

Township of Ocean, Ocean County

ORDINANCE 2016-3

**AN ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTERS 168 ENTITLED "FENCES", 203 ENTITLED "LANDLORD REGISTRATION", 209 ENTITLED "LAND USE PROCEDURES," AND 410 ENTITLED "ZONING" TO ENCOURAGE CONTINUED RECOVERY FROM HURRICANE SANDY AND ENHANCE RESILIENCY TO FUTURE STORMS AND TO IMPLEMENT THE RECOMMENDATIONS OF THE 2015 MASTER PLAN REEXAMINATION REPORT AND LAND USE PLAN ELEMENT**

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

**SECTION 1:** This ordinance makes amendments Chapters 168, 203, 209, and 410 of the Township Code to implement the recommendations of the 2015 Master Plan Reexamination Report and Land Use Element. In particular, attention was paid to the waterfront development districts within the Township of Ocean, including the R-1, R-1A, and Waterfront Development (WD) districts to promote sustainable development and resiliency to future Sandy-type storms. The intention of these amendments are to promote rebuilding and reinvestment throughout the Township with an emphasis in the Township's waterfront districts and residential lagoon communities by providing zoning district standards that minimize non-conformities and reduce the number of bulk variances that may be required to rebuild dwellings damaged by Superstorm Sandy or that may be damaged in future storm events. The amendments to the Township Code, Zoning Ordinance, and waterfront zoning districts compliment the Township's comprehensive planning strategy to support recovery and improve resiliency in the Township as presented in the Township's Strategic Recovery Planning Report (SRPR), including implementation of the recommendations in the update of the Township's Master Plan.

(added language is shown as underlined and deletions shown as ~~strikethroughs~~):

**SECTION 2:** Section 168-2, General Requirements, of Chapter 168, Fences is hereby amended as follows:

C. Fences erected in any residential zone, where such real property adjoins a body of water, shall be of an open and see-through type variety. ~~Said fences shall also be set back a minimum of 20 feet in an R-1A Zone and a minimum of 25 feet in an R-1 Residential Zone so as not to obstruct the view of any such body of water.~~

**SECTION 3:** Section 203-3, Certificate of occupancy; renewal, of Chapter 203, Landlord Registration, is hereby amended as follows:

No certificate of occupancy or renewal of the certificate of occupancy shall be issued until all owner(s) have complied with this chapter. Property owners must inform the Municipal Clerk, in writing, if a change in occupancy occurs. A continued certificate of occupancy must be issued prior to any new lease agreements.

**SECTION 4:** Section 209-32, Expiration of variance, of Chapter 209, Land Use Procedures, is deleted in entirety:

~~§209-32 Expiration of variance.~~

~~Any variance from the terms of this chapter granted by the Board of Adjustment permitting the erection or alteration of any structure or structures, or permitting a specified use of any premises, shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by such variance, or unless such permitted use has actually been commenced, within nine months from the date of entry of the judgment or determination of the Board of Adjustment, except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the Township Committee, or to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding.~~

**SECTION 5:** Section 410-6, Exceptions, of Chapter 410, Zoning, is hereby amended to eliminate undersized lot exceptions as follows:

**§410-6 Exceptions.**

~~C. — Undersize lots. No person, the owner of a nonconforming lot, as designated on the Township Tax Map and as defined in § 410-8, shall be denied the right to secure a building permit for improvements to be erected thereon, provided:~~

~~(1) — Such improvements shall meet the requirements provided in Schedule B (Article XXIV of this chapter) for minimum front, rear and side yard setbacks, height and lot coverage;~~

~~(2) — Such improvements shall be for residential use only;~~

~~(3) — Neither the applicant nor a predecessor in title is presently, or was as of June 13, 1974, the owner of any undeveloped adjoining lot or lots which when added to such nonconforming lot in excess of 75 feet frontage by 100 feet depth, would increase the dimensions of such nonconforming lot. Existing lots with seventy five foot frontage are exempt from the adjoining lot provision;~~

~~(4) — Such lot would have qualified as a nonconforming lot and satisfied the provisions of Subsection C(3) of this section as of June 13, 1974;~~

~~(5) — The proposed dwelling shall have an area of habitable rooms on one floor of not less than 720 square feet, excluding porches, breezeways, garage, carports or similar areas not devoted to livable floor space, and shall otherwise comply with all other applicable Township ordinances;~~

~~(6) — Such lot is not located in the Pinelands area, as defined in § 410-8.~~

**SECTION 6:** Section 410-8, Definitions, of Chapter 410, Zoning, is hereby amended to add the following definitions:

**ACCESSORY APARTMENT**

A dwelling unit either attached to a single-family principal dwelling or located on the same lot and having an independent means of access.

**MOTHER DAUGHTER UNIT**

An independent dwelling unit that has been added onto, or created within, a single-family house. The unit has separate kitchen, bathing, and sleeping areas from the single-family home.

**ONE-HALF (1/2) STORY**

A space under a sloping roof that has the line of intersection of the roof and wall face not more than three feet above the floor level and in which space the possible floor area with head room of five feet or less occupies at least 40 percent of the total floor area of the story directly beneath.

**OPEN CELL PAVER**

A type of permeable paving consisting of solid units of concrete, brick or stone that allows water to pass through a central void in each unit. A paver shall be considered "open cell" if the dimensions of the central void are equal to at least one half (1/2) of the dimensions of the entire unit.

**SWIMMING POOL, ABOVE-GROUND**

A manmade rigid or semi-rigid structure, basin or receptacle for water having a depth in excess of twenty-four inches (24") or more at any point or with a surface area exceeding 250 square feet whose framework is installed primarily above grade. Such structure shall be used for swimming, wading or bathing exclusively by the homeowner or occupant of the land or premise and his/her family and guests.

**SWIMMING POOL, IN-GROUND**

A manmade basin or receptacle for water having a depth in excess of eighteen inches (18") or more, constructed of concrete, steel, or other approved material and having an impervious finish, smooth bottom surface and slope to a main drain. An in-ground pool shall be used for

swimming, wading or bathing exclusively by the homeowner or occupant of the land or premise and his/her family and guests.

**SECTION 7:** Section 410-8, Definitions, of Chapter 410, Zoning, is hereby amended to supplement the following existing definitions as follows:

**ACCESSORY BUILDING, ATTACHED**

An accessory building which has at least 50% of one of the structural walls of the accessory building coincident with the principal structure. Connection by way of an enclosed walkway or breezeway shall not be considered attached. Any accessory building attached to a principal building is considered part of the principal building and shall adhere to the yard requirements for the principal building.

**ACCESSORY BUILDING OR USE**

A. A structure or use which:

(1) Contributes primarily to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served;

(2) Is located on the same parcel as the principal structure or principal use served, except as otherwise expressly authorized by the provisions of this chapter; and

(3) Is customarily incidental and subordinate to the principal use of the land or building.

B. Accessory buildings or uses, shall include detached private garages, farm structures, tool and garden sheds, retaining walls, swimming pools and hot tubs, and other such customary accessory structures and uses;

C. Accessory buildings or uses shall also include buildings or uses which have independent foundations and walls and which are attached to the principal structure or principal use served by a breezeway or other covered walkway which merely serves as a connection or a conduit between the principal structure or use and the accessory structure or use.

**BASEMENT**

A story partly underground and having more than half of its height above the average level of the finished grade at the front of the building and with a floor-to-ceiling height of not less than 6.5 feet.

**BUILDING AREA**

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~~ 48 inches or less as measured from the top of the planking to the adjacent grade shall not be included in the building area calculations. The height of handrails or guards shall not be included when calculating deck height.
- B. Unroofed porches, stairs, ramps, terraces and patios shall not be included in the building area calculations.

#### **BUILDING LINE**

~~A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered or projected section of a building, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line excluding unroofed stoop or stair area.~~

A line parallel to the street right-of-way touching that part of a building closest to the street.

#### **CELLAR**

A story partly underground and having less than half of its clear height above the average level of the adjoining ground or with a floor-to-ceiling height of less than 6.5 feet.

#### **CLEAR- CUTTING**

~~A silvicultural practice involving removal of an entire forest stand in one cutting for purposes of regeneration either obtained artificially, by natural seed or from advanced regeneration. "Clear-cutting" typically results in the removal of all woody vegetation from a parcel in preparation for the establishment of new trees; however, some trees may be left on the parcel.~~

~~{Added 11-10-2011 by Ord. No. 2011-21}~~

The large-scale, indiscriminate removal of trees, shrubs and undergrowth with the intention of preparing real property for nonagricultural development purposes.

#### **COMMON PROPERTY OR OPEN SPACE**

Land or water, or a combination of land and water, together with improvements, within or related to a development, not individually owned or dedicated for public space, that is designed and intended for the common ownership, use and responsibility or enjoyment of by the tenants and /or owners of the dwelling units in ~~a~~ the development.

## **DWELLING, SEMIDETACHED**

A building containing two dwelling units separated from ground to roof by a common wall, with each dwelling located on a separate lot.

## **FLOOD HAZARD AREA**

~~The floodway and additional portions of the floodplain that are subject to flood flow at lesser depths and lower velocities than the floodway and that are inundated by the (flood hazard) area design flood.~~

## **FLOODPLAIN**

~~The relatively flat area adjoining a water channel which has been or may be hereafter covered by floodwater.~~

## **FLOODWAY**

~~The channel and portions of the adjacent floodplain that carry the greater part of flood flow at greater depths and velocities than do the other parts of the floodplain; that constitute the minimum area required for the passage of flood flows without aggravating flood conditions upstream and downstream; and that are necessary to preserve the natural regimen of the stream for the reasonable passage of the (floodway) design flood.~~

## **FLOOD HAZARD AREA, FLOODPLAIN, AND FLOOD WAY**

As defined and regulated by the New Jersey Department of Environmental Protection (NJDEP) pursuant to the New Jersey Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.

## **GARAGE, PRIVATE**

~~A garage not conducted as a business and used to house not more than three vehicles, including not more than one commercial vehicle.~~

A structure that is accessory to a single- or two-family dwelling, is used for the parking and storage of vehicles owned and operated by the residents there of, and is not a separate commercial enterprise available to the general public.

## **IMPERVIOUS COVERAGE**

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, patios utilizing open cell pavers, 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 aboveground, are specifically excluded from consideration as impervious surfaces. Marinas shall be exempt from this definition.

## **MARINA**

~~A place where boats are launched, docked, tied up or regularly berthed, or where services are rendered for repair, maintenance, storage, fuel and supplies, or equipment and boats traded or sold.~~

A facility for the storing, serving, fueling, berthing, and securing of boats and which may include eating, sleeping, and retail facilities for owners, crews, and guests.

## **PLANNED DEVELOPMENT**

An area of minimum continuous or noncontiguous size, planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, industrial, office, and residential uses or a combination of such uses, and appurtenant common areas and accessory uses, customary and incidental to the predominant uses.

A planned mixed-use development of at least 10 contiguous acres, planned residential development of at least 10 contiguous acres, residential cluster development, planned commercial development such as a shopping center or professional office complex or planned industrial development such as industrial park, all as may be permitted under this chapter. Planned residential development is permitted up to four dwelling units per acre.

## **SETBACK**

The minimum distance between a principal building, excluding an overhanging roof of not more than two feet, uncovered porch or steps, and the street and lot lines. All setbacks from public streets shall be measured from the required right-of-way width and shall be considered front setbacks. All setbacks where the applicable yard line fronts, either partially or totally along tidal waters, will be measured from the mean high water line. Minimum yard requirements established in this chapter shall be the minimum required setbacks.

## **YARD, FRONT**

That portion of a lot as measured by the shortest horizontal distance between the front property line and front setback line of a principal building or structure. Any portion of a lot abutting a public street shall be considered a front yard.

**SECTION 8:** Section 410-9, Districts Established, of Chapter 410, Zoning, is hereby amended to read as follows:

**§410-9 Districts Established**

The Township is divided into the following zone districts as follows:

A. For lands east of Garden State Parkway, ~~1521~~ zoning districts are established:

R-2	Residential, Medium-Low Density
R-1	Residential, Medium Density
R-1A	Residential, Medium-High Density
R-1B	Residential, Medium-Low Density
<u>R-SP</u>	<u>Residential, Sands Point</u>
<u>R-SC</u>	<u>Residential, Skippers Cove II</u>
<u>R-HH</u>	<u>Residential, Holiday Harbor</u>
<u>R-PB</u>	<u>Residential, Pebble Beach</u>
<u>R-BH</u>	<u>Residential, Bay Haven/Bryant Beach</u>
<u>R-BB</u>	<u>Residential, Barnegat Beach</u>
WD	Waterfront Development
PRD	Planned Residential Development
BC	Bayfront Conservation
EC	Environmental Conservation
C-2	Village Commercial
C-1	General Commercial
TC	Town Center Redevelopment District
TC-MXD	Town Center Redevelopment Subdistrict
TC-OC	Ocean Commons Town Center Redevelopment Subdistrict
WVRG	Waretown Village Residential Gateway Redevelopment District
ER	Edgemont Redevelopment District

**Section 9:** Section 410-10, Zoning District Map, of Chapter 410, Zoning, is hereby amended to adopt the map entitled “Zoning East of Parkway” prepared by T&M Associates, dated February 2016, a copy of which is attached to the ordinance codified in this chapter and labeled “Exhibit B” is adopted by reference as the zoning map in the Township of Ocean for land within Ocean Township East of the Garden State Parkway

**Section 10:** Section 410-12, R-1 Residential District, C. Conditional Uses, of Chapter 410, Zoning, is hereby amended as follows:

C. Conditional uses. The following uses may be authorized by the Planning Board subject to the Provisions of Article XV of this chapter:

- (1) Home occupations, as defined;
- (2) Home professional offices, as defined;

(3) Institutional uses, as defined ~~and as limited under Schedule A;~~<sup>[1]</sup>

~~[1] Editor's Note: See Article XXIV of this chapter~~

(4) Community and membership swim and tennis clubs, provided that:

- a) A statement shall be submitted with the application setting forth the full particulars regarding the use, activities and buildings.
- b) The required minimum lot area shall be one acre.
- c) All of the building setback and height requirements of the particular zone within which the site is located shall be met.
- d) No parking area or recreation area shall be located closer than 50 feet to a rear or side property line;

(5) Major utility installations, as defined;

(6) Accessory apartment-residential uses, as defined.

**Section 11:** Section 410-13, R-2 Residential District, C. Conditional Uses, of Chapter 410, Zoning, is hereby amended as follows:

C. Conditional uses. The following uses may be authorized by the Planning Board subject to the Provisions of Article XV of this chapter:

[Amended by Ord. No. 1995-17]

(1) Home occupations, as defined;

(2) Home professional offices, as defined;

(3) Institutional uses, as defined ~~and as limited under Schedule A;~~<sup>[1]</sup>

~~[1] Editor's Note: See Article XXIV of this chapter~~

(4) Community and membership swim and tennis clubs; public and private golf courses and country clubs, provided that:

- a) A statement shall be submitted with the application setting forth the full particulars regarding the use, activities and buildings.
  - b) The required minimum lot area shall be two acres.
  - c) All of the building setback and height requirements of the particular zone within which the site is located shall be met.
  - d) No parking area or recreation area shall be located closer than 100 feet to a rear or side property line.
- (5) Major utility installations, as defined;

(6) Landscape nurseries, garden centers and roadside produce markets on minimum lot size of three acres, but not a storage yard, repair facility or parking facility for a business engaged in providing landscaping services which are performed off-site.

(7) Certain commercial uses only if located on Route 532, provided that such shall be limited to the following types and further provided that the standards set forth in § 410-123 shall apply:

- a) Grocery store;
- b) Pharmacy/ drugstore;
- c) Dry cleaners;
- d) Beauty palors;
- e) Barbor shops;
- f) Bait and tackle shop;
- g) Seafood sales establishment;
- h) Flower and plant store;
- i) Antique shop;
- j) Funeral home;
- k) Bank; savings and loan institution;
- l) Professional office building;
- m) Alcoholic beverage store;
- n) Landscape nursery; garden center.

**Section 12:** Section 410-14, R-1A Residential District, C. Conditional Uses, of Chapter 410, Zoning, is hereby amended as follows:

C. Conditional uses. The following uses may be authorized by the Planning Board subject to the Provisions of Article XV of this chapter:

- (1) Home occupations, as defined;
- (2) Home professional offices, as defined;
- (3) Institutional uses, as defined and as limited under Schedule A;<sup>[1]</sup>

~~[1] Editor's Note: See Article XXIV of this chapter~~

- (4) Community and membership swim and tennis clubs, provided that:
  - a) A statement shall be submitted with the application setting forth the full particulars regarding the use, activities and buildings.
  - b) The required minimum lot area shall be one acre.
  - c) All of the building setback and height requirements of the particular zone within which the site is located shall be met.

- d) No parking area or recreation area shall be located closer than 50 feet to a rear or side property line.
- (5) Major utility installations, as defined;
- (6) Accessory apartment-residential uses, as defined.

**Section 13:** Section 410-15, C-1 General Commercial District, C. Conditional Uses, of Chapter 410, Zoning, is hereby amended as follows:

C. Conditional uses. The following uses may be authorized by the Planning Board subject to the provisions of Article XV of this chapter:

- (1) Motel or hotel;
- ~~(2) Fuel dealer;~~
- (3) Contractor's storage yard, provided that:
  - a) No structures may encroach any setback requirements of the zone district.
  - b) Screening must be provided
- (4) Lumber yard; outdoor sale and storage of building materials, provided that:
  - a) No structures may encroach any setback requirements of the zone district.
  - b) Screening must be provided
- (5) Warehouse; distribution facility, provided that:
  - a) No goods are sold retail from the premises;
  - b) All items are stored within a completely enclosed building; and
  - c) The warehousing or storage of hazardous chemicals shall be prohibited
  - d) Loading areas shall not be located within any required front setback
  - e) Warehousing abutting a residential use shall provide a 100 foot buffer screening strip
- (6) Vehicle body repair services, meeting the standards of Chapter 410 Article XV;
- (7) Boat building in boat yards, as defined;
- (8) Accessory apartment in a single-family dwelling or commercial premises, as defined;
- (9) Gasoline filling station;
- (10) Convenience stores; including mixed uses with gasoline service; meeting the standards of Chapter 410 Article XV
- (11) Major utility installations, as defined;
- (12) Churches and places of worship, meeting the standards of Chapter 410 Article XV.

**Section 14:** Section 410-16, C-2 Village Commercial District, C. Conditional Uses, of Chapter 410, Zoning, is hereby amended as follows:

C. Conditional uses. The following uses may be authorized by the Land Use Board subject to the provisions of Article XV of this chapter:

(1) Landscape nursery or garden center, but not a storage yard, repair facility or parking facility for a business engaged in providing landscaping services which are performed off-site, and provided that the building area of the establishment does not exceed 5,000 square feet.

(2) Roadside market for the sale of agricultural produce and related goods, provided that:

- a) No area for outdoor sales or storage shall be located within the front yard area or closer to the rear and side property lines than the required rear yard and side yard setbacks for accessory buildings in the C2 zone.
- b) The retailing of farm products raised off-site and transported to the property in question for sale is permitted.
- c) Off-street parking shall be provided in accordance with the provisions set forth in §410 Article VI.

(3) Restaurant; as defined;

~~(4) Alcoholic beverage store;~~

~~(5) (4) Churches and places of worship, meeting the standards of Chapter 410 Article XV.~~

**Section 15:** Chapter 410, Zoning, is hereby amended to establish Chapter 410-14.17, Other Residential Districts:

**§410- 14.17 Other Residential Districts**

- A. General intent. These districts cover several older, substantially developed subdivisions east of U.S Route 9. Each district is characterized by its own prevailing lot size and exhibits a prevalent lot pattern that supports residential densities greater than the R-1 District. The regulations herein are intended to support existing patterns of development in each district while promoting recovery and resiliency through better building design.
- B. Other Residential Districts Established. Other Residential Districts established are as follows: Residential-Sands Point (R-SP), Residential-Skipper’s Cove II (R-SC), Residential-Holiday Harbor (R-HH), Residential-Pebble Beach (R-PB), Residential-Bay Haven/Bryant Beach (R-BH) and Residential-Barnegat Beach (R-BB)
- C. Permitted uses. The following uses shall be permitted in the R-SP, R-SC, R-HH, R-PB, R-BH, & R-BB Districts:

- 1) Detached single-family dwellings;
  - 2) Public and community- oriented parks and play areas;
  - 3) Nature preserves and wildlife sanctuaries;
- D. Conditional uses. The following uses may be authorized by the Planning Board subject to the provisions of Article XV of this chapter:
- 1) Home occupations, as defined;
  - 2) Home professional offices, as defined;
  - 3) Institutional uses, as defined and as limited under Schedule A,
  - 4) Major utility installations, as defined;
  - 5) Accessory apartment-residential uses
- E. Accessory structures, signs and off-street parking. The following accessory structures, signs and off-street parking are permitted subject to applicable provisions under Articles III, IV, V, VI, VII, an IX of this chapter:
- 1) Structures accessory to residential and agricultural uses, including detached private garages, barns, sheds, and the like;
  - 2) Private residential swimming pools and tennis courts;
  - 3) Required off-street parking and loading space;
  - 4) Temporary on-site construction trailers;
  - 5) On-site signs, as defined.
- F. Lot and building requirements. The following requirements shall apply in the R-SP, R-SC, R-HH, R-PB, R-BH, & R-BB Districts:
- 1) The dimensions and requirements listed in Schedule B shall apply unless otherwise provided in this chapter.

**Section 16:** Section 410-24, FO Forest Area District, C. Conditional Uses, of Chapter 410, Zoning, is hereby amended as follows:

C. Conditional uses. The following uses shall be permitted in the FO Zone subject to issuance of a conditional use permit under Article XV of this chapter.

[Amended by Ord. No. 1997-10]

- 1) Major utility installations, as defined, and as necessary to serve the needs of the Pinelands.
- 2) Home occupations, as defined.
- 3) Home professional offices, as defined.
- 4) The continuation of existing resource extraction operations, in accordance with the standards of N.J.A.C. 7:50-6, Part VI, and § 410-85 of this chapter.
- 5) Pinelands resource-related industrial and manufacturing uses, excluding resource extraction and uses that rely on sand or gravel as raw products, provided that:
  - (a) The parcel proposed for development has an area of at least five acres;
  - (b) The principal raw material for the proposed use is found or produced in the Pinelands; and
  - (c) The use does not require or will not generate subsidiary of satellite development in a FO District.
- 6) Agricultural commercial establishments, landscape nurseries and garden centers, provided that:
  - (a) The principal goods or products available for sale were produced in the Pinelands; and
  - (b) The sales area of the establishment does not exceed 5,000 square feet.
- 7) Institutional uses, as defined and as limited under Schedule A,[1] provided that the applicant can demonstrate a need for the use in the proposed location, that the use is primarily designed to serve the needs of the district in which the use is proposed and that there are no feasible alternatives.

[1] Editor's Note: See Article XXIV of this chapter.
- 8) Low-intensity recreational uses, including but not limited to camping, provided that:
  - (a) The parcel proposed for low-intensity recreational use has an area of at least 50 acres.
  - (b) The recreational use does not involve the use of motorized vehicles except for necessary transportation.
  - (c) Access to bodies of water is limited to no more than 15 linear feet of frontage per 1,000 feet of water body frontage.
  - (d) The parcel will contain not more than six campsites per gross acre, provided that the campsites shall not be clustered at a net density exceeding 10 campsites per acre.
  - (e) Clearing of vegetation, including ground cover and soil disturbance, does not exceed 5% of the parcel.
  - (f) No more than 1% of the parcel will be covered with impervious surfaces.
  - (g) [Amended 11-10-2011 by Ord. No. 2011-21]
- 9) Expansion of intensive recreational uses, provided that:
  - (a) The intensive recreational use was in existence on February 7, 1979, and the capacity of the use will not exceed two times the capacity of the use on February 7, 1979;
  - (b) The use is necessary to achieve recreational use of a particular element of the existing Pinelands environment; and
  - (c) The use is environmentally and aesthetically compatible with the character of the Pinelands forest area and the characteristics of the particular basin in which the use is to be located, taking into consideration the proportion of cleared and developed land, ambient water quality, ecologically sensitive areas and unique resources, and will not unduly burden public services.

- 10) Recreational vehicle campgrounds, provided that:
- (a) Gross density shall not exceed one campsite per acre.
  - (b) Net density shall not exceed 10 campsites per acre.
  - (c) Minimum site of the lot or parcel is 25 acres.

~~11) Landfills.~~

~~12) Landscape nursery; garden center.~~

13) Density transfer program.

- (a) Detached single-family dwellings will be permitted on lots of 2.5 acres or more in the Forest receiving zone area (FOR) as shown on the Zoning Map, and consisting of:
  - i. [1] Block 6. Those portions of Lots 4.03, 5, 6, 7, 18.04 and 18.07 located within 1,000 feet of Route 532.
  - ii. [2] Block 7. Lots 2-5.
  - iii. [3] Block 19. All Lots.
  - iv. [4] Block 20. All.
  - v. [5] Block 21. All.
- (b) The applicant for development must own the lot being developed and provide proof of ownership of sufficient vacant contiguous or noncontiguous land which, when combined with the lot to be developed will be at least 20 acres.
- (c) The noncontiguous land must be located within the FO Zone (west of the Garden State Parkway) in Ocean Township.
- (d) All noncontiguous lands acquired pursuant to Subsection M(2) and (3) above shall be permanently protected through recordation of a deed of restriction. Such deed of restriction shall permit the parcel to be managed for low-intensity recreation, ecological management and forestry, provided that no more than 5% of the land may be cleared, no more than 1% of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of this chapter. Such restriction shall be in favor of the parcel to be developed and the Township or another public agency or nonprofit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission. The deed restriction shall be in a form to be approved by the Township Solicitor and the Pinelands Commission.
- (e) [Added 11-10-2010 by Ord. No. 2010-12]
- (f) The applicant must provide verification that an appropriate septic system can be permitted on the property proposed for the single-family dwelling.
- (g) Tax assessments for all the property contiguous and noncontiguous, are combined and assigned to the land to be developed.
- (h) The lot proposed for development shall also need the minimum standards of Article XI of this chapter.

14) Single-family detached dwellings which are not clustered in accordance with Subsection F, provided that:

[Added 11-10-2011 by Ord. No. 2011-21]

- (a) The Planning Board finds that:

[1]Clustering of the proposed dwellings would be inconsistent with the minimum environmental standards set forth at N.J.A.C. 7:50-6; or

[2]Clustering of the proposed dwellings would disrupt the contiguity of the forest ecosystem to a greater degree than non-clustered development.

(b)Minimum lot size requirement: 20 acres.

**Section 17:** Section 410-27, Pinelands Village District, C. Conditional Uses, of Chapter 410, Zoning, is hereby amended as follows:

C. Conditional uses. The following uses shall be permitted in the PV District subject to approval by the Planning Board subject to the Provisions of Article XV of this chapter:

(1) Major utility installations, as defined;

(2) Home occupations, as defined;

(3) Home professional offices, as defined;

(4) Institutional uses, as defined ~~and as limited under Schedule A;~~<sup>[1]</sup>

~~[1] Editor's Note: See Article XXIV of this chapter~~

(5) Recreational vehicle campgrounds, provided that:

a) Gross density shall not exceed six campsites per acre.

b) Net density shall not exceed 10 campsites per acre.

c) Minimum size of the lot or parcel is 25 acres.

(6) Other recreational uses, ~~as limited under Schedule A;~~<sup>[2]</sup>

~~[2] Editor's Note: See Article XXIV of this chapter~~

**SECTION 18:** Section 410-38, Lot and Area Requirements for Accessory Buildings, of Chapter 410, Zoning, is hereby amended to read as follows:

**§410-38 Lot and area requirements for accessory buildings.**

A. Any accessory building attached to a principal building is considered part of the principal building and shall adhere to the yard requirements for the principal building. For an accessory structure to be considered attached to a principal building, at least 50% of one of the structural walls of the accessory building shall be coincident with the principal structure. Any accessory building connected to the principal building by way of an enclosed walkway or breezeway shall be considered detached.

- B. Accessory buildings shall not exceed 24 feet in height, as defined and measured in Article I of this chapter, or unless otherwise provided in this chapter.
- C. Any detached accessory building shall conform to all front, rear and side yard requirements unless otherwise provided in this chapter, except that accessory buildings located on lots in waterfront zone districts (R-1, R-1A, WD, R-SP, R-SC, R-HH, R-PB, R-BH or R-BB) or directly abutting a lagoon or bay shall conform to all principal building setbacks.
- D. This maximum top plate height shall not exceed 12 feet above finished floor or 13 feet above grade.
- E. No habitable or occupiable space, as defined by the most recent and current edition of the BOCA National Building Code, shall be permitted above the maximum top plate height.
- F. Roof pitch and height may fluctuate so long as the underside of any rafter shall not be greater than six feet 10 inches above any second level floor or attic floor, measured at a point 21 inches horizontally offset from a line plumb to the highest point of the roof.
- G. No portion of an accessory building shall be utilized as habitable space as defined by the BOCA National Building Code.
- H. ~~Maximum square footage of an accessory building. The maximum square footage of an accessory building shall not exceed 50% of the square footage of the principal building which said accessory building is intended to serve. No more than one accessory building shall be permitted per tax lot.~~ Maximum lot coverage by accessory building. The maximum lot coverage of all accessory buildings and structures shall not exceed the area as outlined in Schedule B. Retaining walls, swimming pools and hot tubs shall not be subject to this requirement.
- I. Customary accessory structures including generators, pool pumps and filtration systems, air conditioning condensers, or other structure deemed customary to a principal or accessory building by the Township Zoning Officer shall be considered accessory buildings and shall conform to all requirements herein unless otherwise provided in this chapter.
- J. In waterfront zones (R-1, R-1A, WD, R-SP, R-SC, R-HH, R-PB, R-BH or R-BB) or on any property directly abutting a lagoon or bay, customary accessory structures shall conform to all principal building setbacks.
- K. Customary accessory structures that comprise any portion of the building support utility system for a principal building or use located in a flood hazard area (FHA) as defined by N.J.A.C. 7:13 shall be elevated to a height equal to one foot above the flood hazard area design flood elevation as defined by N.J.A.C. 7:13.

**SECTION 19:** Section 410-39, Tool and Utility Sheds, of Chapter 410, Zoning, is hereby amended as follows:

**Chapter 410-39 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 Ord. No. 2013-13 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~~ provided that the structure complies with the side and rear principal building setbacks for the subject zoning district. In no case shall a shed be closer than 15 feet from a bulkhead.
- C. ~~Nonwaterfront single family residential properties equal to or less than 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.~~ Nonwaterfront single family residential properties are allowed accessory structures up to the maximum accessory structure lot coverage as limited under Schedule B.
- ~~D. Nonwaterfront single family properties larger than 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. D. 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.

**SECTION 20:** Section 410-40, Swimming Pools, of Chapter 410, Zoning, is hereby amended as follows:

**Chapter 410-40 Swimming pools.**

- A. No private residential pool shall be installed on any lot unless said lot shall contain a residence and said pool shall be accessory to the residence.
- B. Swimming pools shall adhere to the following requirements:
  - (1) In-ground swimming pools in all districts shall be 10 feet from the property sidelines and 10 feet from the rear property lines.

(2) Above-ground pools or hot tubs located on lots within waterfront zones or on lots directly abutting a lagoon or bay shall comply with the side and rear yard principal building setbacks of that zone.

(3) Above-ground pools or hot tubs located on lots within waterfront zones or on lots directly abutting a lagoon or bay shall not exceed four and one-half feet (4.5') in height as measured from the average elevation of the finished grade to the top of the pool or hot tub.

BC. Pools shall otherwise be installed, operated and used in accordance with other health and safety ordinances regarding water filtration, circulation and treatment, fencing, noise and lighting. A pool permit shall be obtained from the Township.

**SECTION 21:** Section 410-41, Storage of Recreational Vehicles and Equipment, of Chapter 410, Zoning, is hereby amended as follows:

**Chapter 410-41 Storage of recreational vehicles and equipment.**

The outdoor storage of an unoccupied recreational vehicle, motor home, trailer, camper, boat, or commercial vehicle shall be permitted on residential lots used for single-family dwellings, provided that:

- A. ~~With the exception of boats,~~ Such storage shall not be located closer than ten (10) feet to any front property line.
- B. A travel trailer, camper or commercial vehicle shall not be closer than five (5) feet to the side property line and ten (10) feet to the rear lot line, excluding in the driveway area.
- C. No more than two such recreational vehicles, motor homes, travel trailers, campers, boats, or commercial vehicles, or any combination thereof, shall be so stored.
- D. No travel trailer, camper, or boat stored in conformance with this section shall remain in such storage for longer than 12 consecutive months.
- E. The storage of any such vehicles in accordance with this section shall be conducted in an orderly manner and shall not have a negative visual impact adjacent properties or the surrounding neighborhood.
- F. Any such vehicles stored in accordance with this section shall not be occupied and shall not be provided with utility connections other than those required for vehicle maintenance.

- G. No trailer, auto trailer, trailer coach, travel trailer or camper shall be used for dwelling purposes or as sleeping quarters for one or more persons, nor shall any such trailer or camper be used for storage or space for the permanent conduct of any business, profession, occupation or trade, except that such facilities may be used for temporary residency for the temporary replacement of a damaged dwelling unit and for temporary use as a construction located on a site during construction, provided that a temporary permit has been issued for its use. This section shall not be construed so as to prohibit the parking or storage of such trailers and campers on private premises or the recreational use of same in campgrounds in conformance with all applicable ordinances and codes.

**SECTION 22:** Section 410-43.1, Decks, of Chapter 410, Zoning, is hereby amended as follows:

**Chapter 410-43.1 Decks.**

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

- A. Any lawfully existing deck, prior to the effective date of Ord. No. 2013-13 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 Ord. No. 2013-13, 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 Ord. No. 2013-13 and by such other evidence as acceptable to the Township's Zoning Officer.
- B. Lots located in waterfront zones (R-1, R-1A, WD, R-SP, R-SC, R-HH, R-PB, R-BH or R-BB) or on 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 12 inches in height, with the exception of handrails. 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 fifty percent open.~~
- C. Decks constructed on lots in waterfront zones (R-1, R-1A, WD, R-SP, R-SC, R-HH, R-PB, R-BH or R-BB) or on lots directly abutting a lagoon or bay shall utilize guards or handrails with a minimum open area of fifty percent (50%) of the total guard or handrail length where such guards or handrails are required or proposed. Decks constructed on lots in all other zones shall be permitted to incorporate closed guards or handrails where required or proposed.

**SECTION 23:** Section 410-48, General Provisions, of Chapter 410, Zoning, is hereby amended as follows:

**Chapter 410-48 General provisions.**

- A. Off-street parking and loading space shall be provided as specified in this chapter; unless otherwise excepted.
- B. Any use or expansion of a use or activity which involves five or more off-street parking spaces, according to the requirements set forth in § 410-49, shall also require site plan approval as set forth under Article XVI of this chapter.
- C. The municipal board having jurisdiction over an application for site plan approval may waive or modify any of the space requirements and design standards set forth in this chapter for good cause and practical reasons.
- D. The off-street parking space required for a use not specifically listed in § 410-49 shall be the same as required for a use of similar nature as determined by the board based upon that use enumerated in this chapter which is most similar to the proposed use. If there is no use enumerated in this chapter having sufficient similar to the proposed use to enable the board to establish rational parking requirement, the board may, in its discretion, direct the applicant to furnish the board with such data as may be necessary to enable the board to establish rational parking requirements.
- E. Nothing in this chapter shall be construed to prevent the joint use of off-street parking facilities by two or more uses, provided that the total of such spaces shall not be less than the sum of the requirements for various individual uses computed separately.
- F. All required off-street parking and loading spaces shall be located on the same lot or parcel as the structure or use they shall serve. In the case of nonresidential uses, parking spaces may be provided on other lots or parcels, but shall not be greater than 300 feet from the structure or use they shall serve, based on approval from the board of project jurisdiction
- G. Where special traffic problems exist, the Planning Board may require a special survey of conditions at the applicant's cost and require of entrances and exits in the parking lot to be altered to minimize congestion and hazard.
- H. In all residential districts, all required parking spaces must utilize either garage or driveway space and vehicles shall be prohibited from parking in front yards. Front yard areas may be used for overflow parking during peak season (Memorial Day through Labor Day) for a maximum of two (2) additional vehicles.

**SECTION 24:** Section 410-123, Standards for particular uses, of Chapter 410, Zoning, Article XV: Conditional Uses, is hereby amended as follows:

**Chapter 410-123 Standards for particular uses.**

[Amended by Ord. No. 2000-33]

- A. Commercial uses in R-2 Districts. The following standards shall apply to such uses:
- 1) The maximum floor area of the commercial use shall be 3,500 square feet.
  - 2) No more than two stores can be developed or occupied on any one lot.
  - 3) Lot requirements are the same as for the C-1 District.
  - 4) The use shall be confined to properties having frontage on Route 532, provided that no commercial use shall have access to a local street which serves residential properties.
  - 5) Private garage space for the storage of motor vehicles shall be based on a maximum of one space per 5,000 square feet of lot area and a maximum of four spaces.
  - 6) The commercial use and parking area shall be effectively screened from adjoining lots according to standards set forth in Articles III through VII of this chapter and Article IX of this chapter.
  - 7) Signs shall be limited to those permitted in the R-1 District.
- B. Townhouses. The following requirements shall apply to townhouse developments in districts in which such uses may be permitted as conditional uses:
- 1) The maximum density of development shall be four units per gross acre.
  - 2) All units shall be served by public sewer and water facilities.
  - 3) No fewer than four dwelling units shall be allowed in any project.
  - 4) The minimum lot size shall be 45,000 square feet.
  - 5) The maximum length of any structure shall not exceed 150 feet.
  - 6) Three-story designs and configurations may be allowed by the Planning Board, provided that maximum height shall not exceed 35 feet.
  - 7) Minimum yard requirements shall be increased by one foot for each foot of building height over 35 feet.
  - 8) For condominium-type developments, the ownership of common property may be conveyed by the developer to a homeowner's association as provided for under § 410-36.
  - 9) Off-street parking shall be provided on the basis of at least two spaces for each dwelling unit.
- C. Gasoline filling stations. The following standards and requirements shall apply in those districts in which such uses including automotive service stations may be permitted as conditional uses:
- 1) The proposed use shall not be on a lot located at a corner of any dangerous street intersection; the lot lines of which are located not less than 1,000 feet from any school

offering a course of general educational instruction, or a hospital, church or library; and the lot lines of which are not less than 2,000 feet from an existing gasoline filling station.

- 2) All filling pumps and structures shall be located at least 25 feet from any lot line.
  - 3) All other regulations for the zone in which the use is to be located shall be complied with.
  - 4) The proposed use shall in no way be detrimental to the health, safety and general welfare of the Township nor shall it result in a depression of any established property values in the general area.
  - 5) The proposed use shall be effectively screened from adjoining properties by means of a wall, fence, or landscape buffer.
  - 6) No external storage of more than three motor vehicles shall be permitted; and storage of all other items shall be indoors.
- D. Motels. The resort and recreational aspects of Ocean Township make it desirable to permit development of motels within certain areas of the Township. However, since such a development could be inimical to the safety and general welfare of the community if not properly located and designed with due consideration to surrounding properties, motels may be allowed only upon application to and approval by the Planning Board as a conditional use in the C-1 District. The following standards shall apply to all such applications:
- 1) Accessory uses may be permitted on the same lot as the motel and may include a swimming pool, motel office, eating facilities for the guests and permanent living quarters for one family;
  - 2) Minimum lot area: two acres.
  - 3) Minimum lot width and depth: 200 feet each.
  - 4) Minimum yard requirements:
    - a) Front yard: 50 feet.
    - b) Rear yard: 30 feet.
  - 5) Minimum off-street parking: one space for each rental unit;
  - 6) One motel unit may be permitted for every 700 square feet of lot area;
  - 7) The Planning Board may permit as many access roads onto any public road as it deems necessary, except that no access road shall exceed 24 feet in width at a certain point where it intersects with a public road;
  - 8) Any motel unit or any swimming pool unit within 100 feet of an adjacent property, other than a street or navigable waterway, shall not face on that property, unless the unit is sufficiently buffered or concealed from the adjacent property;
  - 9) Minimum number of units: 20;
  - 10) Primary and secondary sewage treatment facilities shall be provided; and
  - 11) Buffer strips of evergreen planting or screen fencing may be required to protect adjacent property from any detrimental effects which could be caused by off-street parking or any other activity.

- E. Quasi-public buildings and recreational facilities. Quasi-public buildings and recreation facilities, including club houses, swimming pools, tennis courts, and other such facilities operated by nonprofit membership organizations shall be subject to the following standards and requirements in those districts in which such uses may be permitted as conditional uses:
- 1) It is ascertained by the Planning Board that the proposed use is a bona fide nonprofit organization operated solely for the recreation and enjoyment of the members of such organization, and that the membership is limited to residents of Ocean Township, Ocean County, New Jersey.
  - 2) It is ascertained by the Planning Board that the proposed use in the proposed location will not adversely affect the safe and comfortable enjoyment of property rights or otherwise adversely affect the value of adjacent properties; that the design of any structures erected in connection with such use are in keeping with the general character of the residential area; and that sufficient landscaping, including trees, shrubs, and lawn are provided to serve as a buffer between such use and adjoining residential properties, and to insure attractive appearance for the use.
  - 3) The property proposed to be occupied by such use shall have a minimum lot area of five acres. Not more than 20% of the land area shall be occupied by buildings and structures.
  - 4) No building, structure or active recreation facilities shall be located within 100 feet of an adjacent residential property line.
  - 5) The maximum membership limit of such organization shall be fixed at the time of application and shall be commensurate to the amount of land to be used and exact nature of the use. No further expansion of the membership shall be made unless additional land is acquired and supplemental application is made to the Planning Board.
  - 6) The membership rolls shall be fixed annually on July 1 and a complete and itemized list of members shall be filed with the Township Clerk in triplicate within 30 days of that date.
  - 7) Off-street parking space shall be provided at a ratio of one space for each four memberships permitted under the terms of the exception.
  - 8) A statement shall be provided setting forth the full particulars on the operation of the use and a complete list of the proposed charter membership, including names and resident addresses.
- F. Commercial recreation facilities. The following standards and requirements shall apply to facilities including theaters, bowling alleys, miniature golf courses, and swimming pools operated for profit where such uses may be permitted as conditional uses in particular districts:
- 1) In the case of activity which takes place entirely within an enclosed building, one parking space shall be provided for each 50 square feet of gross floor area. In the case of an open air activity, the area allocated for off-street parking shall be equal to three times the area actively devoted to the commercial recreation use.

- 2) Means of ingress and egress for the parking areas shall be limited to the minimum required to properly handle the volume of traffic anticipated to be attracted by the use. Wherever driveways are located on a state highway, acceleration and deceleration lanes shall be provided.
  - 3) Whenever the property abuts or is across the street from a residential zone, a buffer area shall be established.
  - 4) The proposed use shall in no way be detrimental to the health, safety or general welfare of the Township nor shall it result in a depression of any established property values in the general area.
- G. Major utility installations. The following requirements shall apply to major utility installations in districts in which such may be permitted as conditional uses:
- 1) Proof is furnished to the municipal board that the proposed installation in a specific location is necessary and convenient for the efficiency of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
  - 2) The design of any building utilized in connection with such facility conforms to the general character of the residential area and shall in no way adversely affect the safe and comfortable enjoyment of property rights in the area and zone in which it is located.
  - 3) Adequate and attractive fences and other safety devices shall be provided and sufficient landscaping including shrubs, trees and lawns shall be provided and periodically maintained.
  - 4) High-voltage transmission lines and other utilities shall be placed underground wherever feasible.
- H. Hospitals, philanthropic or eleemosynary uses. The following standards shall apply in those districts in which such uses may be permitted as conditional uses:
- 1) The lot upon which use is proposed shall conform to the following standards and requirements:
    - a) Minimum lot area: five acres.
    - b) Minimum front, rear and side yard areas: 100 feet.
    - c) Maximum lot coverage: 25%.
  - 2) The height of structures to be constructed may exceed the maximum height requirements of this chapter, provided that the front, rear and side yard requirements set forth in this section shall be increased by one foot for each foot by which the height of the structure exceeds the maximum height which would be otherwise permitted by this chapter, and further provided that in no case shall any proposed structure exceed 50 feet in height.
  - 3) Off-street parking spaces shall be required in accordance with the following standards:
    - a) Hospitals: one space for each four beds.

- b) Philanthropic and eleemosynary uses: one space for each six beds where beds are a function of the use, or one space for each 400 square feet of gross floor area.
  - 4) The proposed use will in no way be detrimental to the surrounding property values and that the structure or use proposed will serve a useful purpose in the Township and otherwise promote the general welfare of its residents.
- I. Vehicle body repair services. The following standards shall apply:
- 1) No outdoor oil drainage pits or hydraulic lifts shall be permitted.
  - 2) All repairs shall be performed in a fully enclosed building.
  - 3) All vehicles awaiting repair or under repair which are stored out of doors shall be screened from the public by a solid fence and/or evergreen plantings, as required by the Planning Board.
  - 4) No vehicle awaiting repair or under repair may be stored out-of-doors within the required front yard area, within 20 feet of any side or rear lot line or within 50 feet of any adjoining lot within a residential zone.
  - 5) The storage of junk or dilapidated vehicles on the site shall not be permitted.
- J. Convenience stores. The following standards shall apply in those districts in which such use may be permitted as conditional uses:
- 1) They contain not more than 5,000 square feet of gross floor area;
  - 2) One additional parking space is provided for each 100 square feet of floor area devoted to the convenience shop; and
  - 3) The location and access for the convenience shop does not impede or interfere with vehicular circulation to and from fuel pumps.
  - 4) All fuel pump islands shall be located at least 35 feet from all property lines.
  - 5) All fuel tanks shall be installed underground.
  - 6) No outdoor oil drainage pits or hydraulic lifts shall be permitted.
  - 7) Any repair of motor vehicles shall be performed in a fully enclosed building. No parts or partially dismantled motor vehicle shall be stored out of doors.
  - 8) Coin-operated service stations are not permitted.
  - 9) No auto bodywork shall be permitted.
  - 10) Illumination shall be such that no direct glare from the lights shall fall upon adjoining streets or properties.
  - 11) The sale, rental or lease of new or used vehicles shall be prohibited.
- K. Churches and places of worship. The following standards shall apply in those districts in which such use may be permitted as conditional uses:
- 1) The required minimum lot area shall be one acre.
  - 2) The required minimum lot width shall be 150 feet.
  - 3) The required minimum lot frontage shall be 150 feet.
  - 4) No principal building shall be located closer than 100 feet to any public street right-of-way and no closer than 50 feet to any rear or side property line.

- 5) No accessory building or structure shall be permitted in any front yard, nor shall any accessory building or structure be located closer than 30 feet to any rear or side property line.
- 6) The maximum permitted building coverage shall be 25%.
- 7) The height of structures to be constructed may exceed the maximum height requirements of the C2 zoning district; provided, however, that the front, rear and side yard requirements set forth above shall be increased by two feet for each foot by which the height of the structure exceeds the maximum height which would be otherwise permitted by this chapter, and further provided that in no case shall any proposed structure exceed 50 feet in height.
- 8) The applicant shall submit a list of proposed activities and anticipated participants, a timetable reflecting the hours in which each building will be used and any other pertinent uses and activities intended to take place on the site.
- 9) Lots shall not have their primary frontage or access on a residential access or residential neighborhood street or any lower order street, as defined by the Residential Site Improvement Standards.
- 10) Buffer requirements.
  - a) Perimeter buffer. A landscaped buffer shall be required around the entire length of side and rear property lines, except where access drives or other accessory features must, of necessity, traverse this reserved strip. The minimum landscape buffer widths shall be as follows:
    - i. From a nonresidential use or district: 25 feet.
    - ii. From a residential use or district: 50 feet.
  - b) A required buffer shall be landscaped with trees, shrubs, and other suitable plantings for beautification and screening. Natural vegetation should be retained to the maximum degree possible. On those sites where no existing vegetation is present or existing vegetation is inadequate to provide screening, the applicant shall suitably grade and plant the required buffer area, such that this planting shall provide an adequate screen of at least six feet in height so as to continually restrict the view. A minimum on-center distance between plantings shall be such that upon maturity the buffer will create a solid screen. The buffer may be supplemented with a fence of solid material where necessary.
  - c) Other site standards. The front yard, exclusive of walkways, pavilion areas, or driveways, shall be landscaped with grass, trees, shrubs, ground cover, flowers, existing vegetation, or any suitable combination thereof. Plantings shall conform, however, to restrictions on corner lot placement, in order to protect visibility.

**SECTION 25:** Schedule B, Schedule of Lot and Building Requirements by Zoning District, of Chapter 410, Zoning, is hereby amended as attached herein:

**SECTION 26:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 27:** If any section, 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 28:** 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 11<sup>th</sup> day of February, 2016. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 14<sup>th</sup> day of April 2016, at 6:30 p.m., 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.

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DIANE B. AMBROSIO, RMC  
Municipal Clerk

ZONING

410 Attachment 1

Township of Ocean

Schedule B

Schedule of Lot and Building Requirements by Zoning District

(Amended by Ord. no. 2001-18; Ord. No. 2003-32; Ord. No. 2003-45; Ord. no. 2003-48;

Ord. No. 2005- 17; 11-10-2011 by Ord. No. 2011-21; 6-27-2013 by Ord. No. 2013-13; April 14, 2016 by Ord. No. 2016-03]

Zoning District	Lot and Density Requirements										Yard Setbacks (Minimum)					Maximum Lot Coverage by Accessory Structure				
	Lot Size Minimum	Density Maximum (DU/acre)	Width Minimum (feet)	Depth Minimum (feet)	Lot Coverage (%)	Impervious Coverage (%)	Front (feet)	Side (feet)	Side Yard Combined (feet)	Rear (feet)	Front and Side Yard Setback Encroachment	Notes	Cluster or Planned Res. Dev. Provided	PDCs Provided	Ref. for Pinelands Requirement	<1	<2	2- 5	5- 10	>10
R-SP	3,600 sq. ft.	N/A	45	80	30%	50%	15	5	15	20	5 ft.	D,H,I	-	-	-	N/A	N/A	N/A	N/A	N/A
R-SC	5,500 sq. ft.	N/A	65	100	45%	65%	20	5	15	20	5 ft.	D,H	-	-	-	N/A	N/A	N/A	N/A	N/A
R-HH	5,000 sq. ft.	N/A	50	100	40%	60%	20	5	15	25	5 ft.	D,H	-	-	-	N/A	N/A	N/A	N/A	N/A
R-PB	7,500 sq. ft.	N/A	75	100	40%	60%	25	5	15	30	5 ft.	D,H	-	-	-	N/A	N/A	N/A	N/A	N/A
R-BH	4,800 sq. ft.	N/A	60	80	35%	55%	20	5	15	20	5 ft.	D,H	-	-	-	N/A	N/A	N/A	N/A	N/A
R-BB	10,000 sq. ft.	N/A	100	100	30%	50%	25	10	20	20	5 ft.	D,H	-	-	-	N/A	N/A	N/A	N/A	N/A
R-2	2 acres	N/A	150	350	10%	20%	60	40	80	80	None	A, C	-	-	-	4.5%	4.75%	5.0%	5.75%	6.5%
R-1	1 acre	N/A	125	150	15%	20%	40	20	40	40	None	D	-	-	-	4.0%	4.25%	4.75%	5.25%	6.0%
R-1A	12,500 sq. ft.	N/A	80	80	30%	50%	25	10	20	20	5 ft.	H	-	-	-	3.5%	4.0%	4.5%	4.75%	5.5%
R-1B	1 acre	N/A	125	150	15%	20%	40	20	40	40	None	D	-	-	-	N/A	N/A	N/A	N/A	N/A
WD	12,500 sq. ft.	N/A	-	-	30%	50%	20	10	20	20	None	B, E	-	-	-	3.5%	4.0%	4.5%	4.75%	5.5%
BC	10 acres	N/A	250	500	5%	10%	150	100	200	200	None	C	-	-	-	N/A	N/A	N/A	N/A	N/A
PRD	6,000 sq. ft.	4	55	-	20%	-	10	5	10	15	None	F	Yes	-	-	N/A	N/A	N/A	N/A	N/A
C-1	30,000 sq. ft.	N/A	100	-	40%	-	40	10	20	25	None	B	-	-	-	N/A	N/A	N/A	N/A	N/A
C-2	15,000 sq. ft.	N/A	100	-	50%	-	25	10	20	25	None	B	-	-	-	N/A	N/A	N/A	N/A	N/A
C-3	1 acre	N/A	120	125	60%	-	40	15	30	30	None	B	-	-	-	N/A	N/A	N/A	N/A	N/A
I-1	3 acres	N/A	250	-	35%	-	75	50	100	50	None	B	-	-	-	N/A	N/A	N/A	N/A	N/A
I-2	5 acres	N/A	300	-	50%	-	75	50	100	75	None	B	-	-	-	N/A	N/A	N/A	N/A	N/A
PA	3.2 acres	-	200	N/A	10%	-	200	50	100	75	None	C	-	Yes	410-23	N/A	N/A	N/A	N/A	N/A
FO	20 acres	1/20	200	-	10%	-	200	50	100	75	None	C, G	Yes	-	410-24	N/A	N/A	N/A	N/A	N/A
FOC	N/A	N/A	N/A	N/A	N/A	-	N/A	N/A	N/A	N/A	None	A	N/A	N/A	410-25	N/A	N/A	N/A	N/A	N/A
RURU S	10 acres	1/10	250	500	10%	-	60	40	80	75	None	C	-	-	-	N/A	N/A	N/A	N/A	N/A
PV	3.2 acres	1/3.2	150	-	15%	-	50	20	40	50	None	C	-	As required	410-27	N/A	N/A	N/A	N/A	N/A

OCEAN CODE

410 Attachment 1:1

2.22.2016

**NOTES:**

- A. Use of Pinelands development credits (PDCs) is permitted at the option of the land use board.
  - 1. R- Receiving – Those areas designated as "Receiving" for the density transfer program. See conditional use section of each specific land use for bulk requirements.\*
  - 2. C- Conservation- Those areas designated as "Conservation" and not to be considered in the density transfer program. To qualify conservation, the land must be deed restricted in a manner acceptable to both the land use board and the Pinelands Commission.
  - 3. PUC- Pineland development credit.
  - 4. OT REF- Ocean Township zoning ordinances section designations.
- B. The following areas are considered "Areas in Need of Redevelopment" and should be addressed to the redevelopment agency:
  - 1. The I-1 and I-2 Districts;
  - 2. The Edgemont tract;
  - 3. The C-1, C-2, and C-3 Districts;
  - 4. The Southern Ocean landfill facility area;
  - 5. Waterfront development district.
- C. All natural vegetation within the setback for a distance of ½ the setback measured from property line or public ROW shall remain undisturbed. Applicant may remove material and replace with plantings approved by Township landscape architect.
- D. All natural vegetation within the setback for a distance of 1/3 the setback measured from property line or public ROW shall remain undisturbed. Applicant may remove material and replace with plantings approved by Township landscape architect.
- E. The maximum impervious coverage in marinas shall not exceed 80%.
- F. On corner lots, front yard setback shall be 15 feet from side street. Combined side yard setback shall be 15 feet. (See §410-11 of this chapter.)
- G. Clustering on one acre lots in accordance with § 410-24F is required in the FO District whenever two or more units are proposed.
- H. Stairs are allowed to go a maximum of 6 feet off the face of the house. Stairs shall not be located less than 5 feet to a side property line.
- I. No encroachment is allowed within the front yard setback.

