and with no drive-in facilities; and retail businesses.

Section 4. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

CERTIFICATION

I, Lorraine Carafa, Clerk of the Village of Loch Arbour, do hereby certify the above to be a true and exact copy of the Ordinance adopted by the Board of Trustees of the Village of Loch Arbour, after public hearing thereon, at their regular meeting held the 1st day of March, 1995. Pursuant to N.J.S.A. 40:55D-16, a copy of this Ordinance as finally adopted has been filed with the Monmouth County Planning Board.