

# **Township of Ocean**

## **Land Development Ordinance**

**Amended Through December 31, 2010  
Ordinance # 2140**

<b>CONTENTS</b>	<b>PAGE #</b>
Article I: General Provisions.	1 - 1
Article II: Abbreviations and Definitions	2 - 1
Article III: Land Use Procedures	3 - 1
Article IV: Zoning Provisions	4 - 1
R-1 Low Density Single-Family Residential	5 - 1
R-1T Low Density Single-Family Residential Transitional	6 - 1
R-2 Low Density Single-Family Residential	7 - 1
R-3 Medium Density Single-Family Residential	8 - 1
R-4 Medium Density Single-Family Residential	9 - 1
R-4HO Medium Density Single-Family Residential/Home Professional Office	10 - 1
R-5 High Density Single-Family Residential	11 - 1
R-6 High Density Single-Family Residential	12 - 1
R-7 Garden Apartment Residential	13 - 1
R3/PRD Planned Residential Development	14 - 1
AR-3/PRD Affordable Housing Zone	15 - 1
Regulations Applying to All Commercial Zone	16 - 1
T-1 Transitional Office/Residential	17 - 1
C-1 Neighborhood Commercial	18 - 1
C-2 Highway Commercial	19 - 1
C-3 General Commercial	20 - 1
C-4 Regional Commercial	21 - 1

C-5 Limited Commercial	22 - 1
C-6 Community Mixed-Use District	23 - 1
I-1 Light Industry	24 - 1
O-1/20 Office/Limited Commercial	25 - 1
O-1/40 Office-Research	26 - 1
O-1/80 Office-Research-Limited Commercial	27 - 1
Reserved	28 - 1
SRI	29 - 1
Sign Requirements	30 - 1
Off Street Parking	31 - 1
Landscaping and Fences	32 - 1
Performance Standards	33 - 1
Conditional Use Standards	34 - 1
Permitted Modifications and Exceptions	35 - 1
Article V: Site Plan and Subdivision Design and Submission Requirements	
Design Requirements	36 - 1
Submission Requirements	37 - 1
Performance and Maintenance Guarantees, Inspections, and Liability Insurance	38 - 1
Article VI: Administration and Enforcement	39 - 1
Article VII: Adoption, Conflict, Violations	40 - 1

Tables

Bulk Requirements - Residential Zones 41 - 1

Bulk Requirements - Non-Residential Zones 42 - 1

Index i - 1

# LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF OCEAN

## ARTICLE I. GENERAL PROVISIONS

### **21-1 Title.**

An ordinance to limit and restrict to specified zones and to regulate therein, development, buildings and structures according to their construction, and the nature and extent of their use, and the nature and extent of the uses of land in the Township of Ocean, Monmouth County, New Jersey, including the right to regulate and restrict: the area, depth and width of all parcels of land; the size, height, number of stories, and sizes of buildings, and other structures; the percentage of lot area that may be occupied by buildings and structures; the size of yards, courts and other open spaces; the density of population; the visual environment; and the location, use and extent of use of buildings, structures and land for trade, industry, residence, and other purposes.

### **21-2 Short Title**

The short title by which this chapter shall be known is "The Land Development Ordinance of the Township of Ocean."

### **21-3 Purpose**

This Ordinance is adopted pursuant to the Municipal Land Use Law of the State of New Jersey, Revised N.J. Statutes 40-55D-1, et seq. in order:

to promote the public health, safety, morals, and general welfare;

to secure safety from fire, flood, panic, and other natural and man-made disasters;

to provide adequate light, air, and open space;

to insure the development of the Township of Ocean does not conflict with the development and general welfare of neighboring municipalities, Monmouth County, and the State of New Jersey as a whole;

to promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities, and regions and to the preservation of the environment;

to encourage the appropriate and effective expenditure of public funds by the coordination of public development with land use policies;

to provide sufficient space and appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses, and open space, both private

**LAND DEVELOPMENT ORDINANCE  
TOWNSHIP OF OCEAN  
January 8, 1992  
As amended thru: December 31, 2010  
Article I - General Provisions**

and public, according to the respective environmental requirements in order to meet the needs of the Township's citizens;

to encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;

to promote a desirable visual environment through creative development techniques, and good civic design and arrangements;

to promote the conservation of historic sites and districts, open space, energy resources, and valuable natural resources in the Township, and to prevent urban sprawl and degradation of the environment through improper use of land;

to encourage senior citizen community housing construction consistent with provisions permitting other residential uses of a similar density in the same zoning district;

to encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and the more efficient use of land;

to promote utilization of renewable energy sources; and

to promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals.

#### **21-4 Scope**

It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter.

Where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage, or requires greater lot area, or larger yards, or other open space as are imposed or required by such rules, regulations, or permits or by such private restrictions, the provisions of this chapter shall prevail.

## **ARTICLE II. ABBREVIATIONS AND DEFINITIONS**

### **21-5 Explanation of Terms.**

All words herein used in the present tense shall include the future, the singular shall include the plural, and the plural the singular. The word "shall" is mandatory, not directory.

Where any word or phrase herein is also defined in the Municipal Land Use Law of the State of New Jersey, Revised N.J. Statutes 40-55D-1, et. seq., the more restrictive of the definitions shall apply. Where any word or phrase is not defined herein, but is defined in the Municipal Land Use Law of the State of New Jersey, Revised N.J. Statutes 40-55D-1, et. seq., said definition shall also apply in this Ordinance. Unless otherwise expressly stated, the following words and phrases are defined as follows:

### **21-6 Abbreviations and Definitions**

The abbreviation "MLUL" shall mean the Municipal Land Use Law (N.J.S. 40:55D-1 et seq.).

"Administrative Officer" shall mean the Planning Administrator.

"Affordable Apartment Flats" shall mean a development consisting of multi-family residential dwelling units with each unit being on a single floor. A specific number of the dwelling units in such a development shall be affordable to and occupied by low and moderate income families as required and defined by the State of New Jersey Council on Affordable Housing.

"Affordable Residential Development" shall mean a residential development consisting of one or more of the following: detached single family residences, townhouse units, senior citizen housing. A minimum of 20 percent of the dwelling units in an affordable housing development shall be affordable to and occupied by low and moderate income families and at least one-half of these shall be affordable to and occupied by low income families as defined by State of New Jersey Council on Affordable Housing.

"Agriculture" shall mean the growing of crops, truck gardening, raising or breeding of horses, sheep, dairy, poultry or other farm livestock; orchard, wood lot, reforestation, nursery or greenhouses or other agricultural or horticultural purposes. Agricultural land shall include open or wooded acres, ponds, brooks, swamps and meadows.

"Alteration" shall mean a change or rearrangement in any facade or structural part of an existing structure which alters the use or exterior appearance of that structure.

"Alternative tower structure" shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

“Antenna” shall mean any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

"Automotive accessory sales and installation" shall mean any facility which sells and installs automotive accessories which are not essential or integral to the operation of the automobile. Typical accessories, for the purpose of this definition include car stereos, car phones, burglar alarms, and the like. The sale and installation of window glass, convertible tops, air conditioning units, and similar items are not considered automotive accessories for the purposes of this definition.

"Automotive detailing" shall mean the cleaning and finishing of automobiles, by appointment only, limited to the interior clearing and shampooing; the exterior cleaning, polishing, and waxing; the installation of pin striping, lettering and graphics; glass tinting; and paintless dent removal.

"Automotive gasoline station" shall mean any establishment servicing motor vehicles with fuel, but not including repairs, changing of tires, or any other replacement of essential or accessory parts. Automotive gasoline stations may service automobiles by adding oil, windshield washer fluid, or similar fluids, but shall not provide any services which require bays or lifts, such as oil changes or lubrication of chassis.

“Automotive gasoline station/C-Store” shall mean an automotive gasoline station which has, on the same site, a retail store selling convenience household items such as prepackaged food items, ice cream, baked goods, beverages, paper products, and similar items geared for the use and convenience of the motorists utilizing the gasoline pumps. It is the intent that a C-Store provide convenience items to the motoring public which will generally be utilized or consumed at a separate destination, and not on site. A “C-Store” shall not include any food items prepared or heated on site either by the customer or employees, with the exception of baked goods, ice cream and beverages. Any gasoline station which has a retail store on the same site which: has either counter space, tables or seating for the on-site consumption of food; prepares foods on site not specifically permitted above, including but not limited to sandwiches, hamburgers, hot dogs, pizza, and soups, or; has a drive-thru window, shall not be considered an automotive gasoline station/C-store, and shall be considered either a restaurant or fast food restaurant as defined in this Section.

"Automotive Rentals and Leasing" shall mean any establishment renting or leasing passenger cars and vans to the general public. Automotive rentals and leasing shall include both long term and short term rentals and leasing. It shall not include the sale of vehicles or the servicing of vehicles other than those vehicles which are part of the establishment's fleet.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

"Automotive Service and Inventory Storage" shall mean a use consisting of the storage of inventory and/or servicing of automobiles in support of an existing 'Automotive Sales and Service' use. Automotive service and inventory storage may include, as an accessory to the servicing of automobiles, the sale of parts, supplies and accessories. Automotive service and inventory storage shall not include facilities for the long term or short term storage of damaged automobiles.

"Automotive Service Station" shall mean any establishment, whether or not serving gasoline, serving motor vehicles with vehicle maintenance not requiring extensive or prolonged mechanical work (for the purposes of this ordinance, extensive or prolonged mechanical work shall mean work which requires a vehicle to be on the site for a period of more than 30 days) before completion. Service work offered shall be limited to: oil changes; lubrication; tune-ups; minor engine or drive train repairs; installation of tires, batteries, and accessories; wheel balancing and alignment; and the replacement of mechanical parts such as hoses, spark plugs, ignition wiring, brakes, alternators, water pumps and similar parts not requiring extensive repairs. Repair facilities which provide repairs and service to any large trucks or equipment such as semi-tractors, or heavy grading equipment shall not be considered automotive service stations. Repair facilities which provide automotive body or collision repairs shall not be considered automotive service stations.

"Automotive Sales and Service" shall mean any establishment selling new and/or used passenger cars and vans to the general public. Automotive sales and service may include, as an accessory to the sale of automobiles, service and repair facilities and the sale of parts, supplies, and accessories. Automotive sales shall include the long term leasing of automobiles and the short term rental of automobiles, but shall not include facilities solely for the long term or short term storage of used, damaged, or repossessed automobiles. Automobile sales and service may also include truck sales and service if the trucks do not exceed 19,000 GVW and subject to the limitations of Article IV, Section 21-51.12.

"Automotive sales lot" shall mean any establishment selling new and /or used passenger cars and vans to the general public, but not including the dispensing of gasoline and fuel, service, repairs, or solely the storage of vehicles. Automotive sales shall include the long term leasing of automobiles.

"Basement" shall mean "Cellar."

"Billboard" shall mean any permanent sign, notice or advertisement, pictorial or otherwise, regardless of its size or dimension, used as an outdoor display not related to a use on the lot on which it is located.

"Boarding house or rooming house" shall mean a building or part thereof, other than a hotel/motel or restaurant, wherein furnished or unfurnished rooms, with or without

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

cooking facilities are provided for compensation for two or more persons not related to the owner or proprietor.

"Buffer" shall mean an area of heavy planting, which may include berms and/or fencing, so installed to provide both a visual and an acoustical barrier between properties. At a minimum, required buffers shall include 2 staggered rows of minimum 8' high evergreen trees planted 10' on center and 10' apart. This requirement may be altered by the Municipal Agency if existing vegetation makes such an arrangement impractical. The Municipal Agency may require a solid architectural fence within specific buffer areas in order to achieve the goal of a visual and acoustical barrier, however no fence in a buffer area shall be located closer than 10' to a property line in order to provide sufficient room for landscaping between the property line and the fence. The required buffer may be included within the required setback.

"Building" shall mean a combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof.

"Building - principal" shall mean a building on a lot in which the principal use of that lot is conducted.

"Building - accessory" shall mean a building in which an accessory use is contained.

"Building Coverage" means the ratio of the horizontal area of the ground floor of all buildings on a lot to the total lot area.

"Car wash" shall mean a building or structure or portion thereof where vehicles are washed or cleaned as the principal use.

"Cellar" shall mean any story which is not a "story above grade" as defined in this section. The term "basement" shall also mean "cellar".

"Certificate of occupancy" shall mean a certificate issued by the construction official or designated representative upon completion of the construction of a new building or upon a change in the use, occupancy, and/or occupants of a building which certifies that all requirements of this chapter, or such adjustments thereof which have been granted by the appropriate agency, and all other applicable requirements, have been complied with.

"Child Day Care Center" shall mean a facility within which child care services for pre-school children thru kindergarten, and/or pre-school education including kindergarten, are provided on a daily basis, and provided the facility is licensed by the N. J. Division of Youth and Family Services. A pre-school shall be considered a child day care center. For the purposes of this chapter, a child day care center shall not be considered a private school or a public school.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

"Club" shall mean a nonprofit corporation, organization, or association of persons who are members thereof, which owns or leases a building or part thereof for the use of members or guests. Food, meals and alcoholic beverages may be served as an incidental function of this use, provided that adequate facilities are present and further provided that all Federal, State and municipal laws are complied with.

"Cluster development" shall mean the subdivision or development of a tract in which a portion of the tract may be developed at a greater density or intensity of land use in exchange for the appropriate reservation, through deed restriction, of common open space, or land for other public purposes, on the remainder of the tract.

"Community Recreation Center" shall mean a public or quasi-public facility offering a variety of recreational, social and educational programs and services to the general public or its members. Facilities may include: active recreation facilities including but not limited to swimming pools, gymnasiums, exercise rooms, outdoor courts and fields; meeting rooms; classrooms; administrative offices directly related to activities and services conducted at the community recreation center; auditoriums and theaters; libraries; and other similar facilities geared towards providing recreational or social activities or services for the general public or members. For the purposes of this Ordinance, public parks and playgrounds and their related facilities shall not be considered community Recreation Centers, but shall be considered government buildings and services.

"Conditional use" shall mean a use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter and upon the issuance of an authorization therefore by the Planning Board.

"Conservation easement" shall mean the reservation of any portion of a tract or site by easement, as required by the municipal agency, for the purpose of protecting and maintaining the natural characteristics of the designated area which are in existence at the time of the development application.

"Crosswalk or walkways" shall mean a right-of-way, dedicated to public use, to facilitate pedestrian access through a subdivision or site.

"Curb level" shall mean the grade at the top of the curb in front of the midpoint of the lot as established by the Municipal Engineer.

"Development" shall mean the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, and any use or

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

change in the use of any building or other structure, or land or extension of use of land, or amendment thereto adopted and filed pursuant to this act.

“Discontiguous Cluster Option shall mean the provision for residential development on a single tract for which the maximum permitted number of residential units is the sum of the total permitted on the principal tract and any units that would otherwise be permitted on discontinuous tracts, as defined in this Ordinance.

‘Discontiguous Tract’ shall mean a tract of land that is not a part of a Principal Tract, and is either specifically identified in the development application or is to be acquired in the future by the Township via an established Open Space Trust Fund. Such tract shall be dedicated to the Township for municipal purposes, recreation or open space, and must have been accepted by the Governing Body for such purposes. Once accepted, it may be utilized to calculate the maximum permitted number of residential dwelling units to be constructed on the Principal Tract for a development that is to be constructed under the Discontiguous Cluster Option provisions of this Ordinance.”

"Distribution center" shall mean a facility for the temporary storage and eventual distribution of goods to the primary users, used in combination with a physically and functionally connected business office which shall not be less than 4,000 square feet.

"Drainage right-of-way" shall mean the lands required by the installation of storm sewers or drainage ditches or lands or interests therein required along a natural or man-made stream or watercourse for preserving the channel and providing for the flow of water therein, so as to safeguard the public against flood damage in accordance with N.J.S.A. 7:13-1 et seq. as amended and supplemented to date.

"Drive-in/Drive-thru establishment" shall mean any eating establishment which is designed to provide, either wholly or in part, service to customers while in their automobiles on the premises.

"Dwelling unit" shall mean a house, trailer, or other structure or a portion of any building or structure designed, arranged or used for living quarters for one or more persons living as a single housekeeping unit with cooking and bathroom facilities, but not including units in hotels, motels or other similar structures designed for transient residence.

"Dwelling unit, efficiency" shall mean a dwelling unit consisting of a single room or common space exclusive of bathroom or kitchen facilities.

"Dwelling unit density (residential density)" shall mean the average number of dwelling units per acre of ground in a given location or area.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

"Dwelling, one-family" shall mean a detached building designed for, or occupied exclusively by, one family.

"Dwelling, multi-family" shall mean a building used or designed as a residence for four or more families living independently of each other and doing their own cooking therein, including apartment houses and garden apartments, but not including townhouses, motels or hotels.

"Dwelling, townhouses" shall mean more than two single family dwelling units which are attached by a common wall to each other together with individual rear and front entrances. A townhouse unit may have a front and/or rear yard design as an integral part of each unit or all townhouse units in a complex may share common outside facilities in conformance with an approved site plan. A townhouse dwelling unit has its own separate storage area and heating system and is considered to be an independent operating unit.

"Easement" shall mean a restriction established in a real estate deed, or shown and defined on the filed map of a subdivision, to permit the use of land by the public, a corporation, or particular persons for specific uses.

"Facade" shall mean the total exterior wall surface, including door and window areas, of any side of a building.

"Family" as included in the term single family and as may be used elsewhere in this chapter shall mean one or more persons, limited in number under the applicable housing code provisions, whether related by blood, marriage, or adoption, or unrelated, occupying a premises and living as a single nonprofit bona fide housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or similar group, nor shall it include any group of persons whose use or occupancy of any dwelling is or is intended to be temporary. As utilized herein bona fide housekeeping unit shall mean a relationship between persons for maintaining a common household in a style generically characterized by a stability, permanency and functionality which in all respects, and to all outward appearances, presents a picture very much akin to that of a traditional family.

"Family Day Care Home" shall be as defined in the Municipal Land Use Law (C. 40:55D-66.5).

"Farm" shall mean a lot, as defined herein, having an area of not less than five acres and used exclusively for agricultural purposes as defined by this chapter. A single family dwelling may be part of a farm.

"Fast food restaurant" shall mean any restaurant or eating establishment which primarily serves pre-packaged or pre-made meals for consumption on or off premises.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

A fast food restaurant may or may not have tables, and the patron obtains food directly from the dispensing counter. The term "fast food restaurant" shall include drive-in / drive thru restaurant.

"Fence" shall mean a structure above the surface of the ground to enclose a yard or create a barrier.

"Fence — Solid Architectural" shall mean any fence of which the structural components form a solid or nearly solid visual and physical barrier. Examples of such fences include a "board-on-board" fence, a picket fence where the openings between the slats are less than the widths of the slats, or a stockade fence. Chain link fences without slats, and picket fences where the gaps are equal to or greater than the width of the slats shall not be considered to be solid architectural fences.

"Finished grade" shall be the ground elevation measured directly adjacent to a building.

"Flood fringe area" shall mean that portion of the flood hazard area outside of the floodway based on the total area inundated during the regulatory base flood plus twenty-five percent of the regulatory base flood discharge.

"Flood hazard area" shall mean that portion of the flood plain consisting of the floodway and the flood fringe area.

"Flood plain" shall mean the channel and the relatively flat area adjoining the channel of a natural stream or river, which has been or may be covered by floodwater.

"Floodway" shall mean the channel of a natural stream or river and portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

"Floor" shall mean the lower surface of each story, attic or basement of a building.

"Floor area" shall mean the horizontal area of a floor of a building measured from the exterior faces of walls of each such floor.

"Floor area, gross" shall mean the area of all floors of a building including interior halls, mezzanines, and finished storage space, including basement area. Exterior balconies, garages, and unfinished and unoccupied basements or attics shall not be included in the calculation of gross floor area.

"Floor area ratio" shall mean the gross floor area of all principal and accessory buildings on a lot divided by the total lot area. (Amended January 5, 1994 - Ordinance 1657)

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

"Garage, parking" shall mean a building which is used for commercial purposes and is used only for the storage of motor vehicles.

"Garage, private" shall mean an accessory building or part of a principal building used only for the storage of motor vehicles as an accessory use. In a residential zone, a garage is intended for and used for storing personal belongs of the family or families residing in the principal residential use on the lot. In a residential zone, a detached garage can be no larger than two spaces or 24' X24'.

"Golf Course/Country Club" shall mean a facility which includes a golf course which has minimum of 9 holes, and may contain other recreational facilities such as tennis courts, banquet/dining halls, residential facilities for year round and seasonal staff, and accessory maintenance/storage buildings which are customarily associated with Golf Courses and Country Clubs.

"Gun Shop" is a retail establishment where the primary activity is the sale and service of guns and portable firearms and accessories.

"Height, building" shall mean the vertical distance, in feet, measured from floor elevation of the first floor of the building to the highest point of the roof. For the purposes of this calculation, the first floor of the building shall be that floor which is above finished grade, but no more than 54" above finished grade, at any point in the architectural front of the building excluding the area of any attached garage. In the event that the first floor which is above finished grade is more than 54" above finished grade at any point in the architectural front of the building, building height shall be measured from the finished floor of next lowest level of the building, whether it be a story above grade, a basement or a crawl space. Chimneys, spires, water towers, elevator penthouses, tanks, and similar projections, other than signs, shall not be included in calculating building height. Mansard roofs shall be considered a roof for the purposes of determining building height.

"Height, structure" shall mean the greatest vertical distance, in feet, measured any point of a structure, other than a building, to the ground immediately below.

"Height, wireless telecommunications tower" shall mean the distance measured from the finished grade to the highest point on the tower or other structure, including the base pad and any antenna.

"Home professional office" shall mean professional offices, located within the residence of the proprietor, which do not generally require client visits to the site. Examples of such professions include engineers, architects, accountants, professional planners, and attorneys. Medical and dental offices shall not be included in home professional offices. Any home professional office approved under the provisions of this Ordinance shall require an annual permit from the Township, which would require an annual inspection

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

of the premises in order to determine that the use is in compliance with the provisions of this Ordinance.

"Hotel/Motel" shall mean a building containing furnished rooms without kitchen facilities, and used, rented, or hired out to be occupied for sleeping purposes by transient guests who have their residence elsewhere. A general kitchen, dining room, or meeting rooms may be provided within the building or as an accessory building. Customary hotel/motel services must be provided such as, but not limited to, maid services, laundering of linen, telephone and secretarial or desk service and the use and upkeep of furniture.

"Houses of Worship" shall mean a building or buildings where congregants gather to worship and practice their faith. A house of worship shall contain a sanctuary or similar space of which the primary purpose is to conduct religious services, weddings and similar religious rites. Houses of Worship may also contain administrative offices as well as educational, social and recreational facilities, both indoor and outdoor, which are intended to primarily serve the members of the congregation.

"Landscaped area" shall mean areas containing trees, shrubs, and ground covers, pervious pedestrian and recreation areas, ponds, streams or any other areas or features which can be reasonably included, but shall not include areas occupied by buildings or structures, paving for parking, loading or access thereto, required buffers, impervious sidewalks, or areas utilized for outside storage. Required landscaped area shall be calculated by subtracting any required buffers, and undeveloped wetlands or floodplains, from the total lot area and multiplying the remaining lot area by the minimum percent of landscaped area required for the zone in which the property is located.

"Lot" shall mean a designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon.

"Lot area" shall mean an area of land which is determined by the limits of the lot lines bounding the area and shall be expressed in terms of square feet.

"Lot area, buildable" shall mean the total area of any lot or tract upon which any building or structure may be constructed, or upon which the density of a cluster development may be calculated. Buildable lot area shall be the total lot or tract area, less any required buffers, less any undeveloped wetlands or flood plains which are located outside the required buffers, less the required 25% landscaped area. Buildable lot area shall be calculated as follows:

Buildable lot area = (total lot or tract area - minus required buffer area - minus undeveloped wetlands or floodplains located outside any required buffer area) X 75%.

"Lot, corner" shall mean a lot at the junction of and fronting on two or more intersecting streets. All lot lines that front on a street shall be considered front lot lines. The lot lines

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

or lines generally parallel to the architectural rear of the building shall be considered the rear lot line or lines.

In the case of a building facing toward the interior angle, rather than solely on one street frontage, there shall be no side lot lines, and any lot lines other than those considered front lot lines shall be considered to be rear lot lines.

Corner lots shall provide the minimum front yard setback for the respective zone for all intersecting streets. Where a building faces solely on one street, the required rear yard shall be provided on the side of the architectural rear of the building.

In residential zones, corner lots on collector, major, or arterial streets shall have driveway access only to the street of lesser traffic classification. Such driveway shall be a minimum of 50' or two-thirds of the lot frontage, whichever is less, from the corner of the parcel at the intersection of the streets.

"Lot coverage - building" shall mean the proportion of the buildable lot area, expressed as a percent, that is covered by the maximum cross section of a building or buildings, including accessory buildings. Where lot coverage is not specified as to building or impervious, lot coverage - building shall apply.

"Lot coverage - impervious" shall mean the proportion of the buildable lot area, expressed as a percent that is covered by the maximum cross section of all impervious surfaces and buildings, including accessory buildings.

"Lot depth" shall mean the shortest horizontal distance between the street line and the rear lot line.

"Lot, Flag" shall be any lot for which the only street access is via a narrow segment of land which cannot accommodate a conforming principal building at the required front yard setback and which has a larger developable area to the rear, with no other usable street frontage.

"Lot frontage" shall mean the horizontal distance between side lot lines measured along the street line. The minimum lot frontage shall be no less than 60 percent of the required minimum lot width. In the case of a corner lot, both frontages must meet the required lot frontage.

"Lot line" shall mean the boundary line of a parcel of land as shown on a certified filed map or as defined by a filed map or both. A lot line shall not be considered unless the lot is legally subdivided.

"Lot line, rear" shall be the lot line opposite the architectural rear of a building, or running generally parallel to the front lot line if no building exists on the lot. On a flag

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

lot, any lot line which abuts the rear yard of an adjacent lot shall be considered a rear lot line. Every lot must have a rear lot line which shall be at least as long as 50 percent of the required lot width.

"Lot Width" shall mean the straight and horizontal distance between side lot lines at points on each side lot line measured at the minimum required building setback line.

"Lot, through" shall mean a lot running through from one street to another. A corner lot shall not be considered a through lot.

"Minor Site Plan Committee of the Planning Board." At the election of the applicant, applications for minor site plan approval which do not require the granting of any new variances, will be submitted to the Administrative Officer of the Planning Board for review by the Minor Site Plan Committee. Said Minor Site Plan Committee shall review the application and if approved by unanimous vote, report and recommend approval of the application, without the necessity of a hearing, to the full Planning Board. The Planning Board shall act upon said recommendation of the Minor Site Plan Committee within forty-five (45) days of the submission of a completed application to the Administrative Officer, or within such period of time which may be consented to by the applicant. Should the full Planning Board not accept the recommendation of the Committee by a majority vote, the applicant shall be required to file an application for minor site plan approval to be presented to the full Planning Board. The applicant will be required to pay the fees as set forth for minor site plan approval, however, a credit shall be applied to any fees or escrow deposits paid for review by the Minor Site Plan Committee.

"Motel." See Hotel.

"Open space" shall mean any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental and related to the natural openness of the land.

'Open Space Trust Fund' shall mean a trust fund, established by the governing body of the Township of Ocean, which will be used to acquire, preserve, develop, improve and maintain lands for open space, conservation, historic preservation, farmland preservation, recreation, and parkland and/or for payment of debt service on indebtedness issued or incurred for acquisition, preservation and development of such lands acquired for open space, conservation, historic preservation, farmland preservation, recreation or parkland.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

"Owner" shall mean any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence proceedings under this chapter to effect a subdivision of land hereunder for himself or another.

"Parking space" shall mean an off-street space available for the parking of a motor vehicle.

"Personal Trainer" is an individual skilled in providing one-on-one physical and/or rehabilitative training to another individual. A personal trainer would not include those individuals who provide group lessons or training in a health club or other similar environment. Nothing in this definition is meant to preclude more than one personal trainer at any one location.

"Planned Adult Community" (PAC) shall mean a single contained development which shall be limited to occupancy by households where the head of household, or the spouse of the head of household, is a minimum of 55 years old and where no persons under the age of 18 are permanent residents.

"Planning Board" shall mean the officially appointed Planning Board of the Township of Ocean, New Jersey.

"Plat, final" shall mean the final map of all or portion of the subdivision which is presented to the municipal agency as provided for in the Land Use Procedures section (Article III) of this ordinance.

"Plat preliminary" shall mean a preliminary map indicating the proposed layout of the subdivision which is submitted to the Municipal Agency as provided for in the Land Use Procedures section (Article III) of this ordinance.

"Plat, sketch" shall mean the sketch map of a subdivision of sufficient accuracy for submission to be used for the purpose of discussion and classification and meeting the requirements of this chapter.

"Plaza" shall mean an open area that may be improved and landscaped surrounded by buildings or access ways/parking to include seating and fountain and/or water elements.

'Principal Tract' shall mean the tract of land upon which all residential development for a Discontiguous Cluster Option development is constructed. The Principal Tract must be entirely located within the zone in which the proposed use is permitted. It may consist of one or more tax lots provided that every tax lot has a common lot line with at least one other tax lot in the Principal Tract, and may not be physically separated by public streets, other tax lots or other means. In the event of split zoned lots, only those

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

portions of any tax lot that are located in the zone or overlay zone in which the use is permitted shall be a part of the Principal Tract.

"Public Utility" shall mean any utility which is operated by a municipal, county, or State agency or government, or any other utility which is governed by N.J.S.A 48:2-13 of the Laws of the State of New Jersey.

"Projection" shall mean an extension of a building which protrudes or juts out from the vertical plane of the building not more than two feet.

"Recreational establishment" shall mean a building which is utilized primarily for the purpose of recreational uses including health clubs, gymnasiums, tennis clubs, indoor batting cages, and similar recreational facilities. Community Recreation Centers shall be considered recreational establishments for the purpose of this ordinance.

"Right-of-way" shall mean the land and space required on the surface, subsurface, and overhead for the construction and installation of materials necessary to provide passage for vehicular traffic, pedestrians, utility lines, poles, conduits and mains, signs, hydrants, trees and shrubbery and the proper amount of light and air as established by local authority, and shall be measured from lot line to lot line.

