

ORDINANCE 2013 – 13

AN ORDINANCE OF THE TOWNSHIP
COMMITTEE OF THE TOWNSHIP OF OCEAN,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING CHAPTER 18 ENTITLED “ZONING”
OF THE TOWNSHIP CODE OF THE TOWNSHIP
OF OCEAN.

Be it ordained by the Township Committee of the Township of Ocean,
County of Ocean, State of New Jersey as follows:

SECTION I.

Chapter 18.02.080 entitled “Definitions” and Ordinance 2011-7 shall
be amended as follows:

Add the definition of a “Balcony” as follows:

“Balcony” shall mean an exterior floor system projecting from a
structure and supported entirely by that structure, with no additional
independent supports. Balconies shall be considered part of the principal
structure they are attached to.

Delete the definition of “Building Area” and replace same with a new
definition as follows:

“Building Area” shall mean the total area, measured along the exterior
perimeter of buildings, on a horizontal plane at ground level of the principal
building (s) and all accessory buildings, exclusive of the following:

- A. Decks having a height of 30 inches or less shall not be included in
building area calculations.
- B. Unroofed porches, stairs, ramps, terraces and patios shall not be
included in building area calculations.

Delete the definition of “Building Height” and replace same with a new
definition as follows:

“Building Height” shall be defined as follows:

- A. For residential properties which are not located in a Flood Hazard
Area (FHA), as defined by NJAC 7:13; building height shall be the

vertical dimension measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs; the average distance between the eaves and ridge level for gable, hip, and gambrel roofs; and to the deck level for mansard roofs. Building height shall be a maximum of 35 feet and 2.5 stories.

- B. For residential properties which are located in a Flood Hazard Area (FHA), as defined by NJAC 7:13; building height shall be the vertical dimension measured from one foot above the Flood Hazard Area Design Flood Elevation, as defined by NJAC 7:13, to the highest point of the roof for flat roofs; the average distance between the eaves and ridge level for gable, hip, and gambrel roofs; and to the deck level for mansard roofs. Building height shall be a maximum of 32 feet and 2.5 stories.
- C. For non-residential properties building height shall be the vertical dimension measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs; the average distance between the eaves and ridge level for gable, hip, and gambrel roofs; and to the deck level for mansard roofs. Building height shall be as required by the zoning district requirements.

Delete the definition of “Decks” and replace same with a new definition as follows:

“Decks” shall mean an exterior floor system supported on at least two opposing sides by an adjoining structure and/or post, piers or other independent supports. Deck surfaces shall be generally horizontal and shall consist of planking providing adequate gaps between adjacent planks for stormwater runoff to infiltrate through a deck. Deck height shall be measured as the vertical dimensions from the top of the planking to the adjacent grade along the perimeter of the deck.

Delete the definition of “Impervious Coverage” and replace same with a new definition as follows:

“Impervious Coverage” shall mean the ratio of all surfaces covered by impervious materials to the total lot area, expressed as a percentage. Impervious surface shall mean a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. Impervious surfaces shall include all parking spaces and parking lots regardless of surface material; driveways regardless of the surface material; paver patios, walkways and areas; concrete patios, walkways and areas; tennis courts; and any other material or ground condition that does not permit the natural

soil absorption and permeation of water shall be considered impervious. Decks, walkways constructed of crushed stone or similar materials, and landscaped areas constructed from crushed stone or similar materials shall not be considered impervious so long as they are not constructed above an impermeable liner or material. In addition, pools, both in-ground and above ground, are specifically excluded from consideration as impervious surfaces. Marina's shall be exempt from this definition.

SECTION II.

Chapter 18.46 entitled "Accessory Buildings and Uses" shall be re-titled "Accessory Buildings, Structures and Uses" and shall be amended as follows:

Section 18.46.020 entitled "Tool and Utility Sheds" shall be deleted and replaced with the following:

18.46.020 Tool and Utility Sheds

Tool and Utility Sheds shall be subject to the following limitations:

- A. Tool and Utility sheds in lawful existence prior to the adoption of this ordinance shall be permitted to remain. Lawfully existing sheds may be repaired, however; they shall not be replaced unless in conformance with the requirements below.
- B. Waterfront single-family residential properties may construct one shed, not more than 120 square feet in area, not more than 15 feet in height, with a minimum side yard setback of three feet and a rear yard setback equal to the required principal setback for the subject zoning district. In no case shall a shed be closer than 15 feet from a bulkhead.
- C. Non-waterfront single-family residential properties equal to or less than $\frac{1}{2}$ acre in area may construct one shed, not more than 120 square feet in area, nor more than 15 feet in height, and with minimum side and rear setbacks of three feet.
- D. Non-waterfront single family properties larger than $\frac{1}{2}$ acre in area may construct one shed, not more than 180 square feet in area, not more than 15 feet in height and with a minimum side and rear setback of 10 feet.
- E. All tool and utility sheds shall be properly anchored to the satisfaction of the Township Construction Code Official, to ensure the safety of the residents of the Township.

A new Section 18.46.070, entitled "Decks," shall be added as follows:

18.46.070 Decks

Decks shall conform to the required principal setbacks for the zoning district in which they are located with the following exceptions:

- 1.) Any lawfully existing deck, prior to the effective date of this ordinance shall be allowed to be repaired or replaced provided that said repairs and/or replacement do not increase the size and/or height of the deck. The existence of the deck, prior to the effective date of this ordinance, shall be demonstrated by the property owner to the satisfaction of the Zoning Officer and may be established by survey containing the deck location and elevation, which was certified prior to the effective date of this ordinance and by such other evidence as acceptable to the Township's Zoning Officer.

- 2.) Lots directly abutting a lagoon or bay may construct a deck between the bulkhead line and the required principal setback line, exclusive of any front yard areas. Decks constructed within this area shall be no more than twelve (12) inches in height. Decks constructed within this area shall be permitted to extend along the entire length of the bulkhead, with the exception of any front yard areas. If deck railings are proposed within the referenced area, they shall be a minimum of 50% open.

A new Section 18.46.080, entitled "Exterior Stairs and Unroofed Porches," shall be added as follows:

18.46.080 Exterior Stairs and Unroofed Porches

Exterior stairs and unroofed porches shall be subject to the following limitations:

- A. Stairs, unroofed porches, ramps and other structures constructed to facilitate access to principal structures shall conform to the required principal setback for the zoning district with the following exceptions:
 - i. Stairs, unroofed porches, ramps and other structures constructed to facilitate access to a principal structure may encroach upon the required building setback by an area not to exceed 40 square feet. One encroachment shall be permitted per lot. Encroachments shall not extend beyond six feet from the face of the building.

- B. Under no circumstances shall any stairway, ramp, unroofed porch or other structure constructed to facility access to a principal or

accessory structure encroach within twelve (12) inches from a property line.

- C. Stairs, unroofed porches, ramps and other structures constructed to facilitate access to accessory structures shall conform to the required setbacks for the accessory structure.

SECTION III.

The Zoning Schedule Notes attached to Schedule B within Chapter 18.82.020 shall be amended as follows:

Note 'E' shall be revised to remove the lot coverage and building coverage requirements for the R1 Zoning District and replace them with allowable coverage's of 30% for Lot Coverage and 65% Impervious Coverage.

If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

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 on the first reading by the Township Committee of Ocean, County of Ocean, State of New Jersey on May 9, 2013 at 6:30 p.m., or as soon thereafter as the matter may be reached and considered, at the Ocean Township Municipal Building located at Railroad Avenue, Waretown, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on June 13, 2013, at 6:30 p.m., or as soon thereafter as the matter may be reached and considered, at the Ocean Township Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey. At that 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