

ORDINANCE NO. 09-42

AN ORDINANCE AMENDING AND SUPPLEMENTING THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY AMENDING SECTION 907 ENTITLED "DEMOLITION WITHIN A HISTORIC DISTRICT" BY AMENDING AND ADDING DEFINITIONS

WHEREAS, the Township Committee previously adopted significant revisions to Section 907 of the Land Development Ordinance related to demolition within an Historic District through Ordinance 07-46; and,

WHEREAS, the Township Committee has been advised that certain technical changes are required to further advance the objectives of that Ordinance; and,

WHEREAS, the Township Committee is resolved to enact those technical changes required within the Historic District,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Land Development Ordinance of the Township of Neptune is hereby amended as follows:

SECTION 1.

Section 907, Demolition Within An Historic District, Section 2 is hereby amended and supplemented as follows to repeal and replace the "Definitions" contained in Section 2 (a) Demolition and (b) Partial Demolition with the revised Definitions contained herein:

(a) **Demolition:** shall mean the total demolition of fifty (50%) per-cent or more of the exterior walls, visible pier foundations and, as applicable, alterations, refinements or removal to the roof assembly (as defined herein) including any ornamentation, eyelids, soffits, overhangs, dormers, turrets, towers or roof form of any structure, as determined by a qualified professional, situate within the Historic District and which shall consist of the razing or removal of said structure and/or the removal of such of the distinguishing or defining characteristics (as applicable) to the style of such structure or the removal of any architecturally or historically significant exterior elements from the structure which define or contribute to its classification within the Historic District. Demolition, as defined herein, shall require any owner to obtain a demolition permit in accordance with the requirements established herein and any such additional requirements as established by the Construction Department. Any such Demolition Permit shall be issued by the Construction Official. Nothing herein shall excuse compliance with all applicable ordinances of the Township of Neptune related to Land Use.

(b) **Partial Demolition:** shall mean the removal or demolition of not less than fifteen (15%) per-cent nor more than fifty (50%) per-cent of the exterior walls visible pier foundations and, as applicable, alterations, refinements or removal to the roof assembly (as defined herein) including any ornamentation, eyelids, soffits, overhangs, dormers, turret, towers or roof form of any Key, Supporting or Contributing Structure located within the Historic District, as determined by a qualified professional and approved or confirmed by the Commission and/or the removal of

such architecturally or historically significant features which would compromise the classification of a structure within the Historic District as determined by the Commission. An Owner seeking to partially demolish a portion of a Key, Supporting or Contributing Structure shall obtain a demolition permit in accordance with the requirements established herein and any such additional requirements established by the Construction Department. Any such Demolition Permit will be issued by the Construction Official. Partial Demolition shall not include those structures classified as "Other Structures", by the Commission, which shall not require a formal demolition application for a partial demolition. However, an Applicant shall be required to obtain a Certificate of Appropriateness from the Commission upon application and approval. Nothing herein shall excuse compliance with all applicable ordinances of the Township of Neptune related to Land Use.

## SECTION 2

Neptune Township Ordinance Section 907, Demolition Within A Historic District, Section 2 is hereby amended and supplemented to insert the following additional terms as "Definitions" as listed herein:

(s) **Pier Foundations:** shall mean and consist of any isolated masonry or cast-in-place concrete structural elements extending into firm materials which are visible on the structure.

(t) **Roof Assembly:** shall mean a system designed to provide weather protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and roof deck. A roof assembly includes the roof deck, vapor retarder, substrate or thermal barrier, insulation, vapor retarder and roof covering.

## SECTION 3

Effective Date: This ordinance shall take effect upon final passage and publication as required by law.

## SECTION 4

Inconsistent Ordinances: All ordinances or parts thereof inconsistent with the provisions of this ordinance section are hereby repealed to the extent of such inconsistency.

## SECTION 5

Severability: If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid by a Court of competent jurisdiction, such adjudication shall apply only to that section, paragraph, clause or provision and the remainder of this ordinance shall be deemed to be valid and enforceable.

APPROVED ON FIRST READING: November 9, 2009

APPROVED, PASSED, AND ADOPTED: December 14, 2009

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Richard J. Cuttrell,  
Municipal Clerk

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Dr. Michael Brantley,  
Mayor