

ORDINANCE 2012-18

AN ORDINANCE AMENDING TITLE 18 “ZONING” OF THE TOWNSHIP OF OCEAN CODE TO PERMIT LIMITED-SCALE COMMERCIAL AND OFFICE DEVELOPMENT AS A CONDITIONAL USE IN THE BAYFRONT CONSERVATION (BC) ZONE DISTRICT

BE IT ORDAINED by the governing body of the Township of Ocean, County of Ocean, and State of New Jersey as follows:

SECTION 1: The Bayfront Conservation (BC) Zone District has been established to focus development from environmentally sensitive areas east of the Garden State Parkway (GSP) within Ocean into the Waretown Town Center, which is more appropriate for development. Other benefits of the BC District include the preservation of environmental and open space resources and creation of a green belt around the Town Center that distinguishes the Town Center from the surrounding lower density environs and reduces sprawl. The BC District also includes lands identified as Environmentally Sensitive Planning Area 5 (PA-5) in the current State Development and Redevelopment Plan and is consistent with the Township’s plan endorsement and center designation approval by the New Jersey State Planning Commission. In consideration of the need to encourage the preservation of large tracts of open space in the BC District, the Township Committee has determined that providing opportunities for certain limited-scale commercial and office development may provide incentives for the preservation of large tracts of undisturbed land within the BC District. This would effectuate the goals and objectives of the Township’s Master Plan and state and regional planning goals to protect environmentally sensitive lands and critical habitat areas along the Barnegat Bay. Further, the Township Committee has determined that providing additional opportunities for limited-scale commercial and office uses along Route 9 would serve the needs of the Township. Therefore, the Township Committee of the Township of Ocean has deemed it appropriate to permit limited-scale commercial and office development as a conditional use on larger tracts of land in the BC Zoning District that front along Route 9; and, as a condition of approval of such development, require that a substantial portion of the tract be preserved as undisturbed open space.

SECTION 2: Chapter 18.24, BC Bayfront Conservation District, in Title 18 “Zoning” of the Township of Ocean Code is hereby amended as follows (new language is shown as underlined and deletions shown as strikethroughs):

Chapter 18.24

BC BAYFRONT CONSERVATION DISTRICT

18.24.010 General Intent.

This district covers those few remaining undeveloped bayfront locations which contain wetlands subject to regulation by the state of New Jersey and contiguous woodlands having seasonally high water tables. Certain residential and related institutional and other uses are provided for in these areas, but average density of residential development would be lower than in the R-2, R-1

and R-1A district, in order to promote conservation of natural resources. Limited-scale commercial and office development also is permitted as a conditional use on larger tracts of land in the BC District that front along Route 9 in order to provide opportunities for commercial and office uses that serve the needs of the Township, while preserving large tracts of open space. (Prior code §19-6.6(a))

[Section 18.24.020 remains unchanged.]

18.24.030 Conditional Uses.

~~There shall be no conditional uses permitted in the Bayfront Conservation zoning district of the municipality. (Ord. 2000-11 § 1 (part), 2000: prior code § 19-6.6 (e))~~

The following conditional uses are permitted in the Bayfront Conservation zoning district subject to issuance of a conditional use permit in accordance with the provisions of Chapter 18.68:

A. Limited-scale Commercial and Office Development, which may include retail stores; banks or other financial institutions; licensed personal service establishments; business and professional offices; or government and public service offices and facilities.

[Section 18.24.040 remains unchanged.]

18.24.050 Lot and building requirements

The following requirements shall apply in the BC district:

[Subsections A. through C. remain unchanged.]

D. Limited-scale Commercial and Office Development

1. Minimum lot size: pursuant to conditional use standards.
2. Minimum lot frontage; five hundred (500) feet.
3. Minimum lot width: five hundred (500) feet.
4. Setbacks.
 - a. Front yard: forty (40) feet.
 - b. Side yard each: twenty-five (25).
 - c. Rear yard: fifty (50) feet.
5. Maximum impervious lot coverage: pursuant to conditional use standards.

[Section 18.24.060 remains unchanged]

SECTION 3: Chapter 18.68, Conditional Uses, in Title 18 “Zoning” of the Township of Ocean Code is hereby amended as follows (new language is shown as underlined and deletions shown as strikethroughs):

Chapter 18.68

CONDITIONAL USES

[Sections 18.68.010 through 18.68.040 remain unchanged.]

18.68.050 Standards for Particular Uses

[Subsections A. through I. remain unchanged.]

J. Limited-scale Commercial and Office Development. Limited-scale commercial and office development shall be permitted in the Bayfront Conservation BC District subject to the following standards and conditions:

1. The lot(s) on which a conditional use is proposed must have a minimum lot frontage along an improved roadway of five hundred feet (500'), with at least 25% thereof fronting on N.J.S. H. Route 9.
2. The minimum tract area shall be 30 acres.
3. The total gross floor area all buildings shall be no greater than 15,000 square feet.
4. Impervious coverage shall be limited to three (3) percent of the total tract area.
5. A minimum of ninety percent (90%) of the total area of the tract shall remain undisturbed and shall be deed restricted or otherwise reserved through easement, dedication or other legal mechanism for open space purposes. In evaluating the appropriateness of the location and configuration of the proposed undisturbed open space area on the site, the board shall consider the proximity or adjacency of existing preserved open space lands with the intent of creating and maximizing large contiguous tracts of undisturbed open space within the Township.
6. A Letter of Interpretation (LOI) from the New Jersey Department of Environmental Protection (NJDEP) indicating the presence or absence of wetlands shall be required and submitted to the board as a condition precedent of any conditional use approval.
7. The parking and loading requirements contained in Chapter 18.50 shall apply.
8. A maximum of forty-nine (49) parking spaces are permitted. Any additional parking as may be required by Chapter 18.50 may be designated as banked parking and preserved as pervious open space until additional parking is deemed to be necessary by the Zoning Officer. Banked parking shall be subject to the following requirements:
 - a. The area proposed for banked parking must be suitable for constructing future parking and associated drives in accordance with the standards contained in Chapter 18.50 of the Township of Ocean Code.
 - b. The area proposed for banked parking must be landscaped in accordance with the applicable landscaping and buffer requirements contained in Title 18 of the Township of Ocean Code or must remain undisturbed until construction of additional spaces is required.
 - c. The banked parking area may not be developed or used for any other purpose.
 - d. Any plans submitted by the applicant during the site plan review process must clearly delineate and label any areas proposed to be used for banked parking.

e. The construction of banked parking shall be required at the discretion of the Township Zoning Officer if it is determined that on-site parking is not adequate to meet the parking demands of the uses within the Limited-scale Commercial and Office Development.

f. Banked parking areas shall not be counted toward the undisturbed open space area as required pursuant to §18.68.050.J.5.

[Sections 18.68.060 through 18.68.070 are unchanged.]

SECTION 4: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5: If any sections, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 6: This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Ocean on first reading at meeting held on the 12th day of July, 2012. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 9th day of August, 2012 at 6:30pm, or as soon thereafter as the matter may be reached, at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

**DIANE B. AMBROSIO, RMC
TOWNSHIP CLERK**