"Satellite Antenna or Dish" shall mean dish shaped antenna used for the purpose of transmitting or receiving electronic signals.

"School, boarding" shall mean a parochial school which provides residence halls or dormitories for boarding of students.

"School, parochial" shall mean a facility or use primarily for the education and instruction of individuals in academic or religious subjects and operated on a not-for-profit basis, from Kindergarten through Grade 12, and administered, supervised and directly affiliated with an exempted nonprofit organization.

"School, private" shall mean a facility or use primarily for the education and instruction of individuals in vocational, technical, academic, arts, or similar subjects. Examples of a private school include a dance studio, modeling school, karate or gymnastics school, vocational school. A child day care center or pre-school shall not be considered a private school.

"School, public" shall mean any school operated under the administrative authority of a duly constituted State, county, regional or municipal Board of Education.

"Screening" shall mean a visual barrier made up of planted or architectural materials for the purpose of preventing the view of an object or area by the general public or from adjacent properties.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

"Senior Citizen Apartment" shall mean any dwelling unit within a private residential community in which at least eighty percent (80%) of the dwelling units are permanently occupied by at least one (1) person 55 years of age or over, every unit shall be occupied by at least one (1) person of age 48 or older, and in which no children under the age of 19 are permitted to reside on a permanent basis. Appropriate restrictive covenants shall be imposed upon the community to ensure compliance with these age restrictions and with the "housing for older persons" exemptions of the Federal Fair Housing Act, 42 USC 3601, et seq."

"Senior Independent Living Facility" shall mean any residential facility, whether or not licensed by the State of New Jersey, which is a single contained development consisting of multi-family dwelling units in one or more buildings or structures in which at least eighty percent (80%) of the dwelling units are permanently occupied by at least one (1) person 55 years of age or over, every unit shall be occupied by at least one (1) person of age 48 or older, and appropriate amenities, as required by the Federal Fair Housing Act, are provided, with no resident being younger than 19 years old. In the event of the death of the widow or widower who is 55 years old, any remaining resident not 55 years old but older than 19 may continue to reside in the unit for the remainder of the term of the existing lease and for one additional lease renewal providing said renewal is not longer than twenty-four months. The facility shall include a kitchen and a space for congregate tableside dining, common leisure and recreation areas for residents, and offices for administration of the facility.

"Service drive" shall mean a roadway at least 22 feet in width which provides common access to two or more uses and, where adjacent to a public right-of-way, is separated from that right-of-way by a planting strip at least twenty-five feet wide.

"Setback" shall mean the minimum horizontal distance between the front, rear or side lot lines and the closest part of any building. When two or more tax lots under one ownership are used, the exterior property lines so grouped shall be used in determining setback, provided that the lots are merged into one parcel. The front setback shall be measured from any future right-of-way line as adopted in the Master Plan. The term "setback" is synonymous with "required setback" and shall mean a line beyond which a building or structure is not permitted to extend.

"Shopping Center" shall mean a commercial site consisting of the following:

a minimum of 3 acres, exclusive of flood plain and wetlands;

10 or more separate business establishments which would otherwise be permitted within the zone, provided that a minimum of 50% of such uses are retail sales or service establishments.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

The site may consist of several adjacent parcels under separate ownership, provided the parcels have a common lot line and are developed as a single site with a single approved site plan. For the purpose of this definition, retail service establishments shall not include professional or general office uses, but shall include such uses as restaurants, beauty salons, dry cleaning services, and banks.

"Sign" shall mean any device, structure, or object including painted wall signs for visual communication that is used for the purpose of advertising the establishment, activity, or property on which the display is exhibited, but not including any one flag of any governmental or quasi-public club or organization.

"Sign area" shall mean the maximum projected area of the shape which encloses the sign, device or representation. In the case of lettering attached to building facades, the sign area shall be the product of the maximum vertical dimension multiplied by the maximum horizontal dimension of all lettering and symbols which form the sign, including the empty space between the letters and symbols.

"Sign, free-standing" shall mean a sign not attached to any building. For the purposes of this ordinance, a billboard shall not be considered a free standing sign.

"Sign, overhanging" shall mean a sign attached to and perpendicular to an exterior wall of a building.

"Sign, roof" shall mean a sign attached on a roof that projects higher than the highest part of the building. Also includes signs inscribed or painted on a roof except as required by the Federal Aviation Administration.

"Site Plan - Amended" shall mean an amendment of an approved site plan provided that:

- a. the construction and site work on the approved site plan have not been completed;
- b. proposed changes are incidental to the approved plan;
- c. and the building square footage, parking and/or loading requirements, and runoff will not be increased.

"Site Plan - Major" shall mean any site plan which is not a Minor Site Plan or Amended Site Plan.

"Site Plan - Minor" shall mean any proposed alteration of an approved site plan or building exterior for which construction has been completed which does not involve any of the following:

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

- a. The creation of or the need for additional parking or loading spaces;
- b. The construction of additional impervious surface totaling more than two percent of buildable lot area; or,
- c. An increase in building coverage of more than two percent of buildable lot area.

The addition, deletion, or relocation of doors and windows or the construction or re-construction of the roofline of an entire building, or the erection of canopies pursuant to Section 21-53.6 shall not constitute a minor site plan.

"Sporting goods store" is a retail establishment for the sale of equipment and clothing for use in recreational pursuits. While the sale of guns and firearms is permitted, such sales must be accessory to the overall operation of the establishment.

"Story" shall mean that portion of a building that is accessed by an exterior doorway or permanently installed stairs and is included between the upper surface of a floor and upper surface of the floor or roof next and directly above.

"Story above grade" any story having its finished floor surface more than 54" above the finished grade at any point in the architectural rear of the building or more than 36" above finished grade at any point in the architectural front of the building. A ground level parking garage shall not be considered a story.

"Stream right-of-way" shall mean the distance or width located on both sides of a stream or watercourse which has been dedicated, deeded or granted by easement to any government agency for stream right-of-way or which has been indicated in an officially adopted stream improvement program.

"Street" shall mean any street, avenue, boulevard, road, parkway, viaduct, drive or other way: (1) which is an existing State, county, or municipal roadway; or (2) which is shown upon a plat heretofore approved pursuant to law; or (3) which is approved by official action as provided by law; or (4) which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

"Street, alley" shall mean a minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting a street.

"Street, arterial" shall mean street used primarily for traveling between communities and designed to handle greater volumes of traffic than local or collector streets.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

"Street, collector" shall mean those streets which carry traffic from minor streets to the major and arterial streets.

"Street, cul-de-sac" shall mean a local dead-end street terminating in a circular turnaround generally not used for ingress and egress by more than ten abutting lots.

"Street line" shall mean that line determining the limit of the highway rights of the public. Street line and right-of-way line are synonymous.

"Street, loop" shall mean a continuous local street whose entrance and exit are parallel or nearly parallel to each other and generally not used for ingress and egress by more than 50 abutting lots.

"Street, major" shall mean those streets that form a continuous network connecting all arterial streets and provide through traffic movements and serve adjacent commercial, industrial and residential uses.

"Street, minor" shall mean those streets that need be entered only for stopping at a destination on that street and which need not be used for general circulation or through traffic.

"Street, residential" shall mean a street or portion thereof which is located in a residential zone.

"Structure" shall mean a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

"Subdivider" shall mean any individual, firm, association, syndicate, co-partnership, corporation, or other legal entity commencing proceedings to subdivide the land for himself or for another according to the provisions of this chapter.

"Subdivision, amended" shall mean an amendment to an approved subdivision which:

- a. does not change the number of lots created by the original subdivision;
- b. does not create any new variances;
- c. does not involve additional off-tract improvements, or the alteration of previously approved off-tract improvements;
- d. does not involve the reduction of dedicated open space.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

"Subdivision committee" shall mean a committee or the planning administrator, when so appointed by the Chairman of the Municipal Agency, for the purpose of classifying subdivisions in accordance with the provisions of this chapter and of performing such other duties relating to land subdivision as may be conferred on this committee by the Municipal Agency.

"Subdivision, Major" any subdivision not classified as a minor or amended subdivision.

"Subdivision, Minor" shall mean a subdivision of land for the creation of not more than four lots, provided that such subdivision does not involve:

- a. a planned development;
- b. any new street; or
- c. the extension of any off-tract improvement.

"Swimming pool and tennis courts, private" shall mean a swimming pool and tennis court located as an accessory to a residential use on the same lot as the principal use it serves, is utilized only by the occupant of the residence or his non-paying guests and is not operated for profit.

"Swimming pool and tennis courts, public" shall mean a swimming pool and tennis court open to the general public or open to members only of a club or organization whether operated for profit or not.

"Tower" see wireless telecommunications tower.

"Use, principal" shall mean the primary purpose for which a specific lot is designed, arranged, intended or for which it is or may be occupied or maintained.

"Use, accessory" shall mean a use which is incidental to that of a principal use on the same lot.

"Use, permitted" shall mean a use of a building or land that conforms with the provisions of this chapter.

"Use, nonconforming" shall mean a use of a building or land that does not conform with the provisions of this chapter for the zone in which it is located.

"Use, public" shall mean any use of land or structures thereon which is owned and used by the federal, State, county or municipal governments. Public use shall also include property not owned by a governmental entity but is leased or used for that purpose.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru December 31, 2010 – Ordinance #2140  
Article II - Definitions**

"Use, residential" shall mean the use of a building or part as a dwelling unit.

"Use, quasi-public" shall mean any use which is a public gathering place, but not publicly owned, which is non-profit and not commercial in nature. The term "quasi-public" shall mean the same as the term "semi-public".

"Wireless Telecommunications Tower" shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

"Yard" shall mean an open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky, except as otherwise provided in this chapter. The minimum required yard shall be the same as required setback.

"Yard, front" shall mean the yard extending across the entire width of the lot between the street line and the required front setback.

"Yard, rear" shall mean the yard extending across the entire width of the lot between the rear lot line and the required rear setback.

"Yard, side" shall mean a yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the required side setback.

"Zoning Board of Adjustment" shall mean the officially appointed Zoning Board of Adjustment of the Township of Ocean.

### ARTICLE III. LAND USE PROCEDURES

#### 21-7 Purpose.

It is the intent of this section that the procedural requirements of the Municipal Land Use Law (N.J.S. 40:55D-1 et seq.) govern the Land Use Development Procedures of the Township of Ocean. There are, however, several instances where the MLUL requires a municipality to make choices among alternatives. This chapter identifies the choices made by the Township of Ocean. The Municipal Land Use Law should be referenced for all other provisions.

#### 21-8 Requirements for Submittal of Application for Development.

An application for development, as defined in the Municipal Land Use Law, shall be required as provided for in this Ordinance.

#### 21-9 Fees.

##### 21-9 Fees.

The Municipal Agency shall charge fees which shall be non-refundable and which shall be for the purpose of offsetting in-house administrative, clerical, and technical costs, exclusive of expenses for professional consultants, such as legal, planning, engineering, and other professional fees, costs and expenses. Such professional fees shall be designated as escrow fees as referred to hereinafter.

The Township shall furnish a copy of the fee schedule upon request.

##### a. SITE PLANS:

Acres	<u>PRELIMINARY</u>	Per Acre
0 – 2	\$ 850.00	
2 - 10	1,700.00 plus	\$ 400.00
10 - 25	4,900.00 plus	200.00
25 - 100	7,900.00 plus	100.00
100 - up	15,400.00 plus	50.00

Acres	<u>FINAL</u>	Per Acre
0 – 2	\$ 350.00	
2 - 10	600.00 plus	\$125.00
10 - 25	1,600.00 plus	75.00
25 - 100	2,725.00 plus	50.00
100 - up	6,475.00 plus	25.00

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 – Ordinance #2140**  
**Article III - Land Use Procedures**

AMENDED SITE PLAN:	\$850.00
MINOR SITE PLAN:	\$850.00
MINOR SITE PLAN SUBCOMMITTEE REVIEW: If required by the Planning Administrator (Amended November 20, 1995 – Ordinance 1716)	\$350.00
EXTENSION OF SITE PLAN APPROVAL: Pursuant to N.J.S. 40:55D-52:	\$350.00
TRASH AND RECYCLABLE MATERIALS STORAGE AREA: (Amended March 19, 1997 – Ordinance 1770)	\$125.00
FLAG LOCATION PLAN: (Amended October 24, 2001 – Ordinance 1901)	\$125.00

**WAIVER:**

The site plan fee may be waived by the Township Council by resolution upon application by non-profit corporations devoted to recreational purposes under Title 15 of the Revised General Statutes of New Jersey and applications by the Fire Districts and Sewerage Authority within the Township of Ocean.

**b. SUBDIVISIONS:**

Classification (required on all subdivisions):	\$100.00
Amended Subdivision	\$800.00
Minor ( 2 – 4 Lots)	400.00 plus 100.00 per lot
Major - Preliminary	300.00 plus 100.00 per lot
Final	100.00 plus 50.00 per lot

**c. VARIANCES**

40:55D-68 (Certification of Use) :	\$275.00
40:55D-70a (Appeals) :	\$275.00
40:55D-70b (Interpretations) :	\$275.00

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 – Ordinance #2140**  
**Article III - Land Use Procedures**

40:55D-70c	(Hardship) Single Family Residential:	\$200.00
	All others:	\$500.00
40:55D-70d	(Use) Single family residential per unit	\$275.00
	Multi-family residential and Townhouse:	\$525.00
	Commercial and Industrial:	\$1,500.00
	All others:	\$1,500.00
d.	Conditional Uses:	\$350.00
e.	Official Map Appeals:	\$275.00
f.	Appeals to Governing Body:	\$275.00
g.	Certified List of Property Owners within 200 feet.	\$10.00
h.	Whenever an application for development shall include more than one request or action, the total accumulated fees of each separate action shall be charged.	
i.	Professional Review Fees. The Municipal Agency may require the payment of fees into an escrow account for the purpose of reimbursing the Township for direct fees, costs, charges, and expenses of professional consultants retained by or on behalf of the Township, its Boards or agencies and employees and staff of the Township, its Boards or agencies in reviewing and testifying and/or assisting the Township in the processing of applications pursuant to the ordinances of the Township and/or assisting the Township in evaluation, planning, and proper design of municipal services and facilities in order to meet the needs of the proposed project. Such escrow account will be based upon the following schedules:	

Site plans:

Major (Preliminary and/or Final):

<u>Acre</u>	<u>Total Initial Escrow Fee</u>
0 - 2	\$ 2,000.00
2 - 10	3,500.00
10 – 25	5,000.00
25 – 100	10,000.00
100 – up	15,000.00
Minor Site Plan:	\$1,500.00

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 – Ordinance #2140**  
**Article III - Land Use Procedures**

Minor Site Plan Subcommittee Review if required by Planning Administrator: (Amended November 20, 1995 – Ordinance 1716)	\$500.00
Amended Site Plan:	\$1,500.00
Extension of Site Plan Approval: (Pursuant to N.J.S. 40:55D-52)	\$500.00
Billboard Relocation:	\$2,000.00
<b>SUBDIVISIONS:</b>	
Amended	\$1,500.00
Minor (2 - 4 lots)	2,000.00
Major (5 – 12 lots)	2,000.00
(13 – 24 lots)	4,000.00
(25 – 50 lots)	5,000.00
(51 – up)	10,000.00
40:55D-68 (Certification of Use)	\$1,000.00
40:55D-70a (Appeals):	1,000.00
40:55D-70b (Interpretations):	1,000.00
40:55D-70c (Bulk Variance) Non-residential	500.00
40:55D-70d (Use Variance):	2,000.00

No professional reviews will be undertaken until the escrow has been established. If, in the judgment of the Planning Board or Board of Adjustment, additional funds are required after 75% of the original escrow account has been exhausted, these monies shall be paid to the appropriate account or accounts.

- j. The fee for inspection for improvements for site plans, subdivisions, and single lot residential development shall be calculated at the rate of 5% of the cost of the improvements or \$500.00, whichever is greater.

For those developments for which the fees are \$10,000.00 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the fees. When the balance on deposit drops to 10% of the fee because the amount deposited by the developer has been reduced by the amount paid to the Municipal Engineer for inspection, the developer shall make additional deposits of 25% of the fees. The Municipal Engineer shall not perform any inspections if sufficient funds to pay for those inspections are not on deposit.

k. Special Meetings for Planning Board or Board of Adjustment.

If the Board of Adjustment or Planning Board is requested to, and decides to hear an application at one or more special meetings, the applicant(s) shall pay an additional two thousand five hundred (\$2,500.00) dollars for each special meeting at which the matter is heard.

l. Conceptual Review. At the request of the developer, the Planning Board shall grant an informal review of a concept plan for development for which the developer intends to prepare and submit an application for development. The fees for such an informal are:

Application fee	\$150.00
Escrow fee for Professional Review	\$250.00

The amount of any application fees for such an informal review shall be a credit toward fees for the application for development it applied for within 180 days of such an informal review.

m. Legal Reviews by Township Attorney

Guarantee Review:	(per review)
Review of Performance Guarantee by Township Attorney	\$150.00
Review of Maintenance Guarantee by Township Attorney	\$150.00
Guarantee Review:	(per review)
Preparation of Developer's Agreement by Township Attorney	\$500.00
Prepare extension to Developer's Agreement	\$150.00
Miscellaneous reviews -- Master Deeds, Certificates of Incorporation, Bylaws, Unit Deeds, etc.	\$150.00

n. Site Plan Charges Computation

In cases where only a portion of a parcel or site are to be involved in the proposed site plan, the site area charge shall be based upon an area extending 20 feet outside the limits of all construction, including grading and landscaping as well as all other areas of the site the Township Engineer believes are reasonably affected by the development application. The 20 feet around the disturbed area shall not extend beyond the property lines. The Township may still require reasonable

improvements and upgrading to portions of the site not within the disturbed or affected areas.

o. Grading Plans --

Pools	\$250.00 for the original submittal and site visit. \$ 75.00 for each re-submittal or re-inspection \$250.00 for the final as-built submittal and site visit \$ 75.00 for each final as-built re-submittal or re-inspection
Single lot, residential	\$300.00 for the original submittal and site visit. \$ 75.00 for each re-submittal or re-inspection. \$300.00 for the final as-built and site visit. \$ 75.00 for each final as-built re-submittal or re-inspection.

Fees for Inspection and Management of Stormwater Detention and Retention Systems shall be listed in SCHEDULE I STORMWATER MANAGEMENT FUND CALCULATION as provided at the end of this Chapter

p. Zoning Permits: shall be required for the following items:

Fences:	\$35.00
Sheds under 101 square feet:	\$50.00
Driveways and patios:	\$35.00

q. Zoning Letters:

Residentially zoned property:	\$75.00
All others:	\$125.00

**21-10 Application on File Prior to Hearings.**

Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least 21 days before the date of the hearing during normal business hours in the office of the Administrative Officer. This requirement may be reduced by the Municipal Agency, at the request of the applicant, for revisions of plans and documents previously submitted as a part of the application, but in no case shall the any documents be on file for a period of time less than that required by the Municipal Land Use Law.

**21-11 Notice of Applications: (40:55D-12).**

Public notice of a hearing on an application for development, including appeals of determinations of administrative officers and for requests for interpretations pursuant to 40:55D-70, shall be given by the applicant at least ten days prior to the date of the hearing except for amended site plans, extension of preliminary or final site plan and subdivision approvals, minor subdivisions, and final subdivisions and minor site plans submitted to the Minor Site Plan Committee. Public notice shall be required in the event relief is requested on applications undertaken by the Planning Board in lieu of the Zoning Board of Adjustment. Public notice shall be given by publication in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality.

**21-12 When Application for Development Deemed Complete; Waiver of Defects: (40:55D-10.3).**

An application for development shall be complete for purposes of commencing the applicable time period for action by a Municipal Agency when so certified by the Administrative Officer. In the event that the Administrative Officer does not certify the application to be complete within 45 days of the date of its submission, the application shall be deemed complete upon the expiration of the 45 day period for purposes of commencing the applicable time period unless:

- a. The application lacks information indicated on the checklist adopted by ordinance contained in the Land Development Ordinance of the Township of Ocean and provided to the applicant; and
- b. The Administrative Officer has notified the applicant, in writing, of the deficiencies in the application within 45 days of submission of the application. The applicant may request that one or more of the submission requirements be waived, in which event the agency or its authorized committee shall grant or deny the request within 45 days. Nothing herein shall be construed as diminishing the applicant's obligation. The Municipal Agency may subsequently require correction of any information found to be in error and submission of additional information not specified in the ordinance or any revisions in the accompanying documents as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Municipal Agency.

**21-13 Appeal to Governing Body**

Any interested party may appeal to the governing body any final decision of the Board of Adjustment approving an application for development pursuant to C. 40:55D-70d. of the Municipal Land Use Law as amended. Such appeal shall be made within ten days of the date of publication of such final decision pursuant to C. 40:55D-10i. The appeal to the governing body shall be made by serving the municipal clerk in person or by certified mail with a notice of appeal specifying the grounds thereof and the name and address of the appellant and name and address of his attorney if represented. Such appeal shall be decided by the governing body only upon the record established before the Board of Adjustment.

### **21-14 Planning Board Membership**

- a. There is hereby established a Planning Board of nine members consisting of four classes pursuant to N.J.S. 40:55D-23.
- b. There shall be two alternate members to the Planning Board pursuant to N.J.S 40:55D-23.1.
- c. Minor Site Plan Committee of the Planning Board. A Minor Site Plan Committee shall be appointed by the Chairman of the Planning Board and shall consist of at least three (3) members of the Planning Board. The jurisdiction of the Minor Site Plan Committee shall be as set forth in the definitional section of this Ordinance.

### **21-15 Zoning Board of Adjustment**

A Zoning Board of Adjustment is hereby established and shall consist of seven members and two alternates. Members shall be residents of the municipality who shall be appointed by the governing body and who shall not hold any elective office or position under the municipality.

### **21-16 Zone Change Requests**

- a. Procedures
  1. Any developer requesting a zone change shall file with the Township Clerk a request for same and simultaneously deposit with the Township /Clerk an escrow amount for fees as hereinafter set forth.
  2. The application shall include a statement giving the following:
    - (a) Name and address of applicant:
    - (b)The name of the amendment or other alterations sought to the development regulations;

- (c) A brief narrative statement concerning the impact and effect which the proposed amendment would have on the goals and objectives of the Master Plan;
- (d) A brief narrative statement concerning whether and how the proposed amendment will further any of the purposes of the Municipal Land Use Law;
- (e) A brief narrative statement concerning whether and how the proposed amendments affect the general health, safety and welfare concerns of the municipality;
- (f) A brief narrative statement concerning why the purposes sought to be advanced by the amendment could not be addressed in a statutory recognized application for development;
- (g) Applicant shall affix to the document or statement provided any specific language which he seeks adopted as an amendment which shall be presented in an ordinance format and specifically address each section of the existing development regulations sought to be amended;
- (h) Applicant shall further provide the specific language which he seeks adopted as an amendment;
- (i) If the proposed amendment or alteration affects specific property within the Township, the document shall in addition to the above:
  - (1) Contain the address, block and lot description, size, dimensions and current zoning district of the property;
  - (2) Shall further contain a narrative statement concerning whether or not the applicant is the owner and if not whether the owner consents to the application;
  - (3) Shall also contain a narrative description of all uses and/or physical features currently in existence on the property in question and on all properties within 200 feet from any point of the property and the impact which the proposed amendment will have on these existing uses or physical features;
  - (4) Further shall contain a narrative description of the impact which the proposed amendment will have on any regional or indigenous need for low and moderate income housing.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 – Ordinance #2140  
Article III - Land Use Procedures**

- b. Fees. The fee to be charged for a zone change request shall be determined in the following manner:
1. The developer upon the filing of a zone change request shall deposit with the Township Clerk adequate funds of no less than two thousand (\$2,000) dollars to cover the costs of professional services in connection with the review of said zone change request including but not limited to reports of the Township Planner, and fees of the Township Attorney, Planning Board Attorney, and any other professional whose services are deemed necessary with respect to review of the zone change request.
  2. All monies required under this section shall be deposited by the Township Clerk in an escrow account and all disbursements to professional consultants and experts required to review the zone change request shall be charged against said account. No professional reviews will be undertaken until the escrow has been established. If, in the judgment of the Township Clerk, additional funds are required after 75 percent of the original escrow account has been exhausted, these monies shall be paid into the appropriate account or accounts. In order to expedite the processing of all the zone change requests, the Township Clerk shall notify the developer immediately upon the depletion of 75% of the funds in the escrow account.
  3. Any of the aforesaid deposit remaining in the account upon completion of the review procedure shall be returned to the developer.
  4. No Township agency shall review and/or take action on a zone change request unless all fees required have been deposited by the developer.

## **ARTICLE IV. ZONING PROVISIONS**

### **21-17 Establishment of Zones.**

For the purpose of this chapter, the Township of Ocean is divided into 20 zones known as:

R-1	- Low Density Single Family Residential Zone
R-1T	- Low Density Single Family Residential Transitional Zone
R-2	- Low Density Single Family Residential Zone
R-3	- Medium Density Single Family Residential Zone
R-4	- Medium Density Single Family Residential Zone
R-4HO	- Medium Density Single Family Residential/Home Professional Office Zone
R-5	- Medium Density Single Family Residential Zone
R-6	- High Density Single Family Residential Zone
R-7	- Garden Apartment Residential Zone
R-3/PRD	- Planned Residential Development Zone
AR3-PRD	- Affordable Housing Zone
T-1	- Transitional Office/Residential Zone
C-1	- Neighborhood Commercial Zone
C-2	- Highway Commercial Zone
C-3	- General Commercial Zone
C-4	- Regional Commercial Zone
C-5	- Limited Commercial Zone
C-6	- Community Mixed-Use Zone
I-1	- Light Industrial Zone
O-1/20	- Office/Limited Commercial Zone
O-1/40	- Office-Research Zone
O-1/80	- Office-Research-Limited Commercial Zone
O-2	- Regional Office-Research Zone
SRI	- Recreation Activities Zone

### **21-18 Official Zoning Map.**

The aforesaid zones are hereby established by the designations, locations and boundaries thereof set forth and indicated on the official zoning map to be located in the office of the municipal clerk. A general map prepared by Robert E. Rosa Associates/James W. Higgins Associates dated Feb. 3, 1992, as amended, indicating such designations, locations and boundaries, shall be attached to all copies of the Zoning Ordinance.

21-18.I Amendments. If, in accordance with the provisions of this chapter, and the Revised Statutes of the State of New Jersey, changes are made in the zone boundaries or other matters portrayed in the map by the governing body, such changes shall be made thereon promptly by the municipal clerk after such amendment has taken effect

as provided by law. For each such change in the map, note shall be made thereof in the revision box, of the date of revision, zone affected by the revision and of a brief identifying description of the revision. These changes are to be endorsed upon the map on the effective date of the amendment.

21-18.2 Unauthorized Changes; Penalty. Unauthorized and intentional changes of any kind on the map or matter shown thereon shall be punishable by a fine not exceeding two hundred (\$200.00) dollars or 90 days in jail, or both.

### **21-19 Rules for Interpretation of Zone Boundaries.**

Whenever an uncertainty or ambiguity exists as to the true location of any boundary line of any zone shown on the Map, the zone boundary lines shall be decided by the zoning officer and may be appealed to the Zoning Board of Adjustment.

21-19.1 Center Lines. Boundary lines indicated as following or approximately following streets, highways or other public or private ways, shall be construed to follow the center lines thereof.

21-19.2 Platted Lines. Boundaries indicated as following or approximately following platted lot lines shall be construed as following such lot lines as the same appear on the tax map of the Township of Ocean.

21-19.3 Municipal Lines. Boundaries indicated as following or approximately following municipal lines shall be construed as following such municipal lines.

21-19.4 Waterway Lines. Boundaries indicated as following streams, rivers or other bodies of water shall be construed as following the center lines thereof.

21-19.5 Parallels and Extensions. All distances between parallel or concentric lines or extensions or prolongations of features indicated, shall be construed to be a right angles in the case of parallel lines or radial in the case of concentric lines.

### **21-20 Regulations Applying to All Zones.**

21-20.1 Conformity Required. Except as hereinafter provided, no building or structure or part thereof, and no lot or land or part thereof, shall hereinafter be used except in conformity with the regulations herein prescribed. Any lawful use that does not conform to the use regulations of this chapter shall be deemed a nonconforming use except that uses granted as conditional uses by the appropriate municipal agency shall be deemed to be conforming uses. Any enlargement of a conditional use shall require re-application to the same agency. Use variances granted by the Board of Adjustment or granted on appeal by the governing body or appropriate court shall be deemed legal nonconforming uses.

21-20.2 Nonconformity; Variance. Except as hereinafter provided, no building or structure or part thereof shall hereinafter be erected, structurally altered, enlarged or rebuilt except in conformity with the lot dimension, yard, coverage, height and spacing regulations herein prescribed. Any building or structure that does not conform to such regulations, hereinafter referred to as the building regulations of this chapter, shall be deemed a nonconforming structure, irrespective of the use to which it is put. Building variances granted by the appropriate municipal agency shall be deemed to be conforming structures or uses.

21-20.3 Continuance of Nonconformance. Any legally established existing use of a building or structure, lot or land, or part thereof, at the time of adoption of this chapter, which use constitutes a nonconforming use under the provisions of this chapter may be continued.

21-20.4 Construction of Chapter. Unless the context indicates the contrary, the word "lot" shall include the word "plot"; the word "structure" shall include the word "building"; the word "may" is permissive. The word "use" and the word "used" refer to any purpose for which a lot or land or part thereof is arranged, intended, or designed to be used, occupied, maintained, made available or offered for use, or erected, reconstructed, altered, enlarged, moved, or rebuilt with the intention or design of using the same.

21-20.5 No Yards, Off-Street Parking and Loading and Open Space to be Used for Another Building. No yard, or part thereof, or any other open space, or off-street parking or loading space required, about, or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

21-20.6 Reduction in Dimension or Area Prohibited. No yard, lot, open space, parking or loading area or other areas required by this chapter that existed at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

21-20.7 Yards. Except as hereinafter specified in this chapter, yards required by this chapter shall be entirely free of buildings or parts thereof.

21-20.8 Corner Lots. Corner lots shall provide the minimum front yard setback requirements for the respective zone for all intersecting streets.

21-20.9 Projections. Cornices and eaves, chimneys and bay windows shall not project more than two feet over any required yard or court except that no projection shall be closer than three feet to a lot line. Any projection over two feet shall be considered part of the principal building and shall conform to all setbacks.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Zoning Provisions**

21-20.10 Ornamental Features. Sills, leaders, belt courses and similar ornamental or structural features shall not project more than six inches into any required yard or court.

21-20.11 Decks, Porches and Entries. Porches and entries, uncovered or covered, shall be considered as part of the principal building and shall not project into required yard areas, unless otherwise permitted in this chapter.

21-20.12 Through Lot. Through lots should be avoided, however in the event one exists, each frontage shall maintain the required lot width and front yard setback of the Zone in which the lot is located.

21-20.13 Location on an Improved Right-of-way. Unless specifically stated otherwise in this Section, all front yards must face on a minimum 50 feet wide right-of-way for the required frontage of the lot. No building or use will be permitted on a lot unless that lot has the above required frontage on a minimum 50 feet right-of-way, and such frontage has been improved in accordance with the minimum municipal standards for one-half the width of the right-of-way or, at the discretion of the municipal engineer, such improvements have been guaranteed by cash or bond. (Amended February 14, 2001 - Ordinance 1883)

21-20.14 Measurement From Future Right-of-Way Lines. Where a building lot has frontage upon a street which on the Master Plan or official map of the municipality is contemplated for right-of-way widening, the required front yard setback and lot area shall be calculated utilizing the proposed future right-of-way line.

21-20.15 Division of Lots. Where a lot is formed from part of another lot, such division shall be effected in such a manner as not to impair any of the requirements of this chapter with respect to any existing building or yards and open spaces in connection therewith. No permit shall be issued for the erection of a new building on a new lot thus created unless it complies with all the provisions of this chapter.

21-20.16 Soil Removal. No soil, mineral or similar material may be removed from or placed on any lot, except that which is purely incidental to the construction of a building or structure. When the quantity of cubic feet to be excavated (except for building foundations and permitted accessory uses) or filled equals or exceeds two percent of the square feet of the lot to be filled or excavated, or in any event if the change in elevation is two feet or more, a variance shall be obtained from the appropriate municipal agency. Application for said variance must contain elevations or contours at not more than two foot intervals and proposed finished grades on a map drawn to a scale of not less than one inch equals 50 feet, which map shall be furnished by a licensed engineer or land surveyor. No fill material shall consist of any type of industrial wastes, building debris, obnoxious materials, or similar substances.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Zoning Provisions**

21-20.17 Outside Display. No outside display of wares for sale, vending machines, or products manufactured on the site shall be permitted in the front yard on any lot, except as otherwise permitted by this chapter.

21-20.18 Roof Structures. Roof structures such as mechanical equipment, water towers, etc. shall be screened from public view, or designed, in such a fashion as to complement the architecture of the building.

21-20.19 Walls, Fences and Hedges. At the intersection of two or more streets, no wall, fence, hedge, or other structure shall be erected to a height in excess of two and one-half feet above curb level, nor any other obstruction to vision shall be permitted within the required sight triangle.

21-20.20 Specific Prohibition. All uses not specifically permitted in a zone are specifically prohibited in that zone.

21-20.21 Site Plan for Off-Street Parking. Site Plan approval shall be required to construct or expand off-street parking in all zones, except that no such permit shall be required for a driveway of a single family residence.

21-20.22 Trailers, Recreational Vehicles. All trailers, trailer coaches, or automobile trailers or any vehicle or structure designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade, and originally designed to be mounted on wheels or used as a conveyance or propelled or drawn by its own or other motive power and from which said wheels or other means of locomotion or transportation have been removed, shall be prohibited in the municipality. The municipal Building Inspector shall not issue a building permit, Certificate of Occupancy or other permits or certificates which will permit said trailers, trailer coaches, automobile trailers or other such vehicles, to be located within the territorial limitations of the municipality.

In residential zones, recreation vehicles, boat trailers, and boats shall be permitted to be stored in any yard but shall not be located any closer to a side or rear lot line than a permitted accessory building of similar size and height. They shall not be permitted to be stored in a front yard for periods exceeding 2 weeks. No boat or recreation vehicle shall be lived in by any person at any time. There shall be no more than one recreation vehicles stored on any residential lot at one time. There shall be no boat or recreation vehicle of more than 26 feet in length stored on a residential lot. No trailer or recreation vehicle shall be stored continuously on a lot for a period of more than one year.

21-20.23 Trailers. All trailers whose prime purpose is to sell, store, maintain, and repair goods shall be prohibited in the municipality. The municipal construction official shall not issue permits or certificates which will allow said trailers to be located within the

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Zoning Provisions**

territorial limitations of the municipality. The only exceptions are that the construction official may issue a permit for a construction office and storage trailer on any site for the period during construction and the Planning Board may grant approval for a sales trailer at new residential developments.

21-20.24 Temporary Sales. No vehicles or structures for temporary sales of any goods shall be permitted on any lot unless a site plan has been approved by the municipal agency.

21-20.25 Hazardous Areas. No dwelling or principal structure shall be erected on land which is unsuitable for improvement because it is subject to flooding or other hazards to life, health, or property, unless the owner agrees to take approved adequate measures to eliminate such hazards. Such approval must be obtained from the Planning Board. The Board shall make or instigate adequate investigation by a recognized, trained or licensed authority before granting approval and only after a public hearing thereon. Expense incurred for such investigation must be paid for by the applicant, and no certificate or permit shall be issued until payment in full is received. The exception to the above would apply to structures necessary for access and safety such as bridges, culverts, or protective walls and fences or for accessory agricultural structures, such as irrigation facilities, dependent upon access to water.

21-20.26 Compliance With Bulk Standards. Any use not permitted in a zone but for which approval is given by the Zoning Board of Adjustment shall comply with the bulk standards of the most restrictive zone in which the use is permitted, as determined by the Zoning Officer. If the use is not permitted in any zone within the Township, the standards applying to the most restrictive zone within which a similar use is permitted, as determined by the Zoning Officer, shall apply. Where no such similar use exists, the standards of the subject zone shall apply.

21-20.27 Flags and Pennants. Any multiple use or string of flags or pennants for display or to attract attention shall not be permitted in any zone. Temporary use of string of flags or pennants for grand openings only may be permitted for a period not to exceed 30 days upon approval of the construction official.

21-20.28 Flood Plains. No building or structure shall be erected within the designated 100 year flood plain as defined on the Township Flood Insurance Rate Map, prepared by the U.S. Department of Housing and Urban Development Federal Insurance Administration, dated October, 1977, as amended, or as defined in the Township of Ocean Drainage Master Plan, prepared by Schoor Engineering, Inc. dated December 1976, copies of which are on file in the office of the township engineer at the municipal building. In the event of a conflict between the two flood plain delineations, the more restrictive shall apply.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Zoning Provisions**

21-20.29 Conservation Easements. The municipal agency may require the designation of any portion of a site plan or subdivision as a conservation easement. In the event that a conservation easement is required in connection with a development application, the developer or owner shall be required to make reference to said easement and the restriction relating thereto in any future conveyances involving property which includes said easement.

No grading or removal of vegetation, with the exception of limited thinning, shall be permitted in a conservation easement. Limited thinning shall only be done with the approval and supervision of the Township Engineer or his authorized replacement.

Structures permitted to be constructed in a conservation easement shall be limited to fencing and drainage structures, and shall only be permitted by approval of the Planning Board. Fencing shall comply with all applicable requirements of this chapter.

21-20.30 Multiple principal buildings may be constructed on any lot in any zone, except that only one principal building shall be permitted on any single family residential lot in any zone.

21-20.31 Discontiguous Cluster Option

Where specifically permitted, applicants may utilize land that is discontinuous to the principal tract in order to calculate the permitted number of dwelling units for a cluster development in any zone where the Discontiguous Cluster Option is permitted.

In order to qualify for the discontinuous cluster option, the discontinuous tract must be a minimum of 1 acre in area, and must be dedicated to, and accepted by, the governing body for use for municipal purposes, recreation or open space. In the alternative, an applicant may agree to donate to an established Open Space Trust Fund, the sum of \$200,000 per acre for future acquisition of land for recreation and open space, in lieu of the actual dedication of land. In the event an applicant chooses the alternative donation of funds, payment shall be made according to the following schedule:

For single family subdivisions, the total payment due shall be divided by the number of dwelling units to establish an amount/unit to be donated per unit. A total of 1/2 of the total due (number of dwelling units x 1/2 of the donation/unit) shall be provided upon the signing of a developer's agreement between the Township and the developer for the development, or phase of the development if the development is phased. Unless otherwise specified by the Municipal Agency at the time of final approval, the balance due per unit shall be provided prior to the release of any portion of the performance bond for the development.

For Senior Citizen Apartment Option developments, payment shall be made as follows: The total due shall be divided by the total number of principal buildings in the

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Zoning Provisions**

development to determine a donation per building. A total of 1/2 if the total due per building shall be provided upon issuance of the building permit for each building in the development. The balance of 1/2 of the donation per building shall be due and paid at the time of the issuance of the Certificate of Occupancy for the building. No Certificate of Occupancy shall be issued unless the total donation per building has been paid for that building.

In the event of a detached single family residential cluster, the overall cluster development must meet the requirements for land dedicated for common use as described in Section 21-22.2.b.1.(c), including the provisions that the land dedicated for common use be a minimum of 25% of the total area of the development (principal and discontinuous tracts) and that an area dedicated for common use be a single usable area that is a minimum of 50% of the total dedicated area or 5 acres, whichever is greater.

The total permitted number of units to be constructed on the principal tract shall be calculated as follows:

a. The calculation for the number of units permitted for the principal tract shall be the area of the principal tract in acres times the permitted density for the zone of the principal tract. In the event that the principal tract is split zoned, the permitted density shall be calculated utilizing the relative areas and densities of the principal tract for each of the zones. In the event that the principal tract is located in an overlay zone, the density utilized shall be that which is permitted for the specific permitted use to which the principal tract is to be developed.

b. The calculation for the number of units that shall be calculated for a discontinuous tract shall be that which is permitted for a single family residential cluster subdivision in the zone in which the discontinuous tract is located. In the event that the discontinuous tract is located in a non-residential zone, or the applicant is utilizing the alternative of donating \$200,000 per acre to the Open Space Trust Fund, the number of units shall be calculated utilizing the area of the discontinuous tract and the density of the proposed permitted use in the zone or overlay zone in which the principal tract is located. In the event that the principal tract is split zoned, the density used shall be the average density permitted on the principal tract (the total units permitted on the principal tract as calculated in "a" above divided by the total acreage of the principal tract).

c. The total number of units permitted to be constructed on the principal tract shall be the sum of the units in "a" and "b" provided that:

1. There is no limit as to the total number of units to be constructed in the zone in which the principal tract is located.

In the event that there is a limit to the total number of units that can be constructed in the zone, the total number of units permitted on the principal tract shall not exceed the sum of “a” and “b” above, less any units that exist or have been approved for construction on other tracts in the subject zone.

2. The proposed development substantially complies with the bulk requirements for the zone for the specific permitted use.

For clarification of this requirement, it is understood that many developments require one or more “bulk” variances, and that the provisions of the MLUL with regard to the granting of “bulk” variances may be applicable in certain circumstances. However, it is the intent of this provision to require developments that substantially comply with the “bulk” provisions of this Ordinance for the specific use, rather than to relax those standards for the sole purpose of allowing the number of units calculated above to be constructed on the site. More specifically, it is the intent of this provision of the Ordinance that the “appropriate population density” of the principal tract is the lesser of that which is calculated above, and that which may reasonably be constructed on the principal tract utilizing the bulk criteria for the specific use in the specific zone.

#### **21-21 Regulations Applying to All Residential Zones.**

a. Exterior alterations which substantially change the residential character and nature of a building for the purpose of changing the use of the building, such as from a residence to a home professional office, shall not be permitted in any residential zone unless otherwise specifically permitted in this chapter.

b. There shall be no more than one principal residential building or dwelling unit erected or established on any one lot in any residential zone, except, where multi-family buildings or townhouses are permitted, more than one building or dwelling unit may be erected in conformance with development standards of that zone.

c. If a conflict arises between the permitted number of units of residences per acre and the development standards, the more restrictive standard will take precedence. Development standards are lot size, setbacks, and similar limiting provisions. This conflict may arise due to unsuitable geology of land, unusual shape, or other factors which prevent the full use of the land and still meet all development standards.

d. Outside storage of inoperable vehicles or vehicles not currently registered, licensed, insured, or being used for transportation shall not be permitted for more than 30 days.

e. Any individually registered commercial vehicle longer than 22 feet in length or 10 feet in height measured from the highest point of said vehicle excluding exhaust stacks and antennae or having a registered weight of 18,000 pounds or more, shall be prohibited from standing or parking on any property located in any residential zone.

21-21.1 Use and Occupancy of Detached Dwellings by Families Only.

- a. Use and Occupancy Regulations. For the reasons stated in paragraph b. below, the use and occupancy of detached dwellings throughout all residential districts shall be restricted to families only as defined in this subsection.
  
- b. Purpose. The preservation of "family style living" and the preservation of the character of residential neighborhoods as such are legitimate zoning goals. The Township of Ocean is concerned with maintaining the stability and permanence generally associated with single family occupancy throughout its residential neighborhoods. A municipality may endeavor, by legitimate means, to secure and maintain the blessings of quiet seclusion and to make available to its inhabitants the refreshment of repose and the tranquility of solitude. The Township of Ocean possesses these goals and, by the regulation herein contained, implements them in a manner which bears a reasonable relationship to the problem sought to be ameliorated. That problem is the use and occupancy of single family dwellings interspersed among the residential neighborhoods of the community, by groups of individuals whose living arrangements, although temporarily in the same dwelling unit, are transient in nature and do not possess the elements of stability and permanency which have long been associated with single family occupancy. Such living arrangements are not compatible with the family style living sought to be preserved. Such occupancies are in the nature of rooming houses, boarding homes, hotels, motels, and the like. Such uses do not meet the definition of family as contained in this subsection and are prohibited in detached dwellings in all residential zones. This subsection provides zoning classifications which allow for ample apartment and townhouse uses, and there are presently many such uses in existence through the Township. Ample housing exists within the Township of Ocean for those who choose to live under arrangements which do not meet the definition of family as provided in this subsection.

## **21-22 R-1 Low Density Single-Family Residential Zone.**

The purpose of the R-1 residential zone is to provide for and protect the character of the existing low density residential areas. The provisions and regulations set forth herein encourage the future development and maintenance of this area as a residential area for strictly residential purposes by prohibiting commercial development or conversions to commercial or multi-family housing.

### 21-22.1 Permitted Uses.

A building may be erected, altered, or used and a lot or premises may be occupied and used for any of the following purposes:

- a. Principal permitted uses and structures.
  1. Single family residential dwellings within a non-cluster or a cluster development
  2. Family Day Care Home
- b. Accessory buildings not to exceed 15 feet in height, structures and uses including:
  1. Private garage, not to exceed two spaces.
  2. Buildings for tools and equipment used for maintenance of the grounds, and greenhouses for hobby use.
  3. Private swimming pools and tennis courts.
  4. Signs, subject to the special conditions of this chapter.
  5. Fences and hedges subject to the special conditions of this chapter.
  6. Decks and Open Porches.
  7. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- c. The following uses are permitted subject to approval of the Planning Board and the special conditions of this chapter.
  1. Government buildings and services which are necessary to the health, safety, convenience, and general welfare of the inhabitants of the municipality. This category shall include volunteer fire companies and first aid squads.

Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - R-1 Requirements

2. Public utility installations.
3. Houses of Worship
4. Public and Parochial schools.
5. Farms.
6. Satellite antenna dishes greater than one (1) meter in diameter.
7. Golf Course/Country Clubs
8. Rehabilitation and vocational training center for the physically and/or neurologically disabled

21-22.2 Development Standards. The R-1 residential zone specified herewith shall be occupied only as indicated below and in the Schedule which is attached to this chapter:

a. Single-Family (Non-Cluster).

1. Principal buildings.
  - (a) Minimum lot size - 40,000 square feet
  - (b) Minimum lot width - 150 feet
  - (c) Minimum lot depth - 150 feet
  - (d) Minimum front yard setback  
(measured from the future street R.O.W.) - 50 feet
  - (e) Minimum side yard setback - 20 feet
  - (f) Minimum both side yard setbacks - 40 feet
  - (g) Minimum rear yard setback - 40 feet
  - (h) Minimum gross floor area  
  
Two story dwellings:  
  
First floor minimum - 1,400 square feet

Land Development Ordinance  
 Township of Ocean  
 January 8, 1992  
 As Amended thru: December 31, 2010 - Ordinance 2140  
 Article IV - R-1 Requirements

Overall minimum	- 2,700 square feet
One and one-half story dwellings:	
First floor minimum	- 1,600 square feet
Overall minimum	- 2,500 square feet
Single story dwellings	- 2,300 square feet
(i) Maximum lot coverage	
building	- 20% of buildable lot area
impervious	- 75% of buildable lot area
(j) Maximum building height	- 35 feet
(k) Maximum stories	- 2 stories above grade

2. Accessory buildings, structures and uses.

(a) More than one accessory building may be permitted on a lot. One accessory building may be permitted for which the side and rear yard setback requirements shall be no less than five feet, provided that it does not exceed ten feet in height or 150 square feet in area, and is not attached to or within ten feet of the principal building. All additional accessory buildings shall conform to the minimum setback requirements of the principal building.

(b) Accessory structures, other than buildings, intended for use or occupancy and located on or above ground, including swimming pools, tennis courts, patios, and decks or porches three feet in height or less, must maintain the required front yard setback of the principal building and a minimum ten feet setback from side and rear property lines. Decks which exceed 3' in height must maintain the required side yard setback and may extend no more than 20' beyond the required rear yard setback line provided no point of the deck floor exceeds a height of 7' above finished grade. Any deck which exceeds 3' in height and is located within the required rear yard shall have its base screened by either lattice or landscaping or a combination of the two. All other accessory structures must maintain the required front, side and rear yard setbacks of the principal building. Fences are specifically not covered by this restriction and are governed elsewhere in this chapter.

b. Single-family (Cluster).

1. General requirements and provisions for cluster residential development.

The purpose of this paragraph is to provide a method of development for residential land which will nevertheless preserve desirable open spaces, including flood plain areas, recreation and park areas and lands for other public purposes, by reducing the lot sizes without increasing the number of lots permitted.

- (a) A cluster residential development for single-family dwelling purposes shall occupy 20 acres or more and shall be a permitted use at the discretion of the Planning Board in any single-family zone. Adjacent properties may be added on to and incorporated into an existing cluster subdivision provided they are integrated with the existing cluster subdivision via common access and the area dedicated for common use meets the requirements for the overall subdivision. Where adjacent properties in a residential zone have already been developed in accordance with the cluster area requirements for the residential zone, and the proposed subdivision is not integrated into the existing cluster subdivision, the 20 acre minimum requirement shall be reduced to ten acres and five acre dedication may be reduced to three acres, provided that the Planning Board determines that the additional cluster use is not detrimental to the intent and purpose of this zone or the surrounding existing residential uses.

A single cluster residential development may be permitted on a single tract which is located in more than one residential zone provided that cluster residential development is permitted in each of the zones and provided that all lots conform to the requirements of the individual zone in which they are located. In such instances, density shall be calculated separately for the portion of the tract in each separate zone.

- (b) The proposed development shall follow all applicable procedures, standards and requirements of the ordinance governing the subdivision of land.
- (c) There shall be dedicated for common use a minimum 25 percent of the gross acreage in the cluster subdivision. This percentage shall not include streets. Of the area dedicated for common use, a minimum of 50% or 5 acres, whichever is greater, shall be a contiguous, usable area as determined by the municipal agency, and be free of floodway, flood hazard area, or slopes with gradients over 15%. In no event shall the area to be dedicated for common use be fragmented into small, unusable parcels except to conserve critical environmental areas. The Municipal Agency shall, prior to reaching its determination, confer with other interested municipal agencies as to the advisability of accepting the lands to be dedicated, and their use.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - R-1 Requirements**

- (d) At the discretion of the Planning Board, the subdivider may be allowed to reduce the minimum lot frontage, minimum lot width, minimum lot depth, and minimum lot area in accordance with the provisions of this section.
- (e) A portion of the land to be donated for public purposes shall be at least a usable, single, five acre tract.
- (f) All lands within the subdivision other than streets and building lots shall be under the ownership of a legally created nonprofit homeowners association which shall run with the land and be included in the deed according to State statutes, or shall be deeded to the municipality for public purposes. The Planning Board at its discretion may choose which method is to be used and which lands are to be so dedicated.
- (g) Lands to be deeded for public purposes shall be located, shaped, improved and developed as required by the Planning Board which shall consider the suitability, physical condition, and location of the lands in regard to its proposed uses and to the needs of the municipality in reaching its determination.
- (h) Should the subdivision consist of a number of development stages, the Planning Board may require that acreage and improvements proportionate in size to the stage being considered for final approval be donated to the municipality simultaneously with the granting of final subdivision approval for the particular stage even though these lands may be located in a different section of the overall development.
- (i) The Planning Board shall state the specific use or range of uses for which the donated public lands will be used, and this shall be included in the resolution approving the subdivision.

2. Principal buildings.

- (a) Minimum lot size - 30,000 square feet
- (b) Minimum lot width
  - 125 feet (interior lot)
  - 150 feet (corner lot)
- (c) Minimum lot depth - 150 feet
- (d) Minimum front yard setback (measured from the future street R.O.W.) - 50 feet

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - R-1 Requirements**

- (e) Minimum side yard setback - 20 feet
- (f) Minimum both side yard setbacks - 40 feet
- (g) Minimum rear yard setback - 40 feet
- (h) Minimum gross floor area
- (1) Two story dwellings:
  - First floor minimum - 1,200 square feet
  - Overall minimum - 2,400 square feet
- (2) One and one-half story dwellings:
  - First floor minimum - 1,300 square feet
  - Overall minimum - 2,300 square feet
- (3) Single story dwellings - 2,000 square feet
- (i) Maximum lot coverage
  - building - 20% of buildable lot area
  - impervious - 75% of buildable lot area
- (j) Maximum density - 1.0 units per acre of total lot area (Amended 01/05/94 - Ordinance 1657)
- (k) Maximum building height - 35 feet
- (l) Maximum stories - 2 stories above grade

3. Accessory buildings and uses. All accessory buildings and uses in a cluster arrangement shall conform to the development standards of accessory buildings and uses in the non-cluster arrangement.

21-22.3 Other Provisions and Requirements.

- a. Off-street parking is required subject to the requirements of this chapter.
- b. Landscaping is required subject to requirements of this chapter.
- c. No more than 24" of unfinished foundation shall be exposed above ground in the front of any building, and no more than 42" of unfinished foundation shall be exposed above ground in the architectural rear of any building.

21-22.4 Planned Adult Community Development Option.

The PAC Option shall be applied in only those areas of the R-1 Zone which are specified on the Official Zoning Map of the Township of Ocean. It is the purpose of the PAC option to provide an alternative form of "housing for older persons", not otherwise available within the Township, while not adversely impacting or overburdening the local street system, the school system, the sanitary sewerage system and other community services and facilities.

- a. A Planned Adult Community Option shall be permitted only if:
  1. Adequate sewers are available, or are to be made available by the applicant, to serve the proposed development; and
  2. West Park Ave. east of Green Grove Rd. and west of Route 18, and Green Grove Rd. for its entire length within the Township are improved sufficiently to accommodate traffic from the development, to the satisfaction of the Planning Board, or are to be improved to the satisfaction of the Planning Board by the applicant.
- b. In the event that the applicant elects to develop the property as a Planned Adult Community, the following shall apply:
  1. The gross residential density shall not exceed two and five tenths (2.5) dwelling units per acre of gross lot area, but in no case shall the total number of units in any PAC exceed 370. Gross residential density shall be the total number of dwelling units divided by the gross lot area of the entire Planned Adult Community development parcel.
  2. The developer shall reserve no less than 25 percent of the site for recreation and open space purposes. A minimum of five contiguous acres of usable land, not a part of any flood plain, freshwater wetlands area or freshwater wetlands area buffer, shall be reserved for recreation and open space purposes. This land may be utilized for the provision of "facilities and services specifically designed to meet the physical or social needs of older persons" as required for A PAC. The location shall be approved by the Planning Board. Title to all reserved or common land shall be held in fee simple by the Homeowners Association, except that the municipality may elect to have certain areas dedicated to the municipality.
  3. A Homeowners Association shall be required to be established by a Master Deed. Said deed shall require that the Homeowners Association establish and maintain "significant facilities and services specifically designed to meet the

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - R-1 Requirements**

physical or social needs of older persons" as required by the Federal Fair Housing Act. No more than 25% of the units in a PAC shall be occupied prior to these facilities being fully constructed and operational. Such facilities shall include:

- a. A community clubhouse. Facilities within the clubhouse shall include an all purpose room, a commercial style kitchen, restrooms and other such accommodations proposed by the applicant and deemed appropriate by the Planning Board. The minimum area of such facilities, as measured from the inside of the building walls, shall be 25 sq. ft. per dwelling unit or 9,000 sq. ft, whichever is greater.
  - b. A swimming pool, not less than 3,000 sq. ft. in area, of which a minimum of 50% shall be 4' deep or less.
  - c. Additional outdoor recreation facilities, such as a putting green, bocce courts, tennis courts, etc., geared towards senior citizens shall also be provided. Any outdoor recreation facility shall be utilized only by residents of the PAC or their guests, and shall not be available for use by the general public.
  - d. Transportation amenities, such as sheltered bus stops, or other facilities geared specifically for senior citizens shall also be provided if required by the Planning Board.
  - e. Parking for the above facilities in the amount of 1 parking space for each 100 sq. ft. of building area.
  - f. Parking of recreational vehicles or boats shall be prohibited anywhere within a Planned Adult Community. Recreational vehicles, for the purpose of this requirement, shall mean any: truck or van which has an overall length, bumper to bumper, of more than 20'; any motor home; vehicle or structure designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons; or trailer or camping "pop-up" trailer.
4. A PAC shall be of a size not less than 50 acres.
  5. A PAC shall have a minimum frontage of 1000' on Green Grove Rd. Vehicular access shall be permitted from both Green Grove Rd. and West Park Ave. provided that any access drive on West Park Ave. is a minimum of 750' from the intersection of West Park Ave. and Green Grove Rd. and provided there is a minimum of 600' of sight distance along West Park Ave. in either direction.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - R-1 Requirements**

6. Multiple road accesses from any PAC onto Green Grove Rd. shall be separated by at least 800 feet of frontage.
7. Reserved.
8. Dwelling Units shall be detached single family dwelling units or duplex units attached on a common lot line. No more than 50% of the total units shall be duplex units. The development shall utilize the following standards:

(a) Minimum setbacks from perimeter property lines:

Green Grove Rd. and West Park Ave.	- 150'
Vacant parcels and existing single family residential property	- 100'
All other developed property	- 50'

(Amended February 19, 1997 - Ordinance 1764)

(b) Minimum Lot Area - Single Family - 5,500 sq. ft.

The average lot area for all single family dwellings shall not be less than 6,000 sq. ft. and no more than 1/2 of the single family dwellings shall be on lots of less than 6,000 sq. ft

Duplex	- 5,000 sq. ft. per unit
--------	--------------------------

(c) Minimum Lot Width - 50'

(d) Minimum Lot Depth - 100'

(Amended December 3, 1997 - Ordinance 1786)

(e) Minimum Setbacks

Front Yard	- 30'
One Side Yard	
Single Family	- 5'
Duplex	- 0'
Both Side Yards	- 15'
Rear Yard	- 25'*

(Amended December 3, 1997 - Ordinance 1786)

Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - R-1 Requirements

- - In order to promote a desirable visual environment thru creative design techniques, where a minimum 100 sq. ft. open front porch or open wrap-around front porch is provided:

the front yard setback may be reduced to 25';

for lots which back up to dedicated open space the rear yard setback may be reduced to 15';

for lots which back up to other lots within the subdivision, the rear yard setback may be reduced to 15' provided the average distance between buildings is not less than 35' where buildings back up to one another, or 25' where the rear of a building faces the side of a building. The average distance shall be calculated by averaging the closest and farthest points between the 2 opposing facades as measured along lines drawn perpendicular to the common lot line.

- (f) Maximum Lot Coverage - 40% of total lot area
- (g) Maximum Building Height - (Amended December 3, 1997 - Ordinance 1786)
- |                       |       |
|-----------------------|-------|
| 1 Story Above Grade   | - 25' |
| 2 Stories Above Grade | - 30' |
- (h) Other provisions.

(1) In order to avoid a "cookie cutter" appearance to the PAC, lot widths and depths and building setbacks shall be varied. In this regard, the following criteria shall be followed:

(a) No more than 2 buildings in a row which front on the same street shall have the same architectural dimensions.

(b) On all streets, except cul-de-sac bulbs and streets where the center line radius is less than 350', one of the following measures shall be taken:

a. No more than 2 lots in a row which front on the same street shall exist without a variation in lot width of at least 10'. Lot depths shall remain consistent for all lots facing the same street frontage on any block in order to avoid irregular rear lot lines, or;

b. The plan shall provide for a variation in building side yard setbacks so that no more than 3 houses in a row which front on the

same street shall exist without a minimum 10' difference in separation of the buildings. Lot depths shall remain relatively consistent for all lots facing the same street frontage on any block in order to avoid irregular rear lot lines. Where this provision is implemented, the applicant shall restrict additions to residences by both deed restriction and a provision in the bylaws of the homeowners association. Such restriction shall become a condition of approval.

- (2) Architectural plans shall be submitted for all buildings or building types at the time of preliminary and final subdivision/site plan application. The purpose of requiring such plans is to insure the provision of a desirable visual environment as provided in the Municipal Land Use Law, and to insure that the development will comply with the floor plan requirements of this section. Architectural plans shall include floor plans and elevations indicating the styles, materials and colors of all proposed buildings or building types, including recreational buildings, maintenance buildings and residences. Building styles, materials and colors shall maintain a consistent theme throughout the PAC, but shall provide enough variety so as to avoid monotony. The Planning Board shall have the right to require the applicant to alter building styles, materials and/or colors in order to achieve the goal of a desirable visual environment.
- (3) A buffer, a minimum of 50' wide, shall be placed along all perimeter property lines abutting existing single family residences, vacant parcels, Green Grove Rd. and West Park Ave. This buffer shall include a berm a minimum of 4' high in addition to the required plantings. A minimum 25' wide buffer shall be required on all other perimeter property lines. The buffer area shall include a substantial planting of evergreen trees, shrubs and deciduous trees, and may also include fencing. A substantial portion of the buffer shall consist of 2 rows of evergreen trees spaced 10' on centers, but in order to provide visual interest these rows shall be broken up with less formal plantings of evergreen and deciduous trees and shrubs. These buffer areas may be included in the calculation of 25% open space required above.
- (4) No accessory buildings or fencing shall be permitted on an individual homeowner's lot. Accessory buildings and fencing on common land shall conform to the height and setback requirements of accessory buildings in the R-4 Zone.
- (5) Accessory structures, other than buildings, intended for use or occupancy and located on or above ground, including swimming pools, tennis courts, patios, and decks or porches less than three feet in height, must maintain

the required front yard setback of the principal building and a minimum five feet setback from side and rear property lines. For lots abutting dedicated Open Space which is a minimum of 100' wide as measured perpendicular to the rear lot line of the subject lot, decks greater than three feet in height may maintain a minimum five foot setback to the property line abutting Open Space lots. For all other lot lines, the setback of the deck shall be the greater of 10' or the required front, side, and rear yard setbacks of the principal building, except that stairs accessing such decks shall be permitted to be located a minimum of 5' from a side or rear lot line. All other accessory structures must maintain the required front, side, and rear yard setbacks of the principal building. Fences are specifically not covered by this restriction and are governed elsewhere in this chapter.

- (6) There shall be within each dwelling unit, adequate area for the temporary storage of recyclable materials, as required in this Chapter.
- (7) Common areas of any tract utilized for a PAC which are not accepted by the Township shall be deeded to the above required homeowners association for use, control, management and maintenance.
- (8) Every dwelling unit shall have a minimum of a 1 car garage, with a minimum 240 sq. ft. of area. Such garage shall not be permitted to be converted to living space. All other off-street parking is required subject to the regulations of this chapter.
- (9) Landscaping is required as follows:
  - a. All lawn areas shall consist of sod. All lawn areas and planting beds shall be sprinklered. In order to insure the consistent and continued operation of sprinkler systems, the maintenance and cost of operation (including water) of sprinkler systems shall be born by the Homeowners Association.
  - b. All other landscaping requirements shall be subject to the regulations of this chapter.
- (10) All internal and external improvements found necessary in the public interest, including but not limited to streets, driveways, parking areas, sidewalks, curbs, gutters, lighting, shade trees, water mains, water systems, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures and the like, shall be installed in accordance with the standards set forth for major subdivisions of land. All street right-of way widths shall not be less than 50', and all curb to curb

pavement widths shall not be less than 30 feet. No building permit shall be issued unless and until adequate performance guarantees of proper installation of such improvements shall have been posted in accordance with municipal ordinances.

(11) Maintenance.

- a. All lands and structures not deeded to and accepted by the municipality shall be serviced and maintained by the Homeowners Association including but not limited to the maintenance of building exteriors and grounds, street maintenance, snow plowing and similar services.
- b. The above maintenance, including the maintenance of any property owned in fee simple by a homeowner, shall be subject to the provisions of 21-31.2.b.8(o)(17) paragraphs (b) thru (h). Any notices served in regard to failure to maintain property shall be served upon the Homeowners Association, and it shall be the responsibility of the Homeowners Association to cure said deficiencies or lack of maintenance.
- c. Common Ownership Areas. All areas put into common ownership for common use by all residents of the development shall be owned by a nonprofit homeowners association in accordance with the provisions of Subsection 21-31.3 (Common Ownership provisions for the R-3/PRD Zone)

## **21-23 R-1T Low Density Single-Family Residential Transitional Zone**

The purpose of the R-1T residential transitional zone is to provide for and protect the character of existing low density residential areas, while providing a cluster provision which will permit lot sizes consistent with surrounding residential lot sizes. The provisions and regulations set forth herein encourage the future development and maintenance of this area as a residential area for strictly residential purposes by prohibiting commercial development or conversions to commercial or multi-family housing.

21-23.1 Permitted uses. A building may be erected, altered, or used and a lot or premises may be occupied and used for any of the following purposes:

- a. Principal permitted uses and structures.
  1. Single family residential dwellings within a non-cluster or a cluster development.
- b. Accessory buildings not to exceed 15 feet in height, structures and uses including:
  1. Private garage, not to exceed two spaces.
  2. Buildings for tools and equipment used for maintenance of the grounds, and greenhouses for hobby use.
  3. Private swimming pools and tennis courts.
  4. Signs, subject to the special conditions of this chapter.
  5. Fences and hedges subject to the special conditions of this chapter.
  6. Decks and Open Porches.
  7. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- c. The following uses are permitted subject to approval of the Planning Board and the special conditions of this chapter.
  1. Government buildings and services which are necessary to the health, safety, convenience, and general welfare of the inhabitants of the municipality. This category shall include volunteer fire companies.
  2. Public utility installations.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - R-1T Requirements**

3. Churches, synagogues, parish houses, and similar religious uses.
4. Public and Parochial schools.
5. Satellite antenna dishes greater than one meter in diameter.

21-23.2 Development Standards. The R-1T residential zone specified herewith shall be occupied only as indicated below.

a. Single-family (non-cluster).

1. Principal buildings.

- |  |                      |
|--|----------------------|
| (a) Minimum lot size                     | - 40,000 square feet |
| (b) Minimum lot width                    | - 150 feet           |
| (c) Minimum lot depth                    | - 150 feet           |
| (d) Minimum front yard setback           |                      |
| (measured from the future street R.O.W.) | - 50 feet            |
| (e) Minimum each side yard setback       | - 20 feet            |
| (f) Minimum both side yard setbacks      | - 40 feet            |
| (g) Minimum rear yard setback            | - 40 feet            |
| (h) Minimum gross floor area             |                      |
| (1) Two story dwellings:                 |                      |
| First floor minimum                      | - 1,400 square feet  |
| Overall minimum                          | - 2,700 square feet  |
| (2) One and one-half story dwellings:    |                      |
| First floor minimum                      | - 1,600 square feet  |
| Overall minimum                          | - 2,500 square feet  |
| (3) Single story dwellings               | - 2,300 square feet  |

Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - R-1T Requirements

- (i) Maximum lot coverage
  - building - 20% of buildable lot area
  - impervious - 75% of buildable lot area
- (j) Maximum building height - 35 feet
- (k) Maximum stories - 2 stories above grade

2. Accessory buildings, structures and uses.

- (a) More than one accessory building may be permitted on a lot. One accessory building may be permitted for which the side and rear yard setback requirements shall be no less than five feet, provided that it does not exceed ten feet in height or 150 square feet in area, and is not attached to or within ten feet of the principal building. All additional accessory buildings shall conform to the minimum setback requirements of the principal building.
- (b) Accessory structures, other than buildings, intended for use or occupancy and located on or above ground, including swimming pools, tennis courts, patios, and decks or porches three feet in height or less, must maintain the required front yard setback of the principal building and a minimum ten feet setback from side and rear property lines. Decks which exceed 3' in height must maintain the required side yard setback and may extend no more than 20' beyond the required rear yard setback line provided no point of the deck floor exceeds a height of 7' above finished grade. Any deck which exceeds 3' in height and is located within the required rear yard shall have its base screened by either lattice or landscaping or a combination of the two. All other accessory structures must maintain the required front, side and rear yard setbacks of the principal building. Fences are specifically not covered by this restriction and are governed elsewhere in this chapter.

b. Single family (cluster)

- 1. General requirements and provisions. General requirements and provisions for cluster residential development shall be the same as those for the R-1 zone as described in subsection 21-21.2.b.1 of this section.
- 2. Principal buildings
  - (a) Minimum lot size - 22,500 square feet

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - R-1T Requirements**

- (b) Minimum lot width
  - 125 feet (interior lot)
  - 150 feet (corner lot)
- (c) Minimum lot depth
  - 150 feet
- (d) Minimum front yard setback  
(measured from the future street R.O.W.)
  - 50 feet
- (e) Minimum each side yard setback
  - 20 feet
- (f) Minimum both side yard setbacks
  - 40 feet
- (g) Minimum rear yard setback
  - 40 feet
- (h) Minimum gross floor area
  - (1) Two story dwellings:
    - First floor minimum - 1,200 square feet
    - Overall minimum - 2,400 square feet
  - (2) One and one-half story dwellings:
    - First floor minimum - 1,300 square feet
    - Overall minimum - 2,300 square feet
  - (3) Single story dwellings
    - 2,000 square feet
- (i) Maximum lot coverage
  - building - 20% of buildable lot area
  - impervious - 75% of buildable lot area
- (j) Maximum density
  - 1.0 units per acre of total lot area
- (k) Maximum building height
  - 35 feet
- (l) Maximum stories
  - 2 stories above grade

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - R-1T Requirements**

3. Accessory buildings and uses. All accessory buildings and uses in a cluster arrangement shall conform to the development standards of accessory buildings and uses in the non-cluster arrangement.
4. Buffering from abutting non-residential zones, sensitive environmental areas and arterial roads shall be considered as important factors in reviewing applications for cluster development.

**21-23.3 Other Provisions and Requirements.**

- a. Off-street parking is required subject to the requirements of this chapter.
- b. Landscaping is required subject to the requirements of this chapter.
- c. No more than 24" of unfinished foundation shall be exposed above ground in the front of any building, and no more than 42" of unfinished foundation shall be exposed above ground in the architectural rear of any building.

**21-23.4 Commercial Development Option.** The Commercial Development Option shall be applied in only those areas of the O-1/80 Zone and R-1T Zone which are specified on the Official Zoning Map of the Township of Ocean. It is the purpose of the Commercial Development Option to enhance the potential for commercial development on the eastern side of Route 35 at Deal Rd., consistent with other land uses within the Route 35 Corridor and the "Route 35/Deal Rd. Center" as defined on Map 5 - Community Characteristics - of the Township Master Plan.

- a. A Commercial Development Option shall be permitted provided that:
  1. The R-1T and contiguous O-1/80 Commercial Development Option parcels are developed as a single, integrated development.
  2. The provisions of Section 21-42.4 shall govern any such development.

## **21-24 R-2 Low Density Single-Family Residential Zone.**

The purpose of the R-2 residential zone is to provide for new areas and protect the character of existing areas with 1/2 acre lots. The provisions and regulations set forth herein encourage the future development and maintenance of these areas as residential areas for strictly residential purposes by prohibiting commercial development or conversions to commercial or multi-family housing.

21-24.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for any of the following purposes:

- a. Principal permitted uses and structures.
  1. Single family residential dwellings within a non-cluster or a cluster development.
  2. Family Day Care Home.
- b. Accessory buildings not to exceed 15 feet in height, structures and uses including:
  1. Private garage, not to exceed two spaces.
  2. Buildings for tools and equipment used for maintenance of the grounds, and greenhouses for hobby use.
  3. Private swimming pools and tennis courts.
  4. Signs, subject to the special conditions of this chapter.
  5. Fences and hedges subject to the special conditions of this chapter.
  6. Decks and Open Porches.
  7. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- c. The following uses are permitted subject to approval of the Planning Board and the special conditions of this chapter.
  1. Government buildings and services which are necessary to the health, safety, convenience, and general welfare of the inhabitants of the municipality. This category shall include volunteer fire companies.
  2. Public utility installations.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - R-2 Requirements**

3. Churches, synagogues, parish houses, and similar religious uses.
4. Public schools, parochial schools and boarding schools.
5. Satellite antenna dishes greater than one (1) meter in diameter.
6. Community Recreation Center.

21-24.2 Development Standards. The R-2 residential zone specified herewith shall be occupied only as indicated in this chapter.

a. Single-family (Non-Cluster).

I. Principal buildings.

- |  |                     |
|--|---------------------|
| (a) Minimum lot size   | - 22,500 square ft. |
| (b) Minimum lot width  | - 125 feet          |
| (c) Minimum lot depth  | - 125 feet          |
| (d) Minimum front yard setback<br>(measured from the future<br>street R.O.W. | - 50 feet           |
| (e) Minimum side yard setback  | - 10 feet           |
| (f) Minimum both side yard setback   | - 30 feet           |
| (g) Minimum rear yard setback  | - 40 feet           |
| (h) Minimum gross floor area   |                     |

(1) Two story dwellings:

- |                     |                    |
|---------------------|--------------------|
| First floor minimum | - 1,200 square ft. |
| Overall minimum     | - 2,200 square ft. |

(2) One and one-half story dwellings:

- |                     |                    |
|---------------------|--------------------|
| First floor minimum | - 1,400 square ft. |
| Overall minimum     | - 2,200 square ft. |

(3) Single story dwellings - 1,800 square ft.

(i) Maximum lot coverage

building - 22% of buildable lot area  
impervious - 75% of buildable lot area

(j) Maximum building height - 35 feet

(k) Maximum stories - 2 stories above grade

2. Accessory buildings, structures, and uses.

(a) More than one accessory building may be permitted on a lot. One accessory building may be permitted for which the side and rear yard setback requirements shall be no less than five feet, provided that it does not exceed ten feet in height or 150 square feet in area, and is not attached to or within ten feet of the principal building. All additional accessory buildings shall conform to the minimum setback requirements of the principal building.

(b) Accessory structures, other than buildings, intended for use or occupancy and located on or above ground, including swimming pools, tennis courts, patios, and decks or porches three feet in height or less, must maintain the required front yard setback of the principal building and a minimum ten feet setback from side and rear property lines. Decks which exceed 3' in height must maintain the required side yard setback and may extend no more than 20' beyond the required rear yard setback line provided no point of the deck floor exceeds a height of 7' above finished grade. Any deck which exceeds 3' in height and is located within the required rear yard shall have its base screened by either lattice or landscaping or a combination of the two. All other accessory structures must maintain the required front, side and rear yard setbacks of the principal building. Fences are specifically not covered by this restriction and are governed elsewhere in this chapter.

b. Single-Family (Cluster).

1. General requirements and provisions. General requirements and provisions for cluster residential development shall be the same as those for the R-1 zone as described in subsection 21-22.2.b.1 of this section.

2. Principal buildings.

(a) Minimum lot size - 16,875 square ft.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - R-2 Requirements**

- (b) Minimum lot width - 120 feet
  - (c) Minimum lot depth - 120 feet
  - (d) Minimum front yard setback  
(measured from the future street R.O.W.) - 45 feet
  - (e) Minimum side yard setback - 10 feet
  - (f) Minimum both side yard setback - 30 feet
  - (g) Minimum rear yard setback - 40 feet
  - (h) Minimum gross floor area
    - (1) Two story dwellings:
      - First floor minimum - 1,000 square ft.
      - Overall minimum - 2,000 square ft.
    - (2) One and one-half story dwellings:
      - First floor minimum - 1,200 square ft.
      - Overall minimum - 2,000 square ft.
    - (3) Single story dwellings - 1,600 square ft.
  - (i) Maximum lot coverage
    - building - 25% of buildable lot area
    - impervious - 75% of buildable lot area
  - (j) Maximum density - 1.7 units per acre of total lot area
  - (k) Maximum building height - 35 feet
  - (l) Maximum stories - 2 stories above grade
3. Accessory buildings and uses. All accessory buildings and uses in a cluster arrangement shall conform to the development standards for accessory buildings and uses in the non-cluster arrangement.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - R-2 Requirements**

**21-24.3 Other Provisions and Requirements.**

- a. Off-street parking is required subject to the requirements and conditions of this chapter.
- b. Landscaping is required subject to the requirements and conditions of this chapter.
- c. No more than 24" of unfinished foundation shall be exposed above ground in the front of any building, and no more than 42" of unfinished foundation shall be exposed above ground in the architectural rear of any building.

**21-25 R-3 Medium Density Single-Family Residential Zone.**

The purpose of the R-3 residential zone is to provide for smaller lot sizes to meet the desires of a certain segment of the population who need and desire moderately priced housing. The provisions and regulations set forth herein encourage the future development and maintenance of this area as a residential area for strictly residential purposes by prohibiting commercial development or conversions to commercial or multi-family housing.

21-25.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for any one of the following purposes:

- a. Principal permitted uses and structures.
  - 1. Single family residential dwellings within a non-cluster or a cluster development.
  - 2. Family Day Care Home.
- b. Accessory buildings not to exceed 15 feet in height, structures and uses including:
  - 1. Private garage, not to exceed two spaces.
  - 2. Buildings for tools and equipment used for maintenance of the grounds, and greenhouses for hobby use.
  - 3. Private swimming pools and tennis courts.
  - 4. Signs, subject to the special conditions of this chapter.
  - 5. Fences and hedges subject to the special conditions of this chapter.
  - 6. Decks and Open Porches.
  - 7. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- c. The following uses are permitted subject to approval of the Planning Board and the special conditions of this chapter.
  - 1. Government buildings and services which are necessary to the health, safety, convenience, and general welfare of the inhabitants of the municipality. This category shall include volunteer fire companies.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - R-3 Requirements**

2. Public utility installations.
3. Churches, synagogues, parish houses, and similar religious uses.
4. Public and Parochial schools.
5. Satellite antenna dishes greater than (1) meter in diameter.
6. Community Recreation Center

21-25.2 Development Standards. The R-3 residential zone specified herewith shall be occupied only as indicated in this chapter.

a. Single-Family (Non-Cluster).

1. Principal buildings.

- |   |                     |
|---|---------------------|
| (a) Minimum lot size  | - 18,750 square ft. |
| (b) Minimum lot width   | - 125 feet          |
| (c) Minimum lot depth   | - 125 feet          |
| (d) Minimum front yard setback<br>(measured from the future<br>street R.O.W.) | - 45 feet           |
| (e) Minimum side yard setback   | - 10 feet           |
| (f) Minimum both side yard setbacks   | - 30 feet           |
| (g) Minimum rear yard setback   | - 40 feet           |
| (h) Minimum gross floor area  |                     |

(1) Two story dwellings:

- |                     |                     |
|---------------------|---------------------|
| First floor minimum | - 900 square feet   |
| Overall minimum     | - 1,800 square feet |

(2) One and one-half story dwellings:

- |                     |                     |
|---------------------|---------------------|
| First floor minimum | - 1,100 square feet |
| Overall minimum     | - 1,800 square feet |

(3)Single story dwellings - 1,500 square feet

(i)Maximum lot coverage  
building - 25% of buildable lot area  
impervious - 80% of buildable lot area

(j)Maximum building height - 35 feet

(k) Maximum stories - 2 stories above grade

2. Accessory buildings, structures, and uses.

(a) More than one accessory building may be permitted on a lot. One accessory building may be permitted for which the side and rear yard setback requirements shall be no less than five feet, provided that it does not exceed ten feet in height or 150 square feet in area, and is not attached to or within ten feet of the principal building. All additional accessory buildings shall conform to the minimum setback requirements of the principal building.

(b) Accessory structures, other than buildings, intended for use or occupancy and located on or above ground, including swimming pools, tennis courts, patios, and decks or porches three feet in height or less, must maintain the required front yard setback of the principal building and a minimum ten feet setback from side and rear property lines. Decks which exceed 3' in height must maintain the required side yard setback and may extend no more than 20' beyond the required rear yard setback line provided no point of the deck floor exceeds a height of 7' above finished grade. Any deck which exceeds 3' in height and is located within the required rear yard shall have its base screened by either lattice or landscaping or a combination of the two. All other accessory structures must maintain the required front, side and rear yard setbacks of the principal building. Fences are specifically not covered by this restriction and are governed elsewhere in this chapter.

b. Single-Family (Cluster).

1. General requirements and provisions. General requirements and provisions for cluster residential development shall be the same as those for the R-1 zone as described in subsection 21-22.2.b.1 of this section.

2. Principal buildings.

(a) Minimum lot size - 14,000 sq. ft.

(b) Minimum lot width - 100 feet

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - R-3 Requirements**

- (c) Minimum lot depth - 125 feet
  - (d) Minimum front yard setback  
(measured from the future street R.O.W.) - 35 feet (Except that any attached or detached garage with the doors facing a public street shall be set back a minimum of 40'.)
  - (e) Minimum side yard setback - 10 feet
  - (f) Minimum both side yard setback - 30 feet
  - (g) Minimum rear yard setback - 40 feet
  - (h) Minimum gross floor area
    - (1) Two story dwellings:
      - First floor minimum - 800 square feet
      - Overall minimum - 1,600 square feet
    - (2) One and one-half story dwellings:
      - First floor minimum - 1,000 square feet
      - Overall minimum - 1,600 square feet
    - (3) Single story dwellings - 1,400 square feet
  - (i) Maximum lot coverage
    - building - 25% of buildable lot area
    - impervious - 75% of buildable lot area
  - (j) Maximum density - 2.0 units per acre of total lot area
  - (k) Maximum building height - 35 feet
  - (l) Maximum stories - 2 stories above grade
3. Accessory buildings and uses. All accessory buildings and uses in a cluster arrangement shall conform to the development standards for accessory buildings and uses in the non-cluster arrangement.

21-25.3 Other Provisions and Requirements.

- a. Off-street parking is required subject to the requirements and conditions of this chapter.
- b. Landscaping is required subject to the requirements and conditions of this chapter.
- c. No more than 24" of unfinished foundation shall be exposed above ground in the front of any building, and no more than 42" of unfinished foundation shall be exposed above ground in the architectural rear of any building.

21-25.4 Planned Adult Community Development Option. The PAC Option shall be applied in only those areas of the R-3 Zone and adjacent O-1-20 Zone which are specified on the Official Zoning Map of the Township of Ocean. It is the purpose of the PAC option to provide an alternative form of "housing for older persons" within the Township, while not adversely impacting or overburdening the local street system, the school system, the sanitary sewerage system and other community services and facilities.

- a. A Planned Adult Community Option shall be permitted only if:
  1. adequate sewers are available, or are to be made available by the applicant, to serve the proposed development; and
  2. normal vehicular access is restricted to/from N.J. Route 66 except that emergency access only to/from the site may be provided from Bowne Rd. via Center St. or thru the approved emergency access strip which connects Block 153 Lot 70 with Dune Rd. in the Hampton's development to the immediate west.
- b. In the event that the applicant elects to develop the property as a Planned Adult Community, the following shall apply:
  1. The gross residential density shall not exceed two and five tenths (2.5) dwelling units per acre of gross lot area. Gross residential density shall be the total number of dwelling units divided by the gross lot area of the entire Planned Adult Community development parcel. However, in no case shall the total number of units in the PAC Overlay Zone exceed 345 .
  2. The developer shall reserve no less than 25 percent of the site for recreation and open space purposes. A minimum of five contiguous acres of usable land, not a part of any flood plain, freshwater wetlands area or freshwater wetlands area buffer, shall be reserved for recreation and open space purposes. This land may be utilized for the provision of "facilities and services specifically designed to

meet the physical or social needs of older persons" as required for a PAC. The location shall be approved by the Planning Board. Title to all reserved or common land shall be held in fee simple by the Homeowners Association, except that the municipality may elect to have certain areas dedicated to the municipality.

3. A Homeowners Association shall be required to be established by a Master Deed. Said deed shall require that the Homeowners Association establish and maintain "significant facilities and services specifically designed to meet the physical or social needs of older persons" as required by the Federal Fair Housing Act. No more than 25% of the units in a PAC shall be occupied prior to these facilities being fully constructed and operational. Such facilities shall include:
  - (a) A community clubhouse. Facilities within the clubhouse shall include an all purpose room, a commercial style kitchen, restrooms and other such accommodations proposed by the applicant and deemed appropriate by the Planning Board. The minimum area of such facilities, as measured from the inside of the building walls, shall be 9,000 sq. ft.
  - (b) A swimming pool, not less than 3,000 sq. ft. in area, of which a minimum of 50% shall be 4' deep or less.
  - (c) Additional outdoor recreation facilities, such as a putting green, bocce courts, tennis courts, etc., geared towards senior citizens shall also be provided. Any outdoor recreation facility shall be utilized only by residents of the PAC or their guests, and shall not be available for use by the general public.
  - (d) Transportation amenities, such as sheltered bus stops, or other facilities geared specifically for senior citizens shall also be provided if required by the Planning Board.
  - (e) Parking for the above facilities in the amount of 1 parking space for each 200 sq. ft. of building area.
  - (f) Parking of recreational vehicles or boats shall be prohibited anywhere within a Planned Adult Community. Recreational vehicles, for the purpose of this requirement, shall mean any: truck or van which has an overall length, bumper to bumper, of more than 20'; any motor home; vehicle or structure designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons; or trailer or camping "pop-up" trailer.

Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - R-3 Requirements

In addition, the master deed shall require that the owner of each individual unit be a member of the Homeowners Association, that all member households have at least one person who is a minimum of 55 years of age or older, that all permanent occupants of any member housing unit be 18 years of age or older, and that no housing unit within the development have more than 3 bedrooms." The above restrictions shall also be a requirement of every deed for each individual parcel in the PAC.

4. A PAC shall be of a size not less than 100 acres.
5. Dwelling Units shall be detached single family dwelling units. The development shall utilize the following standards:

(a) Minimum building setback from perimeter property lines - 100' (Except that the maximum building setback along N.J. Route 18 may be reduced to 75' where a heavily planted berm is established within the required buffer. The top of the berm shall be no less than 7.5' above the highest finished grade at the rear of the building, and no less than 10' above the elevation of the nearest paved portion of N.J. Route 18.

(b) Minimum Lot Area - 6,000 sq. ft.

(c) Minimum Lot Width - 55'

(d) Minimum Lot Depth - 110'

(e) Minimum Setbacks

Front Yard - No residential unit shall be set back less than 25', except that the average front yard setback of any 4 consecutive residential units shall be no less than 30'. Furthermore, attached garages may be set back not less than 20' provided the average setback of any 4 consecutive attached garages shall be no less than 25'.

One Side Yard - 5'

Both Side Yards - 15'

Rear Yard - 15' except that the average rear yard setback of any 4 units shall be not less than 20', and the distance between the rear of any 2 structures shall be not less than 35'.

Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - R-3 Requirements

- (f) Maximum Lot Coverage area - 40% of total lot area
  
- (g) Maximum Building Height -
  - 1 Story Above Grade - 25'
  - 2 Stories Above Grade - 30'
  
- (h) Maximum stories - 2 stories above grade except that the floor area of the second story above grade shall not exceed 50% of the floor area of the first story above grade (excluding the garage area)
  
- (i) Other provisions.
  - (1) In order to avoid a "cookie cutter" appearance to the PAC, lot widths and depths and building setbacks shall be varied. In this regard, the following criteria shall be followed:
    - (a) No more than 3 buildings in a row which front on the same street shall have the same architectural dimensions.
  
    - (b) On all streets, except cul-de-sac bulbs and streets where the center line radius is less than 350', one of the following measures shall be taken:
      - a. No more than 2 lots in a row which front on the same street shall exist without a variation in lot width of at least 10'. Lot depths shall remain consistent for all lots facing the same street frontage on any block in order to avoid irregular rear lot lines, or;
  
      - b. The plan shall provide for a variation in building side yard setbacks so that no more than 3 houses in a row which front on the same street shall exist without a minimum 10' difference in separation of the buildings. Lot depths shall remain relatively consistent for all lots facing the same street frontage on any block in order to avoid irregular rear lot lines. Where this provision is implemented, the applicant shall restrict additions to residences by both deed restriction and a provision in the bylaws of the homeowners association. Such restriction shall become a condition of approval.
  
  - (2) Architectural plans shall be submitted for all buildings or building types at the time of preliminary and final subdivision/site plan application. The purpose of requiring such plans is to insure the provision of a desirable visual environment as provided in the Municipal Land Use Law, and to

insure that the development will comply with the floor plan requirements of this section. Architectural plans shall include floor plans and elevations indicating the styles, materials and colors of all proposed buildings or building types, including recreational buildings, maintenance buildings and residences. Building styles, materials and colors shall maintain a consistent theme throughout the PAC, but shall provide enough variety so as to avoid monotony. The Planning Board shall have the right to require the applicant to alter building styles, materials and/or colors in order to achieve the goal of a desirable visual environment.

- (3) A buffer, a minimum of 50' wide, shall be placed along all perimeter property lines. This buffer shall include berms of variable height where deemed necessary by the Municipal Agency in addition to the required plantings. A minimum 25' wide planted area shall be required in all buffer areas and shall include a substantial planting of evergreen trees, shrubs and deciduous trees, and may also include fencing. Such plantings may supplement or replace existing vegetation as appropriate. A substantial portion of the planted area shall consist of 2 rows of evergreen trees spaced 10' on centers, but in order to provide visual interest these rows shall be broken up with less formal plantings of evergreen and deciduous trees and shrubs. These buffer areas may be included in the calculation of 25% open space required above.
- (4) No accessory buildings or fencing shall be permitted on an individual homeowner's lot. Accessory buildings and fencing on common land shall conform to the height and setback requirements of accessory buildings in the R-4 Zone.
- (5) Accessory structures, other than buildings, intended for use or occupancy and located on or above ground, including swimming pools, tennis courts, driveways, patios, and decks or porches less than three feet in height, must maintain the required front yard setback of the principal building and a minimum five feet setback from side and rear property lines. All other accessory structures must maintain the required front, side, and rear yard setbacks of the principal building. Fences are specifically not covered by this restriction and are governed elsewhere in this chapter.

In order to provide for a varied and desirable visual environment, driveway setback from one side lot line may be reduced to 0' in order to accommodate a "side loading" garage. In any such instance, the driveway on the property immediately adjacent to the 0' setback shall be set back a minimum of 7' from the common side property line. Where this provision is implemented, the applicant shall restrict the location of driveways on adjacent lots by both deed restriction and a provision in the bylaws of the

homeowners association. Such restriction shall become a condition of approval.

- (6) There shall be within each dwelling unit, adequate area for the temporary storage of recyclable materials, as required in this Chapter.
- (7) Common areas of any tract utilized for a PAC which are not accepted by the Township shall be deeded to the above required homeowners association for use, control, management and maintenance.
- (8) Every dwelling unit shall have a minimum of a 2 car garage, with a minimum 400 sq. ft. of area. Such garage shall not be permitted to be converted to living space. All other off-street parking is required subject to the regulations of this chapter.
- (9) Landscaping is required as follows:
  - (a) All lawn areas shall consist of sod. All lawn areas and planting beds shall be sprinklered. In order to insure the consistent and continued operation of sprinkler systems, the maintenance and cost of operation (including water) of sprinkler systems shall be born by the Homeowners Association.
  - (b) All other landscaping requirements shall be subject to the regulations of this chapter.
- (10) All internal and external improvements found necessary in the public interest, including but not limited to streets, driveways, parking areas, sidewalks, curbs, gutters, lighting, shade trees, water mains, water systems, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures and the like, shall be installed in accordance with the standards set forth for major subdivisions of land. All street right-of way widths shall not be less than 50'. No building permit shall be issued unless and until adequate performance guarantees of proper installation of such improvements shall have been posted in accordance with municipal ordinances.
- (11) Maintenance.
  - a. All lands and structures not deeded to and accepted by the municipality shall be serviced and maintained by the owner of said property, or Homeowners Association in the event of common land, including but not limited to the maintenance of building exteriors and grounds, street maintenance, snow plowing and similar services.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - R-3 Requirements**

- b. The above maintenance, and also including the maintenance of any property owned in fee simple by a homeowner, shall be subject to the provisions of 21-31.2.b.8(o)(17) paragraphs (b) thru (h). Any notices served in regard to failure to maintain property shall be served upon the Homeowners Association, and it shall be the responsibility of the Homeowners Association to cure said deficiencies or lack of maintenance.
  
- c. Common Ownership Areas. All areas put into common ownership for common use by all residents of the development shall be owned by a nonprofit homeowners association in accordance with the provisions of Subsection 21-31.3 (Common Ownership provisions for the R-3/PRD Zone)

## **21-26 R-4 Medium Density Single-Family Residential Zone.**

The purpose of the R-4 residential zone is to provide for smaller lot sizes to meet the desires of a certain segment of the population who need and desire lower cost housing and to zone the area in conformance with existing lot sizes. The provisions and regulations set forth herein encourage the future development and maintenance of this area as a residential area.

21-26.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for any one of the following purposes:

- a. Principal permitted uses and structures.
  1. Detached one-family dwelling.
  2. Family Day Care Homes.
- b. Accessory buildings not to exceed 15 feet in height, structures and uses including:
  1. Private garage, not to exceed two spaces.
  2. Buildings for tools and equipment used for maintenance of the grounds, and greenhouses for hobby use.
  3. Private swimming pools and tennis courts.
  4. Signs, subject to the special conditions of this chapter.
  5. Fences and hedges subject to the special conditions of this chapter.
  6. Decks and Open Porches.
  7. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- c. The following uses are permitted subject to approval of the Planning Board and the special conditions of this chapter:
  1. Government buildings and services which are necessary to the health, safety, convenience, and general welfare of the inhabitants of the municipality. This category shall include volunteer fire companies.
  2. Public utility installations.

Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - R-4 Requirements

3. Churches, synagogues, parish houses, and similar religious uses.
4. Public schools, parochial schools and boarding schools.
5. Senior citizen housing complex.
6. Satellite antenna dishes greater than one (1) meter in diameter.
7. Community Recreation Center

21-26.2 Development Standards. The R-4 residential zone specified herewith shall be occupied only as indicated in this chapter.

a. Single-Family.

1. Principal buildings.

- |  |                  |
|--|------------------|
| (a) Minimum lot size   | - 10,000 sq. ft. |
| (b) Minimum lot width  | - 90 feet        |
| (c) Minimum lot depth  | - 100 feet       |
| (d) Minimum front yard setback<br>(measured from the future<br>street. R.O.W.) | - 30 feet        |
| (e) Minimum side yard setback  | - 10 feet        |
| (f) Minimum both side yard setbacks  | - 25 feet        |
| (g) Minimum rear yard setback  | - 30 feet        |
| (h) Minimum gross floor area   |                  |
| (1) Two story dwellings:   |                  |
| First floor minimum  | - 700 sq. ft.    |
| Overall minimum  | - 1,400 sq. ft.  |
| (2) One and one-half story dwellings:  |                  |
| First floor minimum  | - 850 sq. ft.    |
| Overall minimum  | - 1,400 sq. ft.  |

- (3) Single story dwellings - 1,300 sq. ft.
  - (i) Maximum lot coverage
    - building - 27% of buildable lot area
    - impervious - 90% of buildable lot area
  - (j) Maximum building height - 35 feet
  - (k) Maximum stories - 2 stories above grade
2. Accessory buildings, structures and uses.
- (a) More than one accessory building may be permitted on a lot. One accessory building may be permitted for which the side and rear yard setback requirements shall be no less than five feet, provided that it does not exceed ten feet in height or 150 square feet in area, and is not attached to or within ten feet of the principal building. All additional accessory buildings shall conform to the minimum setback requirements of the principal building.
  - (b) Accessory structures, other than buildings, intended for use or occupancy and located on or above ground, including swimming pools, tennis courts, patios, and decks or porches three feet in height or less, must maintain the required front yard setback of the principal building and a minimum ten feet setback from side and rear property lines. Decks which exceed 3' in height must maintain the required side yard setback and may extend no more than 20' beyond the required rear yard setback line provided no point of the deck floor exceeds a height of 7' above finished grade. Any deck which exceeds 3' in height and is located within the required rear yard shall have its base screened by either lattice or landscaping or a combination of the two. All other accessory structures must maintain the required front, side and rear yard setbacks of the principal building. Fences are specifically not covered by this restriction and are governed elsewhere in this chapter.

21-26.3 Other Provisions and Requirements.

- a. Off-street parking is required subject to the requirements and conditions of this chapter.
- b. Landscaping is required subject to the requirements and conditions of this chapter.
- c. No more than 24" of unfinished foundation shall be exposed above ground in the front of any building, and no more than 42" of unfinished foundation shall be exposed above ground in the architectural rear of any building.

## **21-27 R-4HO Medium Density Single-Family Residential/Home Professional Office Zone.**

The purpose of the R-4HO residential/home professional office zone is to provide for smaller lot sizes to meet the desires of a certain segment of the population who need and desire lower cost housing and to zone the area in conformance with existing lot sizes, and to provide for alternative home professional office uses on those lot which are suitable for such uses within the zone. The provisions and regulations set forth herein encourage the future development and maintenance of this area as a predominantly residential area, and are intended to discourage the use of any particular properties within the zone for solely office or commercial usage.

21-27.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for any one of the following purposes:

- a. Principal permitted uses and structures.
  1. Detached one-family dwelling.
  2. Family Day Care Homes.
- b. Accessory buildings not to exceed 15 feet in height, structures and uses including:
  1. Private garage, not to exceed two spaces.
  2. Buildings for tools and equipment used for maintenance of the grounds, and greenhouses for hobby use.
  3. Private swimming pools and tennis courts.
  4. Signs, subject to the special conditions of this chapter.
  5. Fences and hedges subject to the special conditions of this chapter.
  6. Decks and Open Porches.
  7. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- c. The following uses are permitted subject to approval of the Planning Board and the special conditions of this chapter.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - R-4HO Requirements**

1. Government buildings and services which are necessary to the health, safety, convenience, and general welfare of the inhabitants of the municipality. This category shall include volunteer fire companies.
2. Public utility installations.
3. Churches, synagogues, parish houses, and similar religious uses.
4. Public and Parochial schools.
5. Senior Citizen Housing Complex
6. Home Professional Offices
7. Satellite antenna dishes greater than one (1) meter in diameter.

21-27.2 Development Standards. The R-4HO residential zone specified herewith shall be occupied only as indicated in this chapter.

a. Single-Family.

1. Principal buildings.

- |   |                  |
|---|------------------|
| (a) Minimum lot size  | - 10,000 sq. ft. |
| (b) Minimum lot width   | - 90 feet        |
| (c) Minimum lot depth   | - 100 feet       |
| (d) Minimum front yard setback<br>(measured from the future<br>street R.O.W.) | - 30 feet        |
| (e) Minimum side yard setback   | - 10 feet        |
| (f) Minimum both side yard setbacks   | - 25 feet        |
| (g) Minimum rear yard setback   | - 30 feet        |
| (h) Minimum gross floor area  |                  |
| (1) Two story dwellings:  |                  |
| First floor minimum   | - 700 sq. ft.    |

Land Development Ordinance  
 Township of Ocean  
 January 8, 1992  
 As Amended thru: December 31, 2010 - Ordinance 2140  
 Article IV - R-4HO Requirements

Overall minimum - 1,400 sq. ft.

(2) One and one-half story dwellings:

First floor minimum - 850 sq. ft.  
 Overall minimum - 1,400 sq. ft.

(3) Single story dwellings - 1,300 sq. ft.

(i) Maximum lot coverage

building - 27% of buildable lot area  
 impervious - 90% of buildable lot area

(j) Maximum building height - 35 feet

(k) Maximum stories - 2 stories above grade

2. Accessory buildings, structures and uses.

(a) More than one accessory building may be permitted on a lot. One accessory building may be permitted for which the side and rear yard setback requirements shall be no less than five feet, provided that it does not exceed ten feet in height or 150 square feet in area, and is not attached to or within ten feet of the principal building. All additional accessory buildings shall conform to the minimum setback requirements of the principal building.

(b) Accessory structures, other than buildings, intended for use or occupancy and located on or above ground, including swimming pools, tennis courts, patios, and decks or porches three feet in height or less, must maintain the required front yard setback of the principal building and a minimum ten feet setback from side and rear property lines. Decks which exceed 3' in height must maintain the required side yard setback and may extend no more than 20' beyond the required rear yard setback line provided no point of the deck floor exceeds a height of 7' above finished grade. Any deck which exceeds 3' in height and is located within the required rear yard shall have its base screened by either lattice or landscaping or a combination of the two. All other accessory structures must maintain the required front, side and rear yard setbacks of the principal building. Fences are specifically not covered by this restriction and are governed elsewhere in this chapter.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - R-4HO Requirements**

**21-27.3 Other Provisions and Requirements.**

- a. Off-street parking is required subject to the requirements and conditions of this chapter.
- b. Landscaping is required subject to the requirements and conditions of this chapter.
- c. No more than 24" of unfinished foundation shall be exposed above ground in the front of any building, and no more than 42" of unfinished foundation shall be exposed above ground in the architectural rear of any building.

## **21-28 R-5 High Density Single-Family Residential Zone.**

The purpose of the R-5 residential zone is to provide for smaller lot sizes in conformance with existing conditions in specific areas of the Township as identified in the Master Plan. The provisions and regulations set forth herein encourage the future development and maintenance of this area as a residential area for strictly residential purposes by prohibiting commercial development or conversions to commercial or multi-family housing.

21-28.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for any one of the following purposes:

- a. Principal permitted uses and structures.
  1. Detached one-family dwelling.
  2. Family Day Care Homes.
- b. Accessory buildings not to exceed 15 feet in height, structures and uses including:
  1. Private garage, not to exceed two spaces.
  2. Buildings for tools and equipment used for maintenance of the grounds, and greenhouses for hobby use.
  3. Private swimming pools and tennis courts.
  4. Signs, subject to the special conditions of this chapter.
  5. Fences and hedges subject to the special conditions of this chapter.
  6. Decks and Open Porches.
  7. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- c. The following uses are permitted subject to approval of the Planning Board and the special conditions of this chapter.
  1. Government buildings and services which are necessary to the health, safety, convenience, and general welfare of the inhabitants of the municipality. This category shall include volunteer fire companies.
  2. Public utility installations.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - R-5 Requirements**

3. Churches, synagogues, parish houses, and similar religious uses.
4. Public and Parochial schools.
5. Satellite antenna dishes greater than one (1) meter in diameter.

21-28.2 Development Standards. The R-5 residential zone specified herewith shall be occupied only as indicated in this chapter.

a. Single-Family.

1. Principal buildings.

- |   |                    |
|---|--------------------|
| (a) Minimum lot size  | - 7,500 sq. ft.    |
| (b) Minimum lot width   | - 75 feet          |
| (c) Minimum lot depth   | - 100 feet         |
| (d) Minimum front yard setback<br>(measured from the future<br>street R.O.W.) | - 30 feet          |
| (e) Minimum side yard setback   | - 15% of lot width |
| (f) Minimum both side yard setbacks   | - 30% of lot width |
| (g) Minimum rear yard setback   | - 30 feet          |
| (h) Minimum gross floor area  |                    |
| (1) Two story dwellings:  |                    |
| First floor minimum   | - 700 sq. ft.      |
| Overall minimum   | - 1,400 sq. ft.    |
| (2) One and one-half story dwellings:   |                    |
| First floor minimum   | - 850 sq. ft.      |
| Overall minimum   | - 1,400 sq. ft.    |
| (3) Single story dwellings  | - 1,300 sq. ft.    |
| (i) Maximum lot coverage  |                    |

- |                             |                             |
|-----------------------------|-----------------------------|
| building                    | - 35% of buildable lot area |
| impervious                  | - 90% of buildable lot area |
| (j) Maximum building height | - 30 feet                   |
| (k) Maximum stories         | - 2 stories above grade     |

2. Accessory buildings, structures and uses.

- (a) More than one accessory building may be permitted on a lot. One accessory building may be permitted for which the side and rear yard setback requirements shall be no less than five feet, provided that it does not exceed ten feet in height or 150 square feet in area, and is not attached to or within ten feet of the principal building. All additional accessory buildings shall conform to the minimum setback requirements of the principal building.
- (b) Accessory structures, other than buildings, intended for use or occupancy and located on or above ground, including swimming pools, tennis courts, patios, and decks or porches three feet in height or less, must maintain the required front yard and side yard setbacks of the principal building and a minimum ten feet (10') setback from the rear property line. Decks which exceed 3' in height must maintain the required side yard setback and may extend no more than 20' beyond the required rear yard setback line provided no point of the deck floor exceeds a height of 7' above finished grade. Any deck which exceeds 3' in height and is located within the required rear yard shall have its base screened by either lattice or landscaping or a combination of the two. All other accessory structures must maintain the required front, side and rear yard setbacks of the principal building. Fences are specifically not covered by this restriction and are governed elsewhere in this chapter.

21-28.3 Other Provisions and Requirements.

- a. Off-street parking is required subject to the requirements and conditions of this chapter.
- b. Landscaping is required subject to the requirements and conditions of this chapter.
- c. No more than 24" of unfinished foundation shall be exposed above ground in the front of any building, and no more than 42" of unfinished foundation shall be exposed above ground in the architectural rear of any building.

**21-29 R-6 High Density Single-Family Residential Zone.**

The purpose of the R-6 residential zone is to provide for smaller lot sizes in conformance with existing conditions in specific areas of the Township as identified in the Master Plan. The provisions and regulations set forth herein encourage the future development and maintenance of this area as a residential area with lots of no less than 5,000 sq. ft. and corner lots of no less than 10,000 sq. ft., for strictly residential purposes by prohibiting commercial development or conversions to commercial or multi-family housing.

21-29.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for any one of the following purposes:

- a. Principal permitted uses and structures.
  1. Detached one-family dwelling.
  2. Family Day Car Homes.
- b. Accessory buildings not to exceed 15 feet in height, structures and uses including:
  1. Private garage, not to exceed two spaces.
  2. Buildings for tools and equipment used for maintenance of the grounds, and greenhouses for hobby use.
  3. Private swimming pools and tennis courts.
  4. Signs, subject to the special conditions of this chapter.
  5. Fences and hedges subject to the special conditions of this chapter.
  6. Decks and Open Porches.
  7. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- c. The following uses are permitted subject to approval of the Planning Board and the special conditions of this chapter.
  1. Government buildings and services which are necessary to the health, safety, convenience, and general welfare of the inhabitants of the municipality. This category shall include volunteer fire companies.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - R-6 Requirements**

2. Public utility installations.
3. Churches, synagogues, parish houses, and similar religious uses.
4. Public and Parochial schools.
5. Satellite antenna dishes greater than one (1) meter in diameter.

21-29.2 Development Standards. The R-6 residential zone specified herewith shall be occupied only as indicated in this chapter.

a. Single-Family.

1. Principal buildings.

- |   |  |
|---|--|
| (a)Minimum lot size   | - 5,000 sq. ft. (interior lots)<br>-10,000 sq. ft. (corner lots) |
| (b)Minimum lot width  | - 50 feet (interior lots)<br>-100 feet (corner lots)             |
| (c) Minimum lot depth   | - 100 feet   |
| (d) Minimum front yard setback<br>(measured from the future<br>street R.O.W.) | - 30 feet  |
| (e) Minimum side yard setback   | - 5 feet   |
| (f) Minimum both side yard setbacks   | - 20% of lot width   |
| (g) Minimum rear yard setback   | - 30 feet  |
| (h)Minimum gross floor area   |  |
| (1)Two story dwellings ;  |  |
| First floor minimum   | - 700 sq. ft.  |
| Overall minimum   | - 1,400 sq. ft.  |
| (2)One and one-half story dwellings:  |  |
| First floor minimum   | - 850 sq. ft.  |
| Overall minimum   | - 1,400 sq. ft.  |

Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - R-6 Requirements

- (3) Single story dwellings - 1,300 sq. ft.
  - (i) Maximum lot coverage
    - building - 35% of buildable lot area
    - impervious - 90% of buildable lot area
  - (j) Maximum building height - 30 feet
  - (k) Maximum stories - 2 stories above grade
2. Accessory buildings, structures and uses.
- (a) Except as provided below, all accessory buildings shall conform to the minimum height and setback requirements of the principal building. More than one accessory building shall be permitted on a lot, however only one accessory building may be permitted for which the side and rear yard setback requirements shall be five feet, provided that it does not exceed ten feet in height or 150 square feet in area, and is not attached to or within ten feet of the principal building.
  - (b) Accessory structures, other than buildings, intended for use or occupancy and located on or above ground, including swimming pools, tennis courts, patios, and decks or porches three feet in height or less, must maintain the required front yard and side yard setbacks of the principal building and a minimum ten feet (10') setback from the rear property line. Decks which exceed 3' in height must maintain the required side yard setback and may extend no more than 20' beyond the required rear yard setback line provided no point of the deck floor exceeds a height of 7' above finished grade. Any deck which exceeds 3' in height and is located within the required rear yard shall have its base screened by either lattice or landscaping or a combination of the two. All other accessory structures must maintain the required front, side and rear yard setbacks of the principal building. Fences are specifically not covered by this restriction and are governed elsewhere in this chapter.

21-29.3 Other Provisions and Requirements.

- a. Off-street parking is required subject to the requirements and conditions of this chapter.
- b. Landscaping is required subject to the requirements and conditions of this chapter.
- c. No more than 24" of unfinished foundation shall be exposed above ground in the front of any building, and no more than 42" of unfinished foundation shall be exposed above ground in the architectural rear of any building.

### **21-30 R-7 Garden Apartment Residential Zone.**

The purpose of the R-7 residential zone is to provide for an alternative to home ownership for those families and individuals who do not desire or cannot afford home ownership. The provisions and regulations set forth herein encourage the maintenance of existing garden apartment residential areas at current densities.

21-30.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for any one of the following purposes:

- a. Principal permitted uses and structures.
  1. Multi-family dwellings.
  2. Family Day Care Homes.
- b. Accessory buildings, structures, and uses including:
  1. Private Garage.
  2. Buildings for tools and equipment for the maintenance of the grounds.
  3. Swimming pools, tennis courts, clubhouses and similar recreational facilities for the occupants of the multi-family development.
  4. Signs subject to the requirements of this chapter.
  5. Fences and hedges subject to the requirements of this chapter.
  6. Decks and open porches.
  7. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- c. The following uses are permitted subject to approval of the Planning Board and the special conditions of this chapter:
  1. Government buildings and services which are necessary to the health, safety, convenience, and general welfare of the inhabitants of the municipality. This category shall include volunteer fire companies.
  2. Public utility installations.
  3. Churches, synagogues, parish houses, and similar religious uses.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - R-7 Requirements**

- 4. Public and Parochial schools.
- 5. Satellite antenna dishes greater than one (1) meter in diameter.

21-30.2 Development Standards. The R-7 residential zone specified herewith shall be occupied only as indicated in this chapter.

a. Principal buildings.

- 1. Minimum lot area - 25 Acres
- 2. Minimum lot width - 500 feet
- 3. Minimum lot depth - 500 feet
- 4. Minimum front yard setback - 70 feet
- 5. Minimum side yard setback - 50 feet  
(100 feet when adjacent to a single family residential use or zone)
- 6. Minimum rear yard setback - 50 feet
- 7. Maximum lot coverage  
  - building - 27% of buildable lot area
  - impervious - 60% of buildable lot area
- 8. Maximum density - 10 units per acre
- 9. Maximum building height - 2 stories above grade or 30 feet, whichever is less
- 10. Minimum setback from  
  - pavement of internal public
  - or private road or parking area - 25 feet.
- 11. Maximum number of  
  - units per structure - 16
- 12. Maximum length of structure - 175 feet.
- 13. A minimum interior storage area of 700 cubic feet per unit shall be required. This space may be provided in an area other than within the unit itself, but should be in a convenient location for the residents of the unit. Required storage space

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - R-7 Requirements**

shall have a minimum vertical clearance of 5' and shall not include garage or closets.

14. Minimum distance between buildings - 50 feet between any two rear or front facades or any rear or front facade with a side facade; 35 feet between any two side facades. No portion of a front facade shall face any portion of a rear facade.
15. There shall be a trash and recyclable storage area completely surrounded by a six foot high solid architectural fence with front solid gates. All outside trash and recyclables shall be stored in this area and shall not be in public view over the fence height. All accessory apparatuses such as propane tanks shall be similarly enclosed.
16. There shall be a minimum buffer of 50 feet in width between any side or rear lot line that abuts an area zoned or used for single-family, industrial, commercial, or Federal or State highway use.
17. No individually registered commercial vehicle longer than 22 feet in length or 10 feet in height measured from the highest point of said vehicle excluding exhaust stacks and antennae or having a registered weight of 18,000 pounds or more, shall be stored or parked on any lot or portion of a lot nor parked on any street overnight situated in this residential zone.
18. Accessory buildings shall conform to the height and setback requirements of the principal building.
19. Each principal building shall:
  - (a) Not allow or contain outside television antenna. All television antenna equipment shall be built into the building to eliminate individual television antennas from being erected on the roof.
  - (b) Not fail to provide, in an enclosed area, laundry facilities of not less than one washer and one dryer for each ten dwelling units for the exclusive use of the occupants of the building, unless provided within each unit. No outside clothes lines or clothes hanging facilities or devices shall be provided or allowed.
20. All internal and external improvements found necessary in the public interest, including but not limited to streets, driveways, parking areas, sidewalks, curbs, gutters, lighting, shade trees, water mains, water system, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures and the like, shall be installed in accordance with the standards set forth for major subdivisions of land, except that all curb to curb pavement widths shall not be

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - R-7 Requirements**

less than 30 feet. No building permit shall be issued unless and until adequate performance guarantees of proper installation of such improvements shall have been posted in accordance with municipal ordinances.

21. There shall be no direct access of driveways from any dwelling unit onto a public street.

22. Buffers of no less than 50 feet shall be placed along all roads where a dwelling unit's rear or side facade faces a public road. The use of landscaped berms or decorative masonry walls can be utilized in addition to an all landscaped buffer. The use of a decorative wall and material to be used for the wall shall be at the discretion of the Planning Board.

21-30.3 Other Provisions and Requirements.

- a. Off-street parking is required subject to the requirements of this chapter.
- b. Landscaping is required subject to the requirements of this chapter.

### **21-31 R-3/PRD Planned Residential Development Zone.**

The purpose of the R-3/PRD zone is to permit single family development, townhouse development or a harmonious development of mixed residential uses to serve the demand for housing of varied types and designs, to allow flexibility and economy in layout and design and promote conservation or and more efficient use of open space.

21-31.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for the following purposes:

- a. Detached one-family dwellings in conformance with and subject to the requirements applicable to the R-3 zone.
- b. A townhouse residential development in conformity with and subject to the requirements set forth in Section 21-31.2.
- c. Accessory buildings, structures and uses for one-family dwellings only, the same as permitted in the R-2 zone.
- d. Accessory buildings, structures and uses to service townhouse units including recreational facilities, club houses and the like.
- e. The following conditional uses shall be permitted, subject to approval of the Planning Board and the special conditions of this chapter.
  - (1) The same conditional uses that are permitted in the R-3 Zone.
  - (2) Office Uses.
- f. Family Day Care Homes.

21-31.2 Development Standards. The R-3/PRD Zone specified herewith shall be occupied only as indicated in this chapter and as follows:

- a. The R-3 standards shall apply for single-family detached houses in the R-3/PRD Zone.
- b. In the event that the applicant elects to develop the property as a townhouse residential development, the following standards shall apply:
  1. The gross residential density shall not exceed three and two-tenths dwelling units per acre of gross lot area. Gross residential density shall be the total number of dwelling units divided by the gross lot area of the entire planned residential development parcel.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - R3/PRD Requirements**

2. The developer shall reserve no less than 25 percent of the site for open space purposes. No more than one-third shall be part of any flood plain, freshwater wetlands area or freshwater wetlands area buffer; and a minimum of five contiguous acres of usable land, not a part of any flood plain, freshwater wetlands area or freshwater wetlands area buffer, shall be reserved for open space purposes. The location shall be approved by the Planning Board. The open space may be a part of the land reserved for common use under a cluster development. If the developer utilized the cluster development and the PRD option in combination, the minimum reservation for open space purposes shall be increased to 35 percent of the site. Title to all reserved or common land shall be held in fee simple by the Homeowners Association, except that the municipality may elect to have certain areas dedicated to the municipality.
3. A planned residential development shall be of a size not less than 35 acres.
4. The minimum width of the entire parcel containing a planned residential development shall not be less than 750 feet.
5. The minimum depth of the entire parcel containing a planned residential development shall not be less than 1,000 feet.
6. Multiple road accesses from any planned residential development onto any single street classified as a "major road" in the Township Master Plan shall be separated by at least 1,000 feet of frontage.
7. The total number of bedrooms in a planned residential development shall not exceed six bedrooms per acre of gross lot area.
8. Townhouse dwelling units shall utilize the following standards:
  - (a) Minimum setback from all public roads except NJ Route #18 - 100 feet.  
Minimum setback from NJ Route #18 - 150 feet.
  - (b) Minimum setback from pavement of internal public or private road or parking area - 25 feet.
  - (c) Minimum setback from perimeter property lines of entire planned residential development site, except NJ Route #18 - 100 feet. Minimum setback from NJ Route #18 - 150 feet.
  - (d) Maximum lot coverage - 27 percent of the buildable lot area of the entire planned residential development site.
  - (e) Minimum gross floor area per unit:

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - R3/PRD Requirements**

- (1)One bedroom unit - 1,200 square feet.
- (2)Two or more bedroom units - 1,600 square feet.
- (3)These areas do not include required storage space.
- (f) Minimum width per unit - 20 feet.
- (g)Maximum building height - two stories above grade or 35 feet, whichever is less.
- (h)Maximum number of units per structure - six
- (i) Minimum number of units per structure - three.
- (j) Maximum length of structure - 150 feet.
- (k)Minimum interior storage area per unit - 700 cubic feet. Required storage space shall have a minimum vertical clearance of 5' and shall be located in a basement, attic or attached storage room and shall not include garage or closets.
- (l) Minimum distance between buildings - 100 feet between any two rear or front facades or any rear or front facade with a side facade. 35 feet between any two side facades. No portion of a front facade shall face any portion of a rear facade.
- (m)Minimum number of outside accesses per unit - two.
- (n)The maximum number of townhouses on any portion of the tract measuring 200' by 200' shall not exceed eight dwelling units.
- (o) Other provisions.
  - (1)A structure shall not have more than two connected townhouse units on one facade without providing a variation in setback of at least ten feet.
  - (2)A structure shall not have more than two connected townhouse units on one facade without providing a reasonable variation in the facade architecture.
  - (3)Television antenna equipment shall be built into the buildings. No antennas shall be erected on the roof.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - R3/PRD Requirements**

- (4) There shall be a minimum buffer of 50 feet in width along any lot line that abuts any Federal or State highway use. The buffer strip shall conform to the standards and definition in this chapter.
- (5) Buffers of no less than 50 feet shall be placed along all roads where a dwelling unit's rear or side facade faces a public road. The use of landscaped berms or decorative masonry walls can be utilized in addition to an all landscaped buffer. The use of a decorative wall and material to be used for the wall shall be at the discretion of the Planning Board.
- (6) No individually registered commercial vehicle longer than 22 feet in length or 10 feet in height measured from the highest point of said vehicle excluding exhaust stacks and antennae or having a registered weight of 18,000 pounds or more, shall be stored or parked on any lot or portion of a lot nor parked on any street overnight situated in this residential zone.
- (7) Accessory buildings shall conform to the height and setback requirements of the principal building.
- (8) Fences, patios, or similar outside facilities to the rear of each unit may only be constructed by the original developer or by the Homeowners Association and only after a set of architectural standards is approved by the Municipal Agency and administered by the original developer or the Homeowners Association.
- (9) There shall be at within each townhouse unit, adequate area for the temporary storage of recyclable materials, as required in this Chapter.
- (10) There shall be a trash and recyclable storage area completely surrounded by a six foot high solid architectural fence with front solid gates. All outside trash and recyclables shall be stored in this area and shall not be in public view over the fence height. All accessory apparatuses such as propane tanks shall be similarly enclosed.
- (11) Common areas of any tract utilized for a townhouse development which are not accepted by the Township shall be deeded to a homeowners association consisting of the property owners within the development, for their use, control, management and maintenance.
- (12) Only the land directly under each unit, and land adjacent thereto with an area not greater than 50 percent of said land under each unit shall be sold in fee simple to the purchaser of the unit. All other lands shall be the ownership and responsibility of the Homeowners Association. All land

other than that directly under each unit shall be under the maintenance responsibility of the Homeowners Association.

(13) Off-street parking is required subject to the regulations of this chapter.

(14) Landscaping is required subject to the regulations of this chapter.

(15) All internal and external improvements found necessary in the public interest, including but not limited to streets, driveways, parking areas, sidewalks, curbs, gutters, lighting, shade trees, water mains, water systems, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures and the like, shall be installed in accordance with the standards set forth for major subdivisions of land. All curb to curb pavement widths shall not be less than 30 feet. No building permit shall be issued unless and until adequate performance guarantees of proper installation of such improvements shall have been posted in accordance with municipal ordinances.

(16) There shall be no direct access of driveways from any dwelling unit onto a public street.

(17) Maintenance:

(a) All lands and structures not deeded and accepted by the municipality shall be serviced and maintained by the owner, or Homeowners Association, including but not limited to, streets, playgrounds, snow plowing, garbage and trash pick-up and other services except police and fire protection.

(b) In the event that the organization established to own and maintain the common area(s) shall, at any time after establishment of the planned unit development; fail to maintain the common area(s) in reasonable order and condition in accordance with the plan, the appropriate municipal official may serve written notice upon such organization or upon the residents and owners of the planned unit development setting forth the manner in which the organization has failed to maintain the common area(s) in reasonable condition. The notice shall include a demand that such deficiencies or maintenance be cured within 30 days thereof and shall state the date and place of a hearing thereon which shall be held within ten days of the notice.

(c) At such hearing the appropriate municipal official may modify the terms of the original notice as to the deficiencies set forth in the original notice; or, if the modifications thereof shall not be cured within 30 days

or any extension thereof, the appropriate municipal official, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common area(s) from becoming a nuisance, may enter upon said common area(s) and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common area(s) except where the same is voluntarily dedicated to the public by the residents and owners.

- (d) Before the expiration of said year, the appropriate municipal official shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common area(s), call a public hearing upon notice of such organization, or to the residents and owners of the planned unit development, to be held by the appropriate municipal official at which hearing such organization or the residents and owners of the planned unit development shall show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year.
- (e) If the appropriate municipal official determines that the organization is ready and able to maintain the common area(s) in reasonable condition, the Township shall cease to maintain said common area(s) at the end of the year. If the appropriate municipal official determines that the organization is not ready and able to maintain the common area(s) in a reasonable condition, the Township may, at its discretion, continue to maintain the common area(s) during the next succeeding year and subject to a similar hearing and determination in each year thereafter.
- (f) The decision of the appropriate municipal official in any such case shall constitute a final administrative decision subject to judicial review. The cost of such maintenance by the Township shall be assessed against the properties within the planned unit development that have a right of enjoyment of the common area(s) and shall become a tax lien on said properties.
- (g) The Township, at the time of entering upon said common area(s) for the purpose of maintenance, shall file a notice of such lien in the office of the county clerk upon the properties affected by such lien within the planned unit development.
- (h) Notwithstanding the foregoing and as an additional remedy, the Township may cause to be issued a summons and complaint against the Homeowners Association and/or owner returnable in the Municipal

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - R3/PRD Requirements**

Court of the Township of Ocean for a violation of any ordinances of the Township of Ocean including but not limited to Zoning, Land Use and Property Maintenance Ordinances. The penalty provisions of Section 3-17 of the "Revised General Ordinances of the Township of Ocean, 1965" shall be applicable thereto. Each day that a violation of any ordinance shall continue shall be deemed a separate violation.

21-31.3 Common Ownership Areas. All areas put into common ownership for common recreational use by all residents of the development shall be owned by a nonprofit homeowners association in accordance with the following requirements:

- a. Deed Restriction. The applicant shall deliver to the Township of Ocean for its approval, appropriate documents establishing deed restrictions prohibiting, in perpetuity, any land designated for common open space from being used for any other purpose and all other covenants and deed restrictions which will be contained in the master deed and unit deed.
- b. Organization for Common Ownership Required. The applicant shall establish a legally constituted homeowners association for the ownership and maintenance of: (1) all common space; and (2) any streets not accepted for dedication by the Township of Ocean. This organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise, except to another organization conceived and established to own and maintain the common open space and non-dedicated streets of the development.
- c. Rules of Organization. Any homeowners association established in accordance with paragraph b. above, shall:
  1. Be established before a certificate of occupancy has been issued for any dwelling unit in the townhouse development.
  2. Make membership automatic and mandatory for each owner of a townhouse dwelling unit and any succeeding owner thereto, being accomplished by the purchase of a townhouse dwelling unit in the development.
  3. Guarantee access to all the common open space to all persons legally residing in the townhouse development and limit that access to the legal residents and their guests only. Every member of the association shall have a right and easement of enjoyment in and to the common open space.
  4. Be responsible for liability insurance, taxes and the maintenance of the common open space and undedicated streets. The certificate of incorporation shall contain provisions so that adequate funds will be available for maintenance.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - R3/PRD Requirements**

5. Require owners of townhouse dwelling units to pay their pro rata share of the costs listed above and provide that an assessment levied by the organization shall have the same force and effect as a debt, or ground rent or lien against the real property.
6. Be able to adjust the assessment to meet changing needs.
7. Common open space maintenance. The documents establishing or creating such organization shall provide a plan for the maintenance of all common open space and undedicated streets in the townhouse development.
8. The developer shall convey title to the common open space area(s) to the aforesaid homeowners association at such time as the aforesaid association is able to maintain the area(s) or at such time as may be designated by the Planning Board of the Township of Ocean, which date shall be consistent with the policy expressed herein.

**21-32 AR-3/PRD Affordable Housing Zone.**

The purpose of the AR-3/PRD Zone is to permit harmonious development of mixed residential uses to serve the demand for affordable housing of varied types and designs, to allow flexibility and economy in layout and design and promote conservation and more efficient use of open space.

21-32.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for the following purposes:

a. Principal Buildings and Uses:

1. Detached one-family dwellings.
2. Affordable residential development.
3. Family Day Care Homes.

b. Accessory Buildings, Structures and Uses:

1. Accessory buildings, structures and uses for one-family dwellings the same as permitted in the R-3 zone.
2. Accessory buildings, structures, and uses to service senior citizen housing and townhouse units including recreational facilities, club houses and the like.

c. Conditional Uses:

1. The same conditional uses that are permitted in the R-3 Zone subject to approval of the Planning Board and the special conditions of this chapter.
2. Indoor Recreational Facilities.
3. Senior Independent Living Facilities.
4. Affordable Apartment Flats

21-32.2 Development Standards. The AR-3/PRD Zone specified herewith shall be occupied only as indicated in this chapter and as follows:

- a. The R-3 standards for cluster single-family residences as listed in Subsection 21-25.2, paragraph b. of this chapter shall apply for all single-family detached houses in the AR-3/PRD Zone.

- b. In the event that the applicant elects to develop the property as an affordable residential development, the following standards shall apply:
  1. The density of residential units in an affordable residential development shall not exceed three and two tenths (3.2) dwelling units per gross acre, of which market rate units shall have a density of no greater than two and six tenths (2.6) units per gross acre. The gross density may be increased to 3.4 units per acre where all affordable units are located in a senior citizen housing complex, and the additional two-tenths (.2) units per acre consist solely of affordable senior citizen housing units. Gross residential density shall be the total number of dwelling units divided by the acreage of the entire affordable residential development including dedicated areas, common areas and open space.
  2. The developer shall reserve no less than 25 percent of the site for open space purposes. No more than one-third of the reserved open space shall be part of any flood plain, freshwater wetlands area or freshwater wetlands area buffer; and a minimum of five contiguous acres of usable land, not a part of any flood plain, freshwater wetlands area or freshwater wetlands area buffer, shall be reserved for open space purposes. The location shall be approved by the Planning Board. The open space may be a part of the land reserved for common use under a cluster development. If the developer utilized the cluster development and the PRD option in combination, the minimum reservation for open space purposes shall be increased to 35 percent of the site. Title to all reserved or common land shall be held in fee simple by the Homeowners Association, except that the municipality may elect to have certain areas dedicated to the municipality.
  3. An affordable residential development shall be of a size not less than 25 acres.
  4. The minimum width of the entire parcel containing an affordable residential development shall not be less than 400 feet.
  5. The minimum depth of the entire parcel containing an affordable residential development shall not be less than 1,000 feet.
  6. Multiple road accesses from any affordable residential development onto any single street classified as a "major road" in the Township Master Plan shall be separated by at least 1,000 feet of frontage.
  7. Road access shall be prohibited from any affordable residential development into any of the following single family residential streets in order to protect the single family residential character of the area: Lynn Drive, Fredric Drive, Joel Road, and Hanley Road.
  8. Bedrooms.

- (a) The total number of bedrooms in an affordable residential development, excluding bedrooms in senior citizens housing complexes, shall not exceed six and two tenths (6.2) bedrooms per gross acre. Any acreage designated for senior citizen housing shall be included in the calculation of permitted number of bedrooms.
  - (b) Townhouse units shall consist of 2 bedroom units with no family room or loft, 2 bedroom units with an open loft, and 3 bedroom units with no loft. No units shall be permitted to have a den or family room which could be converted to an additional bedroom. A maximum of 25% of the townhouse units shall be 3 bedroom units, except that an additional 3 bedroom unit may be permitted for each 2 bedroom unit with no family room or loft, provided that the total number of 3 bedroom units does not exceed 39% of the total number of townhouse units.
9. Single-family detached development shall utilize the lot area, lot width, lot depth, building setback and height, and lot coverage development standards for both principal and accessory buildings as required of cluster single family units in an R-3 Zone.
10. Townhouse dwelling units including affordable townhouse dwelling units, shall utilize the following standards:
- (a) Minimum setback from all public roads except NJ Route #18 - 100 feet.  
Minimum setback from NJ Route #18 - 150 feet.
  - (b) Minimum setback from pavement of internal public or private road or parking area - 25 feet.
  - (c) Minimum setback from perimeter property lines of entire planned residential development site - 100 feet.
  - (d) Maximum lot coverage - 27 percent of the buildable lot area of the entire planned residential development site.
  - (e) Minimum gross floor area per unit:
    - (1) Market rate units:
      - (i) One bedroom unit - 1,200 square feet.
      - (ii) Two or more bedroom units - 1,400 square feet.
      - (iii) These areas do not include required storage space.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - AR-3/PRD Requirements**

(2) Affordable units:

(i) 650 square feet for efficiency and one bedroom units, plus 150 square feet for each additional bedroom.

(ii) These areas do not include required storage space.

(f) Minimum width per unit - 20 feet.

(g) Maximum building height - two stories above grade or 35 feet, whichever is less.

(h) Maximum number of units per structure - six.

(i) Minimum number of units per structure - three.

(j) Maximum length of structure - 150 feet.

(k) Minimum interior storage area per unit - 700 cubic feet. Required storage space shall have a minimum vertical clearance of 5' and shall be located in a basement, attic or attached storage room and shall not include garage or closets.

(l) Minimum distance between buildings - 85 feet between any two rear or front facades or any rear or front facade with a side facade; 35 feet between any two side facades. No portion of a front facade shall face any portion of a rear facade.

(m) Minimum number of outside accesses per unit - two.

(n) The maximum number of townhouses on any portion of the tract measuring 200' by 200' shall not exceed eight dwelling units.

(o) Other provisions:

(1) A structure shall not have more than two connected townhouse units on one facade without providing a variation in setback of at least ten feet.

(2) A structure shall not have more than two connected townhouse units on one facade without providing a reasonable variation in the facade architecture.

(3) Television antenna equipment shall be built into the buildings. No antennas shall be erected on the roof.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - AR-3/PRD Requirements**

- (4) There shall be a minimum buffer of 50 feet in width along any lot line that abuts any Federal or State highway use. The buffer strip shall conform to the standards and definition in this chapter.
- (5) Buffers of no less than 50 feet shall be placed along all roads where a dwelling unit's rear or side facade faces a public road. The use of landscaped berms or decorative masonry walls can be utilized in addition to an all landscaped buffer. The use of a decorative wall and material to be used for the wall shall be at the discretion of the Planning Board.
- (6) No individually registered commercial vehicle longer than 22 feet in length or 10 feet in height measured from the highest point of said vehicle excluding exhaust stacks and antennae, or having a registered weight of 18,000 pounds or more, shall be stored or parked on any lot or portion of a lot nor parked on any street overnight situated in this residential zone.
- (7) Accessory buildings shall conform to the height and setback requirements of the principal building.
- (8) Fences, patios, or similar outside facilities to the rear of each unit may only be constructed by the original developer or by the Homeowners Association and only after a set of architectural standards is approved by the Municipal Agency and administered by the original developer or the Homeowners Association.
- (9) There shall be within each townhouse unit, adequate area for the temporary storage of recyclable materials, as required in this Chapter.
- (10) There shall be a trash and recyclable storage area completely surrounded by a six foot high solid architectural fence with front solid gates. All outside trash and recyclables shall be stored in this area and shall not be in public view over the fence height. All accessory apparatuses such as propane tanks shall be similarly enclosed.
- (11) Common areas of any tract utilized for a townhouse development which are not accepted by the Township shall be deeded to a homeowners association consisting of the property owners within the development, for their use, control, management and maintenance.
- (12) Only the land directly under each unit, and land adjacent thereto with an area not greater than 50 percent of said land under each unit shall be sold in fee simple to the purchaser of the unit. All other lands shall be the ownership and responsibility of the Homeowners Association. All land

other than that directly under each unit shall be under the maintenance responsibility of the Homeowners Association.

(13) Off-street parking is required subject to the regulations of this chapter.

(14) Landscaping is required subject to the regulations of this chapter.

(15) All internal and external improvements found necessary in the public interest, including but not limited to streets, driveways, parking areas, sidewalks, curbs, gutters, lighting, shade trees, water mains, water systems, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures and the like, shall be installed in accordance with the standards set forth for major subdivisions of land. All curb to curb pavement widths shall not be less than 30 feet. No building permit shall be issued unless and until adequate performance guarantees of proper installation of such improvements shall have been posted in accordance with municipal ordinances.

(16) There shall be no direct access of driveways from any dwelling unit onto a public street.

(17) Affordable townhouse units shall be integrated throughout the townhouse development and not separated from market rate units.

11. Senior citizen housing complexes:

(a) The following standards are intended for Senior citizen housing complexes which are part of larger affordable residential developments. If an affordable residential development consists entirely of a senior citizen housing complex, those standards governing the entire affordable residential development shall apply.

(1) Minimum lot size - 7 acres.

(2) Minimum lot width - 400 feet.

(3) Minimum lot depth - 400 feet.

(4) Minimum front yard setback - 50 feet.

(5) Minimum rear yard setback - 35 feet.

(6) Minimum side yard setback - 35 feet.

Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - AR-3/PRD Requirements

- (7) Minimum distance between buildings - 85 feet between any two rear or front facades or any rear or front facade with a side facade; 35 feet between any two side facades.
- (8) Minimum setback from perimeter of internal public or private road - 25 feet.
- (9) Minimum setback from parking area - 10 feet.
- (10) Maximum lot coverage - 27 percent of the buildable lot area of the entire senior citizens housing site.
- (11) Maximum building height - 3 stories above grade or 40 feet, whichever is less.
- (12) Maximum density - 14 units per developed acre
- (13) Maximum building length - 150 feet.
- (14) Maximum units per structure - 36.
- (15) Minimum unit size:
  - (i) Efficiency - 550 square feet.
  - (ii) 1 Bedroom - 650 square feet.
  - (iii) 2 Bedroom - 750 square feet.
- (16) Unit distribution - A minimum of 60 percent of the units shall be one bedroom units. The remainder may consist of efficiency, one bedroom, or two bedroom units, or any mix thereof.
- (17) Each principal building shall:
  - (i) Not allow or contain outside television antenna. All television antenna equipment shall be built into the building to eliminate individual television antennas from being erected on the roof.
  - (ii) Provide, in an enclosed storage area, with a minimum vertical clearance of 5', of not less than 400 cubic feet of storage for each unit in the building.

(iii) Not fail to provide, in an enclosed area, laundry facilities of not less than one washer and one dryer for each ten dwelling units for the exclusive use of the occupants of the building, unless washers and dryers are provided within each unit. No outside clothes lines or clothes hanging facilities or devices shall be provided or allowed.

(iv) There shall be a trash and recyclable storage area completely surrounded by a six foot high solid architectural fence with front solid gates. All outside trash and recyclables shall be stored in this area and shall not be in public view over the fence. All accessory apparatuses shall be similarly enclosed.

(18) Indoor and outdoor recreation facilities, of adequate size to serve the occupants, shall be provided. An indoor recreation area of not less than 1,100 square feet, shall be provided. Outdoor recreation area, consisting of a minimum of 50 square feet per dwelling unit, shall also be provided. Such recreation areas and buildings may be combined with similar facilities provided for the remainder of the affordable residential development.

(b) A senior citizens housing complex, when part of an affordable residential development, shall occupy a separate and distinct portion of the development and shall have its boundaries specifically defined on the site plan of the affordable housing development. This separate and distinct area shall be no less than seven acres in size. The senior citizens housing complex may be subdivided from the remainder of the affordable residential development.

(c) Up to 100 percent of the units of a senior citizen housing development may be designated for occupancy by low and moderate income families provided that at least one-half of the designated units are for low income families. A developer may utilize senior citizen housing exclusively to meet his requirement of 20 percent low and moderate income housing for an affordable housing development.

12. Maintenance. All lands not deeded and accepted by the municipality shall be subject to the provisions of Subsection 21-31.2.b.8(o)(17).

13. Provision of low and moderate income housing. A minimum of 20 percent of all dwelling units in an affordable housing development shall be affordable to and occupied by low and moderate income families and at least one-half of these shall be affordable to and occupied by low income families as defined by State of New Jersey Council on Affordable Housing.

However, at the discretion of the Planning Board of the Township of Ocean, a developer may make a contribution towards the future construction of low and moderate income housing in lieu of the actual construction of such housing. The contribution may be in the form of cash, site improvements or land donation and must meet all of the following criteria:

- (a) The value of the contribution must equal a minimum six thousand (\$6,000.00) dollars per market rate housing unit to be constructed;
- (b) The contribution must reasonably relate to the future construction of low and moderate income housing;
- (c) Contribution in the form of cash or site improvements must be paid in full or guaranteed by bond at the time of signing of a developers agreement. Contribution in the form of land dedication must have ownership transferred to the Township at the time of signing of the developers agreement. In the event of a contribution of land, density for the purpose of this section will be calculated on the basis of the land area before the contribution.

21-32.3 Common Ownership. All areas put into common ownership for the common use by all residents of the development shall be owned by a nonprofit homeowners association in accordance with the provisions of Subsection 21-31.3

21-32.4 Affordable Housing Requirements.

a. Eligibility Standards.

1. Occupants of one-half of all lower income units shall meet the State of New Jersey Council on Affordable Housing eligibility requirements for low income families and one-half shall meet eligibility requirements for moderate income families.
2. The developer shall agree not to impose age restrictions upon the occupants of any low and moderate income unit, except as to specified senior citizen housing.

b. Housing Cost - New Housing. The initial rents and sales price of new affordable housing shall be computed as follows:

1. Sales prices. The initial sales price of all low and moderate income housing units should not exceed the affordability of households earning 90 percent of the ceiling income of low income and moderate income households, respectively, as defined in paragraph a,1. of this subsection. The sales price shall be calculated assuming that a family, earning 90 percent of the respective ceiling income, will spend 28 percent of its gross income on mortgage, taxes, insurance and

- homeowners association fees, assuming a 30 year fixed rate mortgage at prevailing rates. The initial sales price of a unit shall be verified by the Township Housing Administrator, or other authorized designee of the Township Council in the absence of a Housing Administrator, in writing prior to a unit being offered for sale.
2. Rental prices. The maximum initial monthly rent of a unit shall not exceed 25 percent of a qualifying family's income when utilities are not included and 30 percent of a qualifying family's income when utilities are included.
- c. Subsidies. Government subsidies may be used at the discretion of the applicant to fulfill requirements of this subsection.
  - d. Resale and Rental of Lower Income Housing.
    1. All lower income dwelling units shall be required to have covenants running with the land to control the resale price of for sale units or to employ other legal mechanisms which shall be approved by the Township attorney and will, in his opinion, ensure that such housing will remain affordable to persons of lower income.
    2. The owner of all rental units shall provide legal documentation, to be approved by the Township attorney, to assure that rental units will remain affordable to persons of lower income.
    3. In the event that no low or moderate income purchaser is found within 120 days, after the unit is listed for sale with a realtor and the housing administrator is notified in writing of such listing, the low income unit may be sold to a moderate income purchaser or, if none is available within an additional 14 days, to any interested purchaser, and the moderate income unit to any interested purchaser. Regardless of the income of a purchaser, the sales price of a unit shall not increase more than permitted in paragraph d,6. of this subsection. Proof of the attempt to sell shall be submitted to and shall be satisfactory to the housing administrator prior to resale. Resale controls shall remain in effect for any subsequent re-sales.
    4. The Township and the applicant may develop reasonable priorities and qualifications for occupants of lower income housing, provided that Township residents and persons employed within the Township shall be entitled to first priority for all affordable housing units for a period of 30 business days from the time such units are listed for sale or resale, or made available for rent. Selection procedures shall be directed and administered by a Township official appointed each year as the housing administrator by the Township or, in the alternative, the

Township may arrange for third party administration of resale and tenant selection of affordable housing.

5. The developer shall formulate and implement a written affirmative marketing plan acceptable to the Township Council. The affirmative marketing plan shall be realistically designed to ensure that lower income persons of all races and ethnic groups are informed of the housing opportunities in the development, feel welcome to seek or buy or rent such housing and have the opportunity to buy or rent such housing. It shall include advertising and other similar outreach activities.
  6. Sales prices and rents may be increased in accordance with the guidelines issued by the State of New Jersey Council on Affordable Housing. In the absence of such guidelines, increases shall be based on the annual Metropolitan New York Regional Consumer Price Index for Housing of the Department of Labor. The increase will be computed by comparing the Index at the time of purchase to the Index at the time of sale and increasing the price of the unit by the same proportionate increase. Reimbursements for documented monetary outlays for reasonable improvements to the unit will also be permitted, provided that such improvements have been approved by the housing administrator prior to construction.
  7. Resale and rental controls shall remain in effect for the life of the unit or until such time as the Township determines that the need for the unit no longer exists. Such a determination shall be made by means of a periodic review of the Township's Master Plan Housing Element as mandated by the N.J. Municipal Land Use Law.
- e. Phasing of Lower Income Housing. All affordable housing units shall be constructed according to the following schedule, except for any Senior Citizens Housing Complex which is to be subdivided from the remainder of the Affordable Housing Development tract and dedicated or sold to the Township or its designated authority. The phasing schedule for any such Senior Citizens Housing Complex shall be determined by the Planning Board at the time of approval of the application for development, and shall be included in the resolution of approval as a condition of approval.

1. Schedule for Phasing:

- (a) Lower income housing shall be phased in accordance with the following schedule:

Percentage of Total Market  
Housing Units

Minimum Percentage of Lower  
Income Housing Units

Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - AR-3/PRD Requirements

25 -----	-----_ 25
50 -----	----- 50
75 -----	----- 75
100 -----	----- 100

- (b)The developer may construct the first 25 percent of the market housing units without constructing low and moderate income housing units. No certificates of occupancy shall be issued for any of the next 25 percent of the units until 25 percent of the low and moderate housing units (of which half must be low income) shall have been issued certificates of occupancy. This pattern shall be continued as each increment of 25% of the units are constructed until the project is complete.
2. Any development for which a subdivision or site plan has been approved shall be considered a single development for purposes of paragraph e. regardless of whether parts or sections are sold or otherwise disposed of to persons or legal entities other than the one which received approval. All such approvals and conditions of approvals shall run with the land. Any tracts or parcels sold shall include documentation satisfactory to the Township attorney, setting forth the requirements for low and moderate income housing unit.

## **21-33 Regulations Applying to All Non-Residential Zones**

21-33.1 Driveways and Parking Lots. No property in a residential zone shall be used as a driveway or parking lot to serve a business or industrial use.

21-33.2 Curb Cuts. All curb cuts shall be at least 15 feet but not more than 30 feet in width, except on County or State roads where applicable County or State requirements are established. Unless specifically permitted elsewhere in this chapter, only one curb cut shall be permitted on any street frontage, and it shall be located within the center 1/3 of the frontage of the site.

21-33.3 Conflicting Uses. No use shall be established, maintained or conducted in any business zone that will conflict with Performance Standards as established in this chapter.

21-33.4 Underground Utilities. All utility and telephone lines and appurtenances which provide service to the property shall be placed underground.

21-33.5 Trash and Recyclable Materials Storage Areas. An enclosed area shall be provided for the temporary storage of trash and recyclable refuse. Notwithstanding zoning requirements to the contrary, the following shall apply:

- a. Application for a trash and recyclable materials storage area shall be made to the Planning Administrator.
- b. The application shall be made as follows:
  1. Applicants will submit an original and two (2) copies of the appropriate application forms.
  2. The appropriate fee will be paid.
  3. Applicants will submit copies of an approved site plan if the property has previously received site plan approval or, if not, a survey of the property on which the storage area is to be located.
  4. Applicants will provide a drawing/sketch plan of the storage area, properly dimensioned, on the survey or site plan, which reflects the proposed storage area and distances to other structures and property lines.
  5. The following details shall apply to the storage area. They may be shown on the plan for the storage area or attached on a separate sheet.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Regulations Applying to All Commercial Zones**

- a. Storage area floor pad shall be a six (6") inch thick concrete slab, reinforced using 6/6/12/12 welded wire fabric;
- b. Enclosure walls/fencing shall be of reinforced masonry and/or timber construction and shall be solid to provide a suitable visual screen. If timber fencing is utilized:
  1. Fence and gate posts shall be constructed of four (4") inch O.D. galvanized steel pipe (3/16 wall) set in twelve (12") inch minimum diameter by 24" deep concrete foundations thirty (30") inches below grade; and
  2. Enclosure panels shall be board-on-board type. six (6') feet high, and enclose the entire perimeter of the storage area; and
- c. All enclosure gates shall be specified to be self-closing, self-latching, and capable of being fixed securely in the open position.
- c. Trash and recyclable material storage areas may be located no less than five (5') feet from a rear or side property line. No storage area may be located in a front yard.
- d. If, in the opinion of the Planning Administrator, the changes to the original site plan are solely for the purpose of creating a trash and recyclable materials storage area and the site will continue to operate so as to promote the public health, safety, and general welfare, an administrative approval may be granted.
- f. In the alternative, if the Planning Administrator finds that (1) the proposed location of the storage area may be a detriment to the public health, safety, and general welfare, or, (2) does not comply with the details referenced in Section 21-33 5 b.4., or, (3) is located in a front yard or closer than 5' to a side or rear property line, then an administrative approval shall not be granted. A site plan application before the appropriate municipal board shall be made.
- g. Existing non-residential structures which have not obtained an approved trash and recyclable materials storage plan by March 30, 1997, shall be deemed to be non-conforming as a result of the adoption of this ordinance and shall be deemed to be in violation of the Township's Ordinances with regard to recycling and litter control and shall be subject to the penalties enumerated in the Comprehensive Land Development Ordinance of the Revised General Ordinances of the Township of Ocean.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Regulations Applying to All Commercial Zones**

21-33.6 Roof Structures. Roof structures such as mechanical equipment, water towers, etc., shall be screened from public view or designed in such a fashion as to compliment the architecture of the building.

21-33.7 Flags. One freestanding flag pole to display the flag of the United States of America and/or the State of New Jersey shall be permitted on a property in a commercial zone. Notwithstanding zoning requirements to the contrary, the following shall apply:

- a. Applications for a flag pole shall be made to the Planning Administrator
- b. The application shall be made as follows:
  1. Applicants will submit an original and two (2) copies of the appropriate application forms.
  2. The appropriate fee shall be paid.
  3. Applicants will submit copies of an approved site plan if the property has previously received site plan approval, or, if not, a survey of the property on which the flag pole is to be located. In the event a site plan or survey is not available, the applicant may have the location staked for review.
  4. Applicants will provide a location of the flag pole on the survey or site plan, which reflects the proposed flag pole and distances to other structures and property lines.
- c. The following specifications shall apply to the flag pole:
  1. Only one free standing flag pole is permitted.
  2. The flag pole must be located in a curbed and/or landscaped area.
  3. The height of the flag pole may be no greater than 10' above the maximum building height permitted in the zone, but in no case may the height exceed 45'.
- d. If, in the opinion of the Planning Administrator, the changes to the original site plan are solely for the purpose of locating a flag pole and the site will continue to operate so as to promote the public health, safety, and the general welfare, an administrative approval may be granted.
- e. In the alternative, if the Planning Administrator finds that the proposed location of the flag pole:
  1. may be a detriment to the public health, safety, and general welfare; or
  2. does not comply with the specifications in Section 21-33.7.c, then an

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Regulations Applying to All Commercial Zones**

administrative approval shall not be granted. A site plan application before the appropriate municipal board shall be made.

## **21-34 T-1 Transitional Office/Residential Zone**

The purpose of the Transitional Office/Residential Zone is to provide an appropriate transitional use between certain existing single family residential areas, as identified in the Master Plan of the Township of Ocean, and more intensive commercial areas or heavily traveled streets.

21-34.1 Permitted Uses. A building may be erected, altered, or used and a lot or premises may be occupied and used for any of the following purposes:

- a. Principal permitted uses:
  1. Single Family Residence
  2. Home Professional Office
  3. Professional Office (excluding medical or dental uses)
  4. Family Day Care Homes.
- b. Accessory buildings not to exceed 15 feet in height, structures and uses including:
  1. Private garage, not to exceed two spaces.
  2. Buildings for tools and equipment used for maintenance of the grounds, and greenhouses for hobby use.
  3. Private swimming pools and tennis courts.
  4. Signs, subject to the regulations and conditions of this chapter.
  5. Fences and hedges subject to the special conditions of this chapter.
  6. Decks and Open Porches.
  7. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- c. The following conditional uses are permitted subject to approval of the Planning Board and the special conditions of this chapter.
  1. Government buildings and services which are necessary to the health, safety, convenience, and general welfare of the inhabitants of the municipality. This category shall include volunteer fire companies.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - T-1 Regulations**

2. Public utility installations.
3. Churches, synagogues, parish houses, and similar religious uses.
4. Public and Parochial schools.
5. Satellite antenna dishes greater than one (1) meter for a residential use or greater than two (2) meters for an office use.

21-34.2 Development Standards. The T-1 Transitional Office/Residential Zone specified herewith shall be occupied only as indicated in this chapter.

a. Single-Family, Home Professional Offices and Professional Offices

1. Principal buildings.

- |   |                  |
|---|------------------|
| (a) Minimum lot size  | - 10,000 sq. ft. |
| (b) Minimum lot width   | - 100 feet       |
| (c) Minimum lot depth   | - 100 feet       |
| (d) Minimum front yard setback<br>(measured from the future<br>street R.O.W.) | - 30 feet        |
| (e) Minimum side yard setback   | - 10 feet        |
| (f) Minimum both side yard setbacks   | - 25 feet        |
| (g) Minimum rear yard setback   | - 30 feet        |
| (h) Minimum gross floor area  |                  |
| (1) Two story buildings:  |                  |
| First floor minimum   | - 700 sq. ft.    |
| Overall minimum   | - 1,400 sq. ft.  |
| (2) One and one-half story buildings:   |                  |
| First floor minimum   | - 850 sq. ft.    |
| Overall minimum   | - 1,400 sq. ft.  |

- |                             |                             |
|-----------------------------|-----------------------------|
| (3) Single story buildings: | - 1,300 sq. ft.             |
| (i) Maximum lot coverage    |                             |
| building                    | - 27% of buildable lot area |
| impervious                  | - 90% of buildable lot area |
| (j) Maximum building height | - 35 feet                   |
| (k) Maximum stories         | - 2 stories above grade     |

2. Accessory buildings, structures and uses.

- (a) More than one accessory building may be permitted on a lot. One accessory building may be permitted for which the side and rear yard setback requirements shall be no less than five feet, provided that it does not exceed ten feet in height or 150 square feet in area, and is not attached to or within ten feet of the principal building. All additional accessory buildings shall conform to the minimum setback requirements of the principal building.
- (b) Accessory structures, other than buildings, intended for use or occupancy and located on or above ground, including swimming pools, tennis courts, patios, and decks or porches three feet in height or less, must maintain the required front yard setback of the principal building and a minimum ten feet setback from side and rear property lines. Decks which exceed 3' in height must maintain the required side yard setback and may extend no more than 20' beyond the required rear yard setback line provided no point of the deck floor exceeds a height of 7' above finished grade. Any deck which exceeds 3' in height and is located within the required rear yard shall have its base screened by either lattice or landscaping or a combination of the two. All other accessory structures must maintain the required front, side and rear yard setbacks of the principal building. Fences are specifically not covered by this restriction and are governed elsewhere in this chapter.

21-34.3 Other Provisions and Requirements.

- a. Off-street parking is required subject to the requirements and conditions of this chapter.
- b. Landscaping is required subject to the requirements and conditions of this chapter.
- c. No more than 24" of unfinished foundation shall be exposed above ground in the front of any building, and no more than 42" of unfinished foundation shall be exposed above ground in the architectural rear of any building.

## **21-35 C-1 Neighborhood Commercial Zone.**

The purpose of the C-1 Neighborhood Commercial Zone is to provide retail centers in which will be found the shopping goods and services required to meet the daily needs of residents in the immediate vicinity or neighborhood. It is specifically intended for retail sales and services in the older established areas of the community.

21-35.1 Permitted Uses. A building may be erected, altered, or used and a lot or premises may be occupied and used for any of the following purposes:

a. Principal Buildings and Uses.

Antique store  
Apparel  
Appliance store  
Artist's supply  
Bakery store  
Bank  
Barber store  
Beauty and cosmetic shop  
Bicycle store (non-motorized)  
Books, periodicals and newspaper sales  
Business office  
Butcher store or meat market (no slaughtering permitted)  
Candy store  
Card store  
Ceramic store  
Cigars and tobacco sales  
Cleaners (no processing)  
Coin dealer  
Dairy products, retail  
Delicatessen  
Drug store  
Finance company  
Florist  
Fruit and vegetable market  
Gift shop  
Grocery store  
Hardware store  
Hobby store  
Ice cream store  
Jewelry store  
Liquor store  
Locksmith

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-1 Regulations**

Luncheonette (non drive-in)  
Medical and dental clinic and offices  
Musical instrument store  
Newsstand  
Notary  
Paint, glass and wallpaper store  
Personal trainers  
Pharmacy  
Photography studio  
Private schools  
Professional office  
Public utilities office  
Real estate and insurance office  
Record store  
Restaurant (non drive-in, non fast-food)  
Rug/Flooring store  
Seafood store  
Shoe or hat repair store  
Snack bar (non drive-in)  
Specialty food store  
Sporting goods store  
Stationery store  
Tailor  
Tavern  
Television, radio, electronics, sales and service  
Travel agency  
Video store

**b. Accessory Buildings and Uses Including:**

1. Private garage space not to exceed three spaces for the storage of vehicles operated exclusively as part of a permitted use which is located on the subject site.
2. Signs subject to the provisions of the requirements of this chapter.
3. Fences and hedges subject to the requirements of this chapter.
4. Buildings for tools and equipment used for maintenance of the grounds.
5. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-1 Regulations**

- c. The following conditional uses are permitted subject to the Planning Board approval and the special conditions of this chapter.
1. Government buildings and services which are necessary to the health, safety, convenience and general welfare of the inhabitants of the municipality. This category shall include volunteer fire companies.
  2. Churches, synagogues, parish houses, and similar religious uses.
  3. Public utility installations.
  4. Child Day Care Centers.
  5. Satellite antenna dishes greater than two (2) meters in diameter.

21-35.2 Development Standards. The C-1 Commercial Zone specified herewith shall be occupied only as indicated in this chapter which is as follows:

a. Principal Buildings.

1. Minimum lot size - 10,000 square feet
2. Minimum lot width - 50 feet
3. Minimum lot depth - 100 feet
4. Minimum front yard setback  
(measured from the future street R.O.W.) - 5 feet
5. Minimum side yard setback - 0 feet

In order to encourage an end product which provides parking, access, and architectural continuity even where development occurs piece-meal and with diverse ownership, buildings may be attached and may be built to the interior side lines in order to be attached. The minimum distance between structures, if not attached, shall be 15 feet whether on the same lot or an adjacent lot. Attached buildings may include two walls which must be keyed to each other. Where buildings are built to both side lot lines, the site plan shall be accompanied by appropriate easements and plans showing properly located loading spaces and trash receptacles with permitted access across adjacent properties. If the property abuts a residential zone, the building shall be set back a distance of 25 feet from the residential zone.

6. Minimum rear yard setback - 10 feet

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-1 Regulations**

If the property abuts a residential zone, the building shall be set back a distance of 25 feet from the residential zone.

- 7. Minimum gross floor area - 800 square feet
  - 8. Maximum lot coverage - 27% of buildable lot area
  - 9. Maximum building height - 2 1/2 stories above grade or 35 feet, whichever is less
- b. Accessory Buildings. Accessory buildings shall conform to the same height and setback requirements as the principal building. Accessory buildings are not permitted in the required front yard.

21-35.3 Other Provisions and Requirements.

- a. Off-street parking and loading is required subject to the regulations of this chapter.
- b. Landscaping is required subject to the regulations of this chapter.

### **21-36 C-2 Highway Commercial Zone.**

The purpose of the C-2 Highway Commercial Zone is to provide areas for retail sales and services to serve the residents of the Township of Ocean and adjacent communities; to promote compatible land use development of attractive building groups; to ensure the compatibility of the development with adjacent residential areas; to improve and provide for the efficient and safe traffic flow within and through the C-2 Zone; and to provide highway oriented commercial uses in the proper location in the community.

21-36.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for any of the following purposes:

a. Principal Buildings and Uses.

Advertising agency  
Advertising specialty office  
Antique store  
Apparel  
Appliance store  
Art gallery  
Artist's supply  
Audio visual equipment  
Auto supplies; parts and accessories (not including used or junk parts)  
Bakery store  
Bank  
Barber shop  
Beauty and cosmetic shop  
Blueprinting and photostating  
Bicycle store  
Books, periodicals and newspaper sales  
Broadcasting studio  
Business equipment sales  
Business office  
Butcher store or meat market (no slaughtering permitted)  
Cafeteria  
Camera and/or photographic supply store  
Candy store  
Caterers  
Ceramic store  
China store  
Cigars and tobacco sales  
Cleaners pick-up or laundry pick-up  
Clothing and pressing establishments

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-2 Regulations**

Coin dealer  
Cosmetic store  
Costume rental  
Credit union office  
Curtain store  
Dairy products, retail  
Delicatessen  
Department store  
Diner  
Drugstore  
Eating establishments (non drive-in, non fast-food)  
Employment agency  
Electrical supplies  
Exterminator  
Fabric store  
Finance company  
Fire protection equipment sale, non-automotive  
Floor covering  
Florist  
Food products  
Fruit and vegetable market  
Funeral services  
Fur store  
Furniture sales  
General office buildings  
Gift store  
Glassware  
Greeting card store  
Grocery store  
Gymnastics and martial arts studios  
Hardware  
Health Clubs  
Hobby store  
Home furnishings  
Home improvement offices  
Hospitals, animal  
Household appliance  
Ice cream store  
Insurance company  
Interior decorator  
Jewelry store  
Kitchen equipment  
Laundry and dry cleaning  
Lawn maintenance services office

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-2 Regulations**

Leather goods and luggage  
Liquor store  
Locksmith  
Luncheonette  
Mail order house  
Major appliance sales  
Medical and dental clinic and offices  
Metalware  
Motorcycle sales and rental  
Museum  
Music and Dance Studios  
Musical instrument store  
Notary  
Nursing home  
Office equipment and supplies  
Optical goods  
Paint, glass and wallpaper store  
Personal trainers  
Pet grooming  
Pet shop  
Pharmacy  
Phonographic sales and service  
Photographic studio  
Printers office and establishment  
Private school  
Physical culture and health establishments  
Professional office  
Public utilities office  
Real estate and insurance  
Record store  
Reducing salon  
Restaurant (non drive-in, non fast-food)  
Sandwich store  
Savings and loan association  
Seafood store  
Shoe and hat repair  
Shopping Center  
Specialty food store  
Sporting goods store  
Stamp and coin store  
Stamp redemption centers  
Stationery store  
Supermarket  
Surgical and medical supplies sales

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - C-2 Regulations**

Tailor  
Telephone answering service  
Television, radio, electronics, sales and service  
Toy store  
Travel agency  
Travel ticket office  
Telephone and telegraph office  
Uniform rental and sales  
Variety store  
Veterinary hospital  
Video Store  
Window cleaning service

b. Accessory Buildings and Uses Including:

1. Private garage space not to exceed three spaces for the storage of vehicles operated exclusively as part of a permitted business which is located on the subject site.
2. Signs subject to the requirements of this chapter.
3. Fences and hedges subject to the requirements of this chapter.
4. Buildings for tools and equipment used for maintenance of the grounds.
5. Other customary accessory uses and structures which are clearly incidental to the principal structure and uses.

c. The following conditional uses are permitted subject to approval of the Planning Board and the special conditions of this chapter.

1. Public utility installation
2. Car washes
3. Automotive gasoline station
4. Automotive service station
5. Automotive sales and service
6. Automotive accessory sales and installation
7. Plant nurseries, nursery stock supply and sales, garden landscape supplies

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-2 Regulations**

8. Government building and services
9. Churches, synagogues, and similar religious uses
10. Eating establishments (drive-in or fast-food)
11. Quasi-public uses including clubs, lodges, and similar uses
12. Billboard signs
13. Child Day Care Centers.
14. Satellite antenna dishes greater than two (2) meters in diameter.
15. Movie Theater, Indoor.
16. Automotive rentals and leasing
17. Automotive gasoline station/C-store
18. Wireless Telecommunications Tower and Antenna
19. Mixed Use Commercial and Self-Storage

21-36.2 Development Standards. The C-2 Commercial Zone specified herewith shall be occupied only as indicated in this chapter which is as follows:

a. Principal Buildings.

1. Minimum lot size - 2 acres
2. Minimum lot width - 250 feet
3. Minimum lot depth - 250 feet
4. Minimum front yard setback  
(measured from the  
future street R.O.W.) - 100 feet(Note 1)
5. Minimum side yard setback - 25 feet (one side)(Note 1)  
- 50 feet(both sides)(Note1)
6. Minimum rear yard setback - 50 feet(Note 1)

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-2 Regulations**

- 7. Minimum gross floor area - 5,000 square feet
- 8. Maximum lot coverage - 27% of buildable lot area
- 9. Maximum floor area ratio - 30% of total lot area
- 10. Maximum building height - 4 stories above grade or 45 feet, whichever is less (Note 1)

(Note 1) All required setbacks shall be increased a total of 5' for each foot the building height exceeds 35'

b. Accessory Buildings.

- 1. Accessory buildings shall conform to the same height and setback requirements as the principal building. Accessory buildings are not permitted in the required front yard.

21-36.3 Other Provisions and Requirements.

- a. Off-street parking and loading is required subject to regulations and conditions as specified in this chapter.
- b. Landscaping is required subject to the regulations of this chapter.

## **21-37 C-3 General Commercial Zone**

The purpose of the C-3 General Commercial Zone is to provide areas for retail sales and services for uses frequented by residents and requiring central locations with good transportation access and to ensure the compatibility of the development with adjacent residential areas.

21-37.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for any of the following purposes:

a. Principal Buildings and Uses.

Advertising agency  
Advertising specialty office  
Antique store  
Apparel  
Appliance store  
Art gallery  
Artist's supply  
Audio visual equipment  
Auto supplies, parts, and accessories (not including used or junk parts)  
Bakery store  
Bank  
Barber shop  
Beauty and cosmetic shop  
Blueprinting and photostating  
Bicycle store  
Books, periodicals and newspaper sales  
Broadcasting studio  
Business equipment sales  
Business office  
Butcher store or meat market (no slaughtering permitted)  
Cafeteria  
Camera and/or photographic supply store  
Candy store  
Caterer  
Ceramic store  
China store  
Cigars and tobacco sales  
Cleaners pick-up or laundry pick-up  
Clothing and pressing establishment  
Club  
Coin dealer  
Cosmetic store

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-3 Regulations**

Costume rental  
Credit union office  
Curtain store  
Dairy products, retail  
Delicatessen  
Department store  
Diner  
Distribution center  
Drugstore  
Eating establishments (non drive-in, non fast-food)  
Employment agency  
Electrical supplies  
Exterminator  
Fabric store  
Finance company  
Fire protection equipment sales, non-automotive  
Floor covering  
Florist  
Food products  
Fruit and vegetable market  
Funeral services  
Fur store  
Furniture sales  
General office buildings  
Gift store  
Glassware  
Greeting card store  
Grocery store  
Gymnastics and Martial Arts Studios  
Hardware  
Health Clubs  
Hobby store  
Home furnishings  
Home improvement office  
Hospital, animal  
Household appliance  
Ice cream store  
Interior decorator  
Jewelry store  
Kitchen equipment  
Landscaping, nurseries, and garden supply sales.  
Laundry and dry cleaning  
Lawn maintenance services office  
Leather goods and luggage

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-3 Regulations**

Liquor store  
Locksmith  
Luncheonette  
Mail order house  
Major appliance sales  
Medical and dental clinics and offices  
Metalware  
Motorcycle sales and rental  
Museum  
Music and dance studios  
Musical instrument store  
Notary  
Nursing home  
Office equipment and supplies  
Optical goods  
Paint, glass and wallpaper store  
Personal trainers  
Pet shop (including pet grooming)  
Pharmacy  
Phonographic sales and service  
Photographic studio  
Printers office and establishment  
Private school  
Physical culture and health establishments  
Professional office  
Public utilities office  
Real estate and insurance  
Record store  
Reducing salon  
Restaurant (non drive-in, non fast-food)  
Sandwich store  
Seafood store  
Shoe and hat repair  
Shopping center  
Social service organization  
Specialty food store  
Sporting goods store  
Stamp and coin store  
Stamp redemption center  
Stationery store  
Surgical and medical supplies sales  
Tailor  
Telephone answering service  
Television, radio, electronics, sales and service

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-3 Regulations**

Toy store  
Travel agency  
Travel ticket office  
Telephone and telegraph office  
Uniform rental and sales  
Variety store  
Veterinary hospital  
Video Store  
Window cleaning service

b. Accessory Buildings and Uses Including:

1. Private garage space not to exceed three spaces for the storage of vehicles operated exclusively as part of a permitted business which is located on the subject site.
2. Signs subject to the regulations of this chapter.
3. Fences and hedges subject to the regulations of this chapter.
4. Buildings for tools and equipment used for maintenance of the grounds.
5. Other customary accessory uses and structures which are clearly incidental to the principal structure and uses.

c. The following conditional uses are permitted subject to approval of the Planning Board and the special conditions of this chapter.

1. Public utility installations
2. Car washes
3. Automotive gasoline station
4. Automotive service station
5. Automotive sales and service
6. Automotive accessory sales and installation
7. Government public buildings
8. Churches, synagogues, and similar religious uses
9. Eating establishments (drive-in or fast-food)

10. Quasi-public uses, including clubs, lodges, and similar uses
11. Billboard sign
12. Child Day Care Centers.
13. Satellite antenna dishes greater than two (2) meters in diameter.
14. Automotive rentals and leasing
15. Automotive gasoline station/C-store
16. Wireless Telecommunications Tower and Antenna

21-37.2 Development Standards. The C-3 Commercial Zone specified herewith shall be occupied only as indicated in this chapter which is as follows:

a. Principal Buildings.

1. Minimum lot size - 20,000 square feet
2. Minimum lot width - 100 feet
3. Minimum lot depth - 100 feet
4. Minimum front yard setback  
(measured from the future street R.O.W.) - 50 feet
5. Minimum side yard setback - 12 feet  
Where it is adjacent to a residential zone, it shall be - 25 feet
6. Minimum rear yard setback - 20 feet  
Where it is adjacent to a residential zone, it shall be - 25 feet
7. Minimum gross floor area - 1,200 square feet
8. Maximum lot coverage - 27% of buildable lot area
9. Maximum floor area ratio - 30% of total lot area

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-3 Regulations**

10. Maximum building height - 2 1/2 stories above grade or 45 feet, whichever is less

- b. Accessory Buildings. Accessory buildings shall conform to the same height and setback requirements as the principal building. Accessory buildings are not permitted in the required front yard.

21-37.3 Other Provisions and Requirements.

- a. Off-street parking and loading is required subject to regulations and conditions as specified in this chapter.
- b. Landscaping is required subject to the regulations and conditions as specified in this chapter.

## **21-38 C-4 Regional Commercial Zone.**

The purpose of the C-4 District is to allow the development of regional shopping facilities which offer multiple retail commercial, office and service operations in an area with convenient major highway access. It is intended that the hub of this area be developed in accordance with an overall plan coordinating the architectural features, landscaping, drainage, shared parking, types of uses, controlled access points and similar standards and aesthetic features so that the final product will be a self-contained shopping center whether constructed all at one time or in stages over a period of time. Smaller properties surrounding the hub should be developed with complementary and compatible uses, and integrated with the major shopping center design where possible.

### 21-38.1 Permitted Uses.

#### a. Principal Permitted Uses

1. A Regional Shopping Center which shall be deemed to be an integrated development of retail stores and shops. Among the uses and activities permitted as a matter of right within a Regional Shopping Center shall be the following:

- Amusement center - game room
- Architectural and drafting supply sales and instruction
- Art gallery or museum
- Art school
- Art supply store
- Audio-visual equipment and supply
- Auditoriums
- Auto supplies, parts and accessories
- Bakery
- Banks and other financial institutions
- Barber shop
- Beauty shop
- Blueprinting and photostating
- Book store
- Business school
- Butcher shop or meat market (no slaughtering permitted)
- Cafeterias
- Candy and confectionery stores
- Carpet, rug and floor covering store
- Ceramic equipment and supply sales
- Cleaner or laundry pickup
- Clothing or clothing accessory store
- Clothing or costume rental
- Child care center

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - C-4 Regulations**

Cosmetic shop  
Curtain and drapery shop  
Dance school  
Delicatessen  
Department store  
Drug store or pharmacy  
Dry goods or fabric sales  
Eating and drinking establishment (non drive-in)  
Electronic and computer equipment sales and service (including minor assembly of electronics and computer parts for retail sale to end users only)  
Florist shop  
Food store  
Furniture or home furnishings  
Gift, souvenir or card shop  
Greeting card shop  
Grocery  
Gun Shop  
Haberdasher  
Hairdresser  
Hobby shop or sporting goods stores  
Household appliance sales and repair  
Indoor Theater  
Ice cream store  
Interior decorating establishment  
Jewelry shop  
Junior department store  
Leather goods or luggage store  
Library  
Liquor Store  
Locksmith  
Luncheonette  
Medical and dental laboratory equipment and supplies  
Medical offices  
Men's clothing and accessories  
Music school  
Music store  
Newsstand  
Offices, business and professional  
Offices, general  
Office equipment and supplies  
Office fixtures and furnishings sales  
Office services  
Optometrist  
Package liquor store

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-4 Regulations**

Paint store  
Parking structure  
Pet shop  
Photographic equipment sales  
Photographic studio  
Physical culture or health establishment  
Post office  
Printing, custom  
Public offices and facilities  
Record shop  
Restaurants  
Safe depository  
Sewing machine store  
Shoe store  
Shoe or hat repair shop  
Shoe shine parlor  
Skating rink  
Snack bar  
Sporting goods  
Stamp or coin store  
Stamp redemption center  
Stationery store  
Supermarket  
Tailor dressmaking shop  
Telephone, radio and phonograph sales and service  
Theaters in enclosed buildings  
Tobacco shop  
Toy store  
Travel agency  
Umbrella shop  
Variety shop  
Video Store  
Wallpaper store  
Women's clothing and accessories

Any use not specifically listed above but which is substantially similar in purpose, function, character and effect to any one of the issues listed, shall be permitted in a Regional Shopping Center upon approval by the Planning Board.

b. Accessory Permitted Structures and Uses.

1. Signs subject to the requirements of this chapter.
2. Fences and hedges subject to the requirements of this chapter.

Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-4 Regulations

3. Other customary accessory uses and structures which are clearly incidental to the principal structure and uses.
- c. The following conditional uses are permitted upon approval of the Planning Board in accordance with the special conditions of this Chapter.
1. The following conditional uses are permitted as a part of a Regional Shopping Center:
    - (a.) Building materials and supplies, Home improvement establishment or Hardware store; Garden and nursery supplies and equipment.
    - (b.) Indoor Theater.
    - (c.) Tires, batteries and accessories (TBA) stores.
    - (d.) Limited truck rental.
    - (e.) Automotive Gasoline Station
  2. Billboard signs.
  3. Retail developments not classified as a Regional Shopping Center, which include one or more of the following uses:
    - Advertising agency
    - Advertising specialty office
    - Apparel
    - Art gallery
    - Artist's supply
    - Audio visual equipment (not including rental of video tapes)
    - Barber shop
    - Beauty and cosmetic shop
    - Periodicals and newspaper sales
    - Business equipment sales
    - Business office
    - Camera and /or photographic supply store
    - Candy store
    - Ceramic store
    - China store
    - Cigars and tobacco sales
    - Coin dealer
    - Cosmetic store

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-4 Regulations**

Costume rental  
Curtain store  
Employment agency  
Fabric store  
Fur store  
Furniture Store  
General office buildings (excluding medical and dental)  
Gift store  
Glassware  
Greeting card store  
Hobby store  
Ice cream store  
Insurance company  
Interior decorator  
Jewelry store  
Leather goods and luggage  
Locksmith  
Luncheonette  
Mail order house  
Metalware  
Museum  
Musical instrument store  
Notary  
Office equipment and supplies  
Optical goods  
Personal trainers  
Pharmacy  
Phonographic sales and service  
Photographic studio  
Printers office and establishments  
Physical culture and health establishments  
Professional office (not including medical or dental)  
Public utilities office  
Real estate and insurance  
Record store  
Reducing salon  
Restaurant (non drive-in, non fast-food)  
Seafood store  
Shoe and hat repair  
Specialty food store  
Sporting goods store  
Stamp and coin store  
Stamp redemption centers  
Stationery store

Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-4 Regulations

Surgical and medical supplies sales  
Tailor  
Telephone answering service  
Toy store  
Travel agency  
Travel ticket office  
Uniform rental and sales

4. Child Day Care Centers.
5. Satellite antenna dishes greater than two (2) meters in diameter.
6. Wireless Telecommunications Tower and Antenna

21-38.2 Area, Yard and Bulk Requirements - Regional Shopping Center.

- a. Minimum lot size - 40 acres
- b. Minimum lot frontage - 1,000 feet
- c. Minimum lot depth - 1,500 feet
- d. Minimum gross floor area - 250,000 square feet
- e. Maximum building height - 8 stories above grade or 65 feet, whichever is less
- f. Setback Provisions. All buildings or structures shall be set back a distance equal to at least:
  1. Twice the height of the subject structure but not less than 100 feet from a residential zone boundary.
  2. One and one-half the height of the structure but not less than 50 feet from any public street or right-of-way.
  3. The height of the subject structure but not less than 50 feet from all other property lines abutting the Regional Shopping Center.
- g. All areas within 30 feet of a property line of the perimeter of the Regional Shopping Center shall be open and unoccupied except for landscaping, identification signs, interior roads and roads required for access to the project.
- h. Parking and Loading.

Land Development Ordinance  
 Township of Ocean  
 January 8, 1992  
 As Amended thru: December 31, 2010 - Ordinance 2140  
 Article IV - C-4 Regulations

1. Parking spaces and aisles. A parking space as used herein shall be a space at least 9 feet wide times 18 feet long exclusive of aisles and entrances. Aisles shall be no less than 24 feet wide. Parking spaces and aisles, depending on their layout, shall be in accordance with the parking standard of this subsection. All parking spaces shall be marked out by appropriate "hairpin" striping.

(a) Number of spaces - All retail uses permitted in this zone, with the exception of those listed in paragraph "(b) below, shall provide 5 parking spaces for every 1,000 square feet of gross floor area.

(b) The following uses shall provide 2 parking spaces for every 1,000 sq. ft. of gross floor area.

Furniture and Home Furnishings stores;  
 Garden and Nursery Supplies and Equipment as a part of a Building materials and supplies, Home improvement establishment or Hardware store.

(c) All office uses shall provide five parking spaces for each 1,000 square feet of gross floor area.

(d) Theaters shall provide one parking space for each three seats.

2. Loading.

(a) Unless underground unloading facilities are provided, a Regional Shopping Center shall provide loading facilities as described herein.

(b) The minimum size of a loading space shall be at least 12 feet in width, 45 feet in length and have a minimum vertical clearance of 14 feet.

(c) Off-street loading facilities shall be provided and maintained in such a manner so as to avoid interference with public use of service roads and parking areas. Above grade loading facilities shall be screened from public view to the extent necessary to eliminate unsightliness.

(d) The number of required loading spaces shall be as follows:

<u>Gross Leasable Area</u>	<u>Space Required</u>
0-15,000 sq. ft.	0
15,001-60,000 sq. ft.	1
60,001-150,000 sq. ft.	2
150,001-300,000 sq. ft.	3

Over 300,000 sq. ft.

One additional space per each  
additional 200,000 square feet or  
fraction thereof.

3. Parking area. Parking areas shall be divided into lots separated by appropriate landscaping. Driveways and internal roads shall be separated from parking areas and aisles by curbed landscaped islands, which will be an average of 10' wide and a minimum of 8' wide at any point, to facilitate traffic movements. Minimum 10' wide landscaped islands shall be provided at the end of each row of parking and every 20 spaces within the interior of parking rows, except that islands at the end of each row of parking may be reduced to 8' wide provided the average island width at the end of parking rows is 10'. Planting "diamonds" 4.5 feet square, shall be installed in parking rows between landscaped islands, a minimum of every 7 spaces. Where possible, 8' wide landscaped area shall periodically be provided between facing rows of parking.

Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, and ease of access and shall be developed as an integral part of an overall site design in accordance with recognized principles of planning and design. In this regard, the intersection of parking aisles with any access or ring road shall be at right angles to the greatest extent possible.

4. Shopping cart holding areas shall be interspersed throughout parking area which serve single retail uses with a gross floor area over 100,000 sq. ft. Such shopping cart holding areas shall be located adjacent to barrier free parking spaces where possible.

i. Signs and Advertising.

1. General. No exterior signs shall be permitted except those described herein. Signs or any part thereof shall not be permitted to move, rotate, or revolve. Flashing or intermittent variation in the illumination of a sign or its lettering shall not be permitted. Posters, pinwheels and other attention attracting forms of advertising shall not be permitted outside of any structure. No sign shall interfere with the safe functioning of any traffic control signal or directional device.
2. Identification signs - (free standing).
  - (a) A maximum of one free-standing or pylon sign shall be permitted for each separate frontage of the Regional Shopping Center on a public street. Said sign shall be for the purpose of identifying or advertising the Regional Shopping Center. Each such sign shall not exceed an area of 500 square feet per side.

- (b) The height of free-standing or pylon signs shall not exceed 40 feet above the grade of the centerline of the nearest public street or roadway and shall be set back at least 25 feet from the property line.
  - (c) No signs shall be located within 200 feet of the boundary of a residential zone, except this limitation shall not apply where a public highway intervenes between a residential zone and the Regional Shopping Center.
  - (d) On-site directory signs, not to exceed a height of 3 feet or an area of 15 sq. ft.
3. Exterior Facade Signs. Except as provided for in paragraph 2. above, all exterior signs identifying or advertising the names or uses of the tenants or occupants of the Regional Shopping Center shall be affixed to the buildings and shall occupy no more than 10 percent of the aggregate of the total exterior wall areas of such buildings. Directional signs and informational signs such as those identifying entrances, exits, location of rest rooms and other places of public convenience affixed to the buildings shall not be included within the foregoing 10 percent limitation. No sign affixed to a building shall project beyond the sides or the front of the building more than 8", nor shall any such sign project above the top of any parapet or wall.
  4. Store signs (canopy). Where walkways are roofed over by a permanently installed rigid canopy or other structural device, one sign may be installed on the underside of such canopy for each store or occupant provided the sign is hung perpendicularly to the facade of the building. The aggregate area of both sides of any such sign shall not exceed eight square feet in area and shall not be less than eight feet above any walkway. This provision shall not apply to signs within a building which are not readily visible from outside the building.
  5. Roof signs. Roof signs shall be specifically prohibited.
- j. Additional Requirements.
1. The overall plan shall provide for an effective and unified treatment of the development possibilities of the site, making appropriate provision for the preservation of amenities of the site and the surrounding areas.
  2. All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses and buildings.
  3. Individual buildings shall be related to each other in design, mass, materials, placement and connections, to provide a visually and physically integrated development.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - C-4 Regulations**

4. Treatment of the sides and rear of all buildings within the Regional Shopping Center shall be comparable in building materials the treatment given to the street frontages of these same buildings.
  5. The design of buildings and the parking facilities shall take advantage of the topography of the site, where appropriate, to provide separate levels of access.
  6. All buildings shall be arranged so as to be accessible to emergency vehicles.
  7. Facilities for the temporary storage of refuse, garbage, and recyclable materials awaiting removal shall be designed and located in such a manner as to make the facilities inconspicuous to the general public and to prevent the spread of refuse to other areas.
  8. Air conditioning and other mechanical equipment shall be screened from public view with suitable materials to harmonize with the total development. Ground equipment shall be screened by a solid architectural fence or by a solid planting of evergreen materials. Equipment on any roof shall be screened in a fashion which is architecturally compatible with the building.
  9. Outdoor storage of inventory, and outdoor display or storage of materials for sale shall be prohibited. Except such outdoor storage and display may be provided in a Garden and Nursery Supplies and Equipment Center which is a part of a Building materials and supplies, Home improvement establishment or Hardware store provided such storage and display is enclosed by a decorative wall or combination of decorative wall and decorative fence, and is approved by the Planning Board as a part of a site plan.
- k. Landscaping.
1. Landscape treatment for plazas, roads, walkways, service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire site.
  2. Primary landscape treatment shall consist of shrubs, ground cover, and trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate to growing conditions. Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.
  3. A minimum of 25 percent of the total land area of the Regional Shopping Center shall be landscaped area. Buffer areas and landscaped areas within and between parking areas shall be included.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - C-4 Regulations**

4. A 10' wide landscaped area shall be provided along the perimeter of the parking areas of the site to screen the parking areas and generally enhance the appearance of the site. The landscaped area shall be located between any ring road or access road and the parking areas of the regional shopping center.

I. Circulation.

1. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.
2. Roads, pedestrian walks and open spaces shall be designed as an integral part of an overall site design and shall be properly related to existing and proposed buildings and appropriately landscaped.
3. Buildings, parking areas and vehicular circulation shall be arranged so that pedestrian movement is not unnecessarily exposed to vehicular traffic.
4. Material and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance and easily maintained.
5. The location and design of pedestrian walks should emphasize desirable views of new and existing development.
6. The maximum separation of private automobiles and service vehicles shall be provided through the use of separate service lanes, where reasonably possible.”

21-38.3 Regional Shopping Support Facilities Option. The Regional Shopping Support Facilities (RSSF) Option shall be applied in only those areas of the C-4 Zone which are specified on the Official Zoning Map of the Township of Ocean. It is the purpose of the RSSF option to provide smaller complementary retail, service and office uses on smaller properties surrounding the Regional Shopping Center.

a. Permitted Principal Uses in the RSSF Option overlay shall include:

1. Professional, general business, and corporate office uses, excluding medical and dental uses.
2. Any use permitted in the C-5 Zone.
3. Health clubs, tennis clubs, gymnasiums, indoor batting cages, and similar indoor recreational facilities.
4. Service and repair of computers, appliances, air conditioning systems, and heating systems.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-4 Regulations**

- b. Permitted Accessory Structures and Uses in the RSSF Option overlay shall include:
  - 1. Signs as permitted in the C-2 Zone.
  - 2. Fences and hedges subject to the regulations of Section 21-48 of this chapter.
  - 3. Other customary accessory uses and structures which are clearly incidental to the principal building and/or uses.
- c. The following conditional uses are permitted in the RSSF Option overlay subject to approval of the Planning Board and the special conditions of this chapter:
  - 1. Warehouses.
  - 2. Public utility installations.
  - 3. Government public buildings.
  - 4. Churches, synagogues, and similar religious uses.
  - 5. Automotive sales and service.
- d. Bulk Standards shall be as follows:
  - 1. Minimum lot size - 1 acre
  - 2. Minimum lot width - 200 feet
  - 3. Minimum lot depth - 175 feet
  - 4. Minimum front yard setback (measured from the future street R.O.W.) - 50 feet
  - 5. Minimum rear yard setback - 50 feet
  - 6. Minimum side yard setback - 25 feet
  - 7. Maximum lot coverage - 27% of buildable lot area
  - 8. Maximum floor area ratio - 30% of total lot area
  - 9. Minimum gross floor area - 5,000 square feet

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-4 Regulations**

10. Maximum building height - 30'

e. Other Provisions and Requirements.

1. Off-street parking and loading is required subject to regulations and conditions as specified in Sections 21-45 and 21-46 of this chapter.
2. Landscaping is required subject to the regulations of Section 21-47 of this chapter.

**21-38a. C-5 Limited Commercial Zone.**

The purpose of the C-5 Limited Commercial Zone is to provide areas for retail sales and services compatible with and complimentary to those uses located within the C-4 Regional Commercial Zone, and to provide a desirable visual environment on streets leading to the principal regional shopping center located within the C-4 Regional Commercial Zone.

21-38a.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for any of the following purposes:

a. Principal Buildings and Uses.

- Advertising agency
- Advertising specialty office
- Antique store
- Apparel
- Appliance store
- Art gallery
- Artist's supply
- Audio visual equipment
- Bakery store
- Bank
- Barber shop
- Beauty and cosmetic shop
- Bicycle store
- Books, periodicals and newspaper sales
- Business equipment sales
- Business office
- Butcher store or meat market (no slaughtering permitted)
- Cafeteria
- Camera and/or photographic supply store
- Candy store
- Ceramic store
- China store
- Cigars and tobacco sales
- Cleaners pick-up or laundry pick-up (no processing on premises)
- Child Care Center
- Coin dealer
- Cosmetic store
- Costume rental
- Credit union office
- Curtain store
- Dairy products, retail

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - C-5 Regulations**

Delicatessen  
Drugstore  
Eating establishments (non drive-in, non fast-food)  
Employment agency  
Electrical supplies  
Fabric store  
Finance company  
Floor covering  
Florist  
Food products  
Fruit and vegetable market  
Fur store  
Furniture sales  
General office buildings  
Gift store  
Glassware  
Greeting card store  
Grocery store  
Hardware  
Hobby store  
Home furnishings  
Home improvement office  
Household appliance  
Ice cream store  
Interior decorator  
Jewelry store  
Leather goods and luggage  
Liquor store  
Locksmith  
Luncheonette  
Major appliance sales  
Medical and dental clinics and offices  
Motorcycle sales and rental  
Museum  
Musical instrument store  
Office equipment and supplies  
Optical goods  
Paint, glass and wallpaper store  
Pet shop (including pet grooming)  
Pharmacy  
Phonographic sales and service  
Photographic studio  
Printers office and establishment  
Private school

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - C-5 Regulations**

Physical culture and health establishments  
Professional office  
Public utilities office  
Real estate and insurance  
Record store  
Reducing salon  
Restaurant (non drive-in, non fast-food)  
Seafood store  
Shoe and hat repair  
Shopping center  
Social service organization  
Specialty food store  
Sporting goods store  
Stamp and coin store  
Stationery store  
Surgical and medical supplies sales  
Tailor  
Telephone answering service  
Television, radio, electronics, sales and service  
Toy store  
Travel agency  
Travel ticket office  
Telephone and telegraph office  
Uniform rental and sales  
Variety store

b. Accessory Structures and Uses Including:

1. Signs as permitted in the C-2 Zone.
2. Fences and hedges subject to the regulations of this chapter.
3. Other customary accessory uses and structures which are clearly incidental to the principal building and/or uses.

c. The following conditional uses are permitted subject to approval of the Planning Board and the special conditions of this chapter.

1. Public utility installations
2. Government public buildings
3. Churches, synagogues, and similar religious uses

Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-5 Regulations

4. Satellite antenna dishes greater than two (2) meters in diameter.
5. Accessory Warehouses.
6. Wireless Telecommunications Tower and Antenna

21-38a.2 Development Standards. The C-5 Limited Commercial Zone specified herewith shall be occupied only as indicated in this chapter which is as follows:

a. Principal Buildings.

1. Minimum lot size - 3 acres
2. Minimum lot width - 350 feet
3. Minimum lot depth - 300 feet
4. Minimum front yard setback  
(measured from the future street R.O.W. or from of Seaview Sq. Drive) - 100 feet plus 1 foot for curb line each additional 1 foot of building height above 30'
5. Minimum side yard setback - one side - 70 feet  
- combined 2 sides - 35% of lot width
6. Minimum rear yard setback - 75 feet
7. Minimum gross floor area - 5,000 square feet
8. Maximum floor area ratio - 35% of total lot area
10. Maximum building height - 45 feet
11. Maximum stories above grade - 4

b. Accessory Structures. Unless otherwise specified in this Chapter, accessory structures shall conform to the same height and setback requirements as the principal building.

21-38a.3 Other Provisions and Requirements.

- a. Off-street parking and loading is required subject to regulations and conditions as specified in this chapter and as modified in paragraph b. below, except all parking areas shall be set back a minimum of 40' from the curb of Seaview Square Dr.
- b. Landscaping is required subject to the regulations and conditions as specified in this chapter except as follows:
  1. No more than 15 parking spaces in a row shall be permitted without the provision of a minimum 10' wide landscaped island. There shall be provided within such landscaped islands within the perimeter of parking areas a total of 1 flowering tree for every 10 parking spaces. All trees shall be a minimum of 2 1/2 " caliper, measured at a height of 1' above the root crown, at planting.
  2. Street trees, in the form of flowering trees or shade trees, shall be provided along all street frontage, including Seaview Square Drive. Such trees shall be spaced a maximum of 40' apart. All trees shall be a minimum of 2 1/2 " caliper, measured at a height of 1' above the root crown, at planting.
  3. The perimeter of the site shall be planted with flowering trees or shade trees, spaced and sized as required for street trees in paragraph 2 above. In addition, a continuous planting of shrubs, which will have a minimum mature height of 2 1/2', shall be provided on the perimeter of the site adjacent to all parking and access drives. The purpose of the shrubs is to soften the visual impact of these areas, providing a desirable visual environment while not screening the view of the commercial use of the site.
  4. Service areas shall be screened from view from adjacent properties and streets by a planting screen consisting of a minimum 2 rows of evergreen trees, spaced 10' apart and 10' on centers, and any additional plantings necessary to adequately screen the loading area. Where such a planting screen is provided along the property line, there shall be no requirement for shade or flowering trees.
  5. All landscaped islands shall be planted with a suitable ground cover or low growing shrubs to the extent that, at maturity of the plantings, the islands will be totally vegetated.

## **21-38b. C-6 Community Mixed-Use District**

Provides for a Village Square-type development which encourages a variety of uses with storefronts at a pedestrian scale, residential components which enliven a community and plazas and open spaces encouraging public gatherings and interaction. Parking areas shall include elements such as landscaping and seating areas, decorative lighting and pathways to create a streetscape enhancing the development.

### **A. General Requirements**

1. Minimum Tract Size: 28 acres
2. At least two of the following land uses shall be included: residential, office, and retail as described below.
3. Circulation Improvements shall be provided in accordance with the following provisions:
  - a. A “far side jughandle” shall be constructed at the northeast corner of the intersection of Deal Road and Route 35 to accommodate northbound traffic on Route 35, which intends to travel west on Deal Road. The purpose of this improvement is to eliminate the need for left hand turns onto Deal Road from the existing “jughandle” on the south side of Deal Road.
  - b. A bypass lane shall be constructed from Deal Road westbound to Route 35 northbound, which would allow traffic traveling west on Deal Road to access Route 35 northbound without traveling through the signalized intersection.
  - c. The provisions of Ordinance Section 21-45.13 regarding the number and location of curb cuts shall not apply. Access shall be provided to the site from both Route 35 and Deal Road. Access to and from Route 35 shall be provided in the northern half of the Route 35 frontage of the site. Access to and from Deal Road shall be provided at a point opposite the intersection of Logan Road with Deal Road in order to utilize the existing traffic signal at that intersection. One additional access drive may be provided, designed as a right-in/right-out only, on Deal Road.
4. Maximum Building Coverage (Entire Tract): 14%

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-6 Regulations**

5. Maximum F.A.R. (Entire Tract): 0-20
6. Maximum Building Height: 2 stories/35 feet
  - a. A maximum of 40% of the total square footage may be second story
7. Minimum Building Setbacks:
  - a. From Route 35: 200 feet
  - b. From Deal Road: 150 feet
  - c. From side and rear property lines: 100 feet
8. Minimum lot depth: 700 feet
9. Minimum lot width: 700 feet

**B. Permitted Uses**

1. Neighborhood Retail/Services
  - a. All developments must include a combination of any of the uses listed below in items b, c and d for a minimum of 5% of the total area of the entire development.
  - b. Personal Services including the following and similar uses.
    - i. Dry Cleaner
    - ii. Daycare Facility
    - iii. Branch Bank
    - iv. Beauty Parlor/Barber
  - c. Restaurant/Food Sales including the following and similar uses:
    - i. Bakery
    - ii. Coffee Shop
    - iii. Ice Cream Shop
    - iv. Daily-use Restaurant (i.e. deli, take-out)
    - v. Specialty food store
  - d. Retail including the following and similar uses:
    - i. Video Rental
    - ii. Florist
    - iii. Card/Stationary/General Store

- iv. Hardware Store
- v. Drugstore

e. No single use shall exceed 10,000 square feet

## 2. Community Retail

- a. Any use permitted in the C-2 district (Section 21-36.1) and fast food restaurants.
- b. A maximum of 75% of the total square footage of the entire development may consist of these uses, including those in B1 above.
- c. One individual use may be a maximum of 30,000 square feet, and one individual use may be a maximum of 20,000 square feet; all other uses must be less than 10,000 square feet

## 3. Offices

- a. For the purpose of this section, professional offices include the offices of a member of a recognized profession and/or an executive office including, but not limited to, architecture, medicine, dentistry, engineering, law, planning, accounting, insurance, and real estate.
- b. A maximum of 40% of the total square footage of the entire development may consist of these uses.
- c. Offices shall not be permitted on the first floor
- d. A general office use shall be limited to 10,000 square feet

## 4. Residential Uses

- a. Age-restricted multi-family units above the first floor.
- b. A maximum of 25% of the total square footage shall be permitted with no more than 100 units.

## C. Design Criteria

### 1. Building Configuration

- a. No more than 40% of the total front façade of the building shall be oriented toward either Deal Road or Route 35.
- b. The buildings shall be designed around a Plaza/Parking area. The Plaza shall front along Deal Road
- c. Delivery traffic shall be directed to a service area, buffered by the building configuration, walls or berming whenever feasible.

## 2. Design Elements

- a. Landscaping
  - i. Street trees shall be provided continuously along the curb edge of all shopping sidewalks and pedestrian pathways at a minimum spacing of 30 feet on center and no greater than 40 feet on center, depending upon site conditions and supplemental landscaping.
  - ii. Street trees shall be planted in a continuous paving area with at least a four-foot clear width. The four-foot paving area shall be made of bricks or other unit pavers that are set on a stable porous bed such as sand or gravel, in order to permit water to reach the roots.
  - iii. Street trees along the shopping area sidewalks must be high branching and have an open habit, to permit views of the stores and their signs on the first floor.
- b. Buffers, except where access is required
  - i. A 50-foot landscape buffer shall be provided along Route 35.
  - ii. A 75-foot landscape buffer shall be provided along Deal Road.
  - iii. A 50-foot landscape buffer shall be provided from the side and rear property lines.
  - iv. All landscape buffers shall consist of berms and a variety of landscape materials, sufficient to create a visual and functional buffer of all parking areas.

c. Lighting

- i. Ornamental lighting fixtures shall be provided along the sidewalks, building frontages and within the parking areas.

3. Building Design

- a. All buildings in a development approved as a single project shall be compatible in design as to façade material, proportionality of features, color and texture
- b. There shall be an apparent change in features, material, color and texture for each separate user or for every 40 ft of the primary façade.
- c. The material and design elements used on the front or primary façade shall be replicated on any side or rear elevation visible to the general public from rights-of-way or adjacent properties.
- d. No more than 50% of the front building line shall be at the same setback line and the offset shall be at least equal to 10% of the average depth of the building.
- e. There shall be additional breaks in the front or primary façade for length equaling at least 25% of the total length. These breaks shall be at a depth of at least 5% of the average depth of the building and there shall be two separate breaks for every 100ft of façade length.
- f. Entrance doors shall be located within each individual façade element, even if they result in multiple entrances to a larger establishment
- g. Canopies shall be provided in various locations along building frontages. Canopies shall consist of a material and color that will compliment the building design. Canopies are not intended to act as signage and shall not include logos.
- h. Building Height
  - i. All buildings located along Route 35 and Deal Road frontages shall not exceed one story.
  - ii. All other buildings shall not exceed a height of 35 feet or

two-stories.

- iii. Varied building heights shall be provided throughout the development, with the taller buildings located at the ends and center of a row.

#### 4. Parking/Paving

- a. Parking shall be provided in accordance with Section 21-35 and RSIS standards
- b. All parking shall be located in a fashion so that it is not visible from Route 35 or Deal Road. Building placement, berms and landscaping should be used to achieve this result.
- c. Innovative parking solutions, including underground parking are encouraged.
- d. Ten-percent (10%) of parking areas shall be landscaped consisting of islands or aisles of a minimum width of six-feet (6'). These areas, if including pedestrian pathways, shall be ten (10) feet in width, and may be included as part of the 25% open space requirement for the development.
- e. The parking lot islands shall be located as to visually and physically separate parking areas.
- f. A variety of materials, including stamped concrete, cobblestones, and brick, shall be utilized to designate pedestrian pathways and to ass interest.

#### 5. Signage

- a. Signs shall be designed in accordance with Section 21-44.
- b. There should be a consistent sign design theme throughout a particular project. The design theme would include style of lettering, construction, material, type of pole or standard, (i.e. wood or metal), size, and lighting. Color of letters and background should be carefully considered in relation to building material color or where the signs are proposed to be located. Signs should be a subordinate rather than predominant feature.

- c. The base of any freestanding sign shall be landscaped to visually buffer the sign elements.
- d. Real Estate signs shall not be located along Route 35 or Deal Road.

## 6. Circulation

- a. Customer and residential traffic shall be separated from delivery traffic.
- b. A 'ring' road shall be provided with interior directional signage giving access to all areas of the development.
- c. Internal pedestrian circulation
  - i. The minimum width of pathways shall be 5 feet where no retail space is provided.
  - ii. The minimum width of sidewalks along and connecting retail establishments shall be 8 feet where no outside seating areas are proposed.
  - iii. Paving materials along the building frontages shall include a variety of materials, such as broom-finished concrete for the walking area and bricks or other pavers for the tree planting areas along the curb.
  - iv. Internal pedestrian walkways shall be provided between the site improvements and the library site to the east.

## 7. Plazas/Open Space

- a. A minimum of 25% of the entire tract shall be open space
- b. Public open space and seating areas shall be provided throughout the development
- c. Cafes and restaurants shall be encouraged to provide outdoor seating areas.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - C-6 Regulations**

- d. Plazas and functional landscape areas, such as seating areas and pathways, within the parking areas may be included as part of the minimum open space requirement

## **21-39 I-1 Light Industrial Zone.**

The purpose of the I-1 Light Industrial Zone is to provide for the development of light industrial, office, and limited retail commercial land uses which are compatible with the industrial nature of the I-1 Zone in the Township of Ocean; to provide for a compatible land use relationships within the I-1 Zone as well as between uses within the I-1 Zone and uses in adjacent zones; to restrict the emission of any environmental pollutants; and to provide for the safe and efficient flow of vehicles to and from industrial areas.

21-39.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for any of the following purposes:

a. Principal permitted uses and structures:

1. Manufacturing, fabrication and assembly of light machinery and products.
2. Television and radio studios and antennas.
3. Wholesale sales and distribution, excluding truck terminals or bulk distribution terminals.
4. Warehousing, including "self-storage" and mini-warehousing facilities.
5. Other light industrial uses similar to those listed above which do not require chemical processing, outside storage of materials and supplies, or the emission of environmental pollutants into the environment.
6. Professional, general business, and corporate office uses, excluding medical and dental uses.
7. Health clubs, tennis clubs, gymnasiums, indoor batting cages, and similar indoor recreational facilities.
8. Service and repair of computers, appliances, air conditioning systems, and heating systems.
9. Showrooms for the sale of appliances, furniture, carpets and other large household items which would normally require delivery and or installation by the seller or his agent. It is not the intent to prohibit "carry out sales", however the majority of the business should involve delivery and/or installation by the seller.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - I-1 Regulations**

10. Retail sales and service uses which are related directly to any manufacturing or warehousing use of the building, provided that such uses are located in and occupy no more than 25% of the gross floor area of the principal building.
  11. Mail order and/or telephone sales and distribution facility.
  12. Taxi and/or package delivery service including a dispatch office.
  13. Automotive Detailing
- b. Accessory Buildings and Uses Including:
1. Private garage space for the storage of vehicles operated exclusively as part of a principal permitted use on the site.
  2. Signs subject to the requirements of this chapter.
  3. Fences and hedges subject to the requirements of this chapter.
  4. Other customary accessory buildings, uses and structures which are clearly incidental to the principal building and/or structure and use.
- c. Conditional Uses. The following conditional uses are permitted subject to approval by the Planning Board and to the special conditions set forth in this chapter.
1. Lumber yards, building material sales, and improvements contractors.
  2. Car wash
  3. Automotive service station
  4. Public utility installations
  5. Public uses
  6. Quasi-public uses
  7. Child Day Care Centers.
  8. Satellite antenna dishes greater than two (2) meters in diameter.
  9. Wireless Telecommunications Tower and Antenna
  10. Automotive Service and Inventory Storage.

11. Retail Uses in Combination with Retail Development in an adjacent C-3 Zone.

21-39.2 Development Standards. The I-1 Light Industrial Zone specified herewith shall be occupied only as indicated in this chapter which is as follows:

a. Principal Buildings.

1. Minimum lot size - 40,000 square feet
2. Minimum lot width - 150 feet
3. Minimum lot depth - 200 feet
4. Minimum front yard setback  
(measured from the future  
street R.O.W.) - 50 feet
5. Minimum rear yard setback - 60 feet

Where an industrial zone abuts a lot in a residential zone, a rear yard setback of 100 feet shall be required

6. Minimum side yard setback -  
    one side - 20 feet  
    both sides - 80 feet

Where an industrial zone abuts a lot in a residential zone, a side yard setback of 100 feet shall be required.

7. Maximum lot coverage - 54% of buildable lot area
8. Maximum floor area ratio - 54% of total lot area
9. Minimum gross floor area - 5,000 square feet
10. Maximum building height - 35 feet

11. Maximum distance between buildings.

More than one principal building on a lot shall provide a minimum open unoccupied area between buildings equal to the height of the adjoining building or buildings but not less than 15 feet.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - I-1 Regulations**

- b. Accessory Buildings. Except as otherwise provided in this chapter, accessory buildings and structures shall meet the setback and height requirements of the principal building.

**21-39.3 Other Provisions and Requirements.**

- a. Off-street parking and loading is required subject to regulations and conditions specified in this chapter.
- b. Landscaping must be provided in accordance with the regulations and conditions of this chapter.
- c. No property in a residential zone shall be used as a driveway or parking lot to serve an industrial use.
- d. No materials, raw or finished, shall be stored in any required front yard. When stored in any side or rear yard or open area of the site, materials, raw or finished shall be screened from public view by a solid architectural fence and/or a solid evergreen planting, and shall be stored in an orderly and neat fashion.

**21-40 O-1/20 Office/ Limited Service Zone.**

The purpose of the O-1/20 Office/Limited Service Zone is to provide for the development of professional or general office, medical or dental offices, and limited service uses in the Township of Ocean on lots of 20,000 square feet or larger; to provide for compatible land use relationships to restrict the emission of any environmental pollutants; and to provide for the safe and efficient flow of vehicles to and from the office research areas.

21-40.1 Permitted Uses. A building may be erected, altered or used and a lot or premises may be occupied and used for any of the following purposes:

- a. Principal uses shall include:
  - 1. Office buildings for executive or administrative purposes, professional or general offices, and medical or dental offices.
  - 2. Laboratories similar to the following but not including manufacturing: biological, chemical, dental, pharmaceutical and general research.
  - 3. Data processing and computer operations.
  - 4. In addition to the above, any office-research facility not inconsistent with the above, that is similar in purpose, function, character and effort.
  - 5. Indoor Recreation Facilities
  - 6. Career counseling services and activities
- b. Accessory Buildings and Uses Including:
  - 1. Private garage space for the storage of vehicles operated exclusively as part of a permitted use located on the same site.
  - 2. Signs subject to the provisions of this Chapter.
  - 3. Fences and hedges subject to the provisions of this Chapter.
  - 4. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- c. Conditional Uses. The following conditional uses are permitted subject to approval by the Planning Board and to the special conditions set forth in this chapter.

Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - O-1/20 Regulations

1. Child Day Care Centers.
2. Satellite antenna dishes greater than two (2) meters in diameter.

21-40.2 Development Standards. The O-1/20 Office/ Limited Service Zone specified herewith shall be occupied only as indicated in the Schedule in Article XVII of this chapter which is as follows:

a. Principal Buildings.

1. Minimum lot size - 20,000 square feet
2. Minimum lot width - 200 feet
3. Minimum lot depth - 100 feet
4. Minimum front yard setback (measured from the future street R.O.W.) - 35'
5. Minimum rear yard setback - 20 feet
6. Minimum side yard setback - 12 feet one side; 50% of lot width both sides combined
7. Maximum lot coverage - 27% of buildable lot area
8. Maximum Floor area ratio -30% percent of total lot area
9. Minimum gross floor area - 6,000 square feet
10. Maximum building height - 35 feet
11. Minimum distance between buildings shall be no less than the height of the highest of the 2 buildings.

b. Accessory Buildings. Accessory buildings shall be set back one foot for each one foot of building height, but not less than 25 feet from a property line. Accessory buildings are not permitted in the required front yard.

**21-40.3 Other Provisions and Requirements.**

- a. Off-street parking and loading is required subject to regulations and conditions specified in this chapter.
- b. Landscaping must be provided in subject to the regulations of this chapter.
- c. No materials, raw or finished, shall be stored in any yard or open area.

**21-40.4 Planned Adult Community (PAC) Development Option.**

The PAC Option shall be applied in only those areas of the O-1/20 Zone which are adjacent to the R-3 Zone and specified on the Official Zoning Map of the Township of Ocean, and shall be an integral part of, and subject to the regulations applying to, a Planned Adult Community in the R-3/PAC Zone.

**21-40.5 Senior Citizen Apartment Overlay Option.**

The Senior Citizen Apartment Overlay Option shall be applied in only those areas of the O-1/20 Zone which are specified on the Official Zoning Map of the Township of Ocean. It is the purpose of this Option to provide an alternative senior citizen residential design to accommodate the uniqueness of the overlay zone area, while providing adequate safeguards and protections for surrounding properties.

- a. A Senior Citizen Apartment (SCA) Overlay Option shall be permitted only if:
  - 1. Adequate sewers are available, or are to be made available by the applicant, to serve the proposed development; and
  - 2. The portion of Center St. which bisects the site is vacated and the site is developed as a single integrated development. In the event of such a vacation, any site design shall provide for emergency access to properties to the east which would have otherwise been served by Center St.
  - 3. Access shall be provided via Route 66.
- b. In the event that the applicant elects to develop the property as a Senior Citizen Apartment Option, the following shall apply:
  - 1. The development may be developed under the "Discontiguous Cluster Option", provided that the developed density on the Principal Tract, including any portion of the Principal Tract that may be dedicated for municipal purposes, recreation,

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - O-1/20 Regulations**

or open space, shall not exceed 16 units per acre. The overall residential density shall not exceed more than 10 dwelling units per acre of total lot area, including discontinuous tracts, but in no case shall the total number of units exceed 200.

2. A minimum 135' wide buffer planting, consisting of a berm varying in height from 2 feet to 5 feet and a screen of evergreen trees and shrubs as well as a mixture of deciduous trees and shrubs, shall be planted along all property lines which abut the R-3 single family residential zone. This requirement shall not apply where the site abuts a tract of land that is also designated R-3 PAC Option Overlay Zone, and an approved plan exists for the PAC. The buffer area may include, at the option of the Municipal Agency, a solid architectural fence. Minimum planting sizes for this buffer area shall be: 8' in height for evergreen trees; 3" caliper for deciduous shade trees, and; 30" in height for shrubs.
3. The following standards are intended for Senior Citizen Apartment Developments (Note - these standards anticipate adding smaller developments to larger previously approved developments.)
  - (a) Minimum lot size - 8 acres
  - (b) Minimum lot width - 400 feet.
  - (c) Minimum lot depth - 400 feet.
  - (d) Minimum front yard setback - 50 feet.
  - (e) Minimum rear yard setback - 50 feet (200' from R-3 Zoned property that does not have the PAC Option Overlay)
  - (f) Minimum side yard setback - 50 feet (200' from R-3 Zoned property that does not have the PAC Option Overlay)
  - (g) Minimum distance between principal buildings - 85 feet between any two rear or front facades; 30 feet between any other facades.
  - (h) Minimum setback from parking area - 10 feet.
  - (i) Maximum lot coverage - 35 % of the buildable lot area.

Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - O-1/20 Regulations

- (j) Maximum building height - 3 stories above grade or 45 feet, whichever is less
- (k) Maximum building length - 300 feet.
- (l) Maximum units per structure - 46.
- (m) Minimum unit size:
  - (i) Efficiency - 550 square feet.
  - (ii) 1 Bedroom - 650 square feet.
  - (iii) 2 Bedroom - 750 square feet.
- (n) Each principal building shall:
  - (i) Not allow or contain outside television antenna. All television antenna equipment shall be built into the building to eliminate individual television antennas from being erected on the roof.
  - (ii) Provide, in an enclosed storage area, with a minimum vertical clearance of 5', of not less than 400 cubic feet of storage for each unit in the building.
  - (iii) Not fail to provide, in an enclosed area, laundry facilities of not less than one washer and one dryer for each ten dwelling units for the exclusive use of the occupants of the building, unless space and connections for a washer and dryer is provided within each unit. No outside clothes lines or clothes hanging facilities or devices shall be provided or allowed.
  - (iv) Provide for fully enclosed trash and recycling areas in the basement of each building or an outside trash and recyclable storage area completely surrounded by a six foot high solid architectural fence with front solid gates. All trash and recyclables shall be stored in this area and shall not be in public view.
- (o) Indoor and outdoor recreation facilities, of adequate size to serve the occupants, shall be provided. Recreation facilities shall include, at a minimum: a clubhouse a minimum of 1,100 sq. ft. in area, and a swimming pool, as well as other outdoor active recreational facilities such as tennis courts. The outdoor recreation area shall occupy a minimum of 50 square feet per dwelling unit.

- (p) Parking shall be provided at the rate of 2 parking spaces per dwelling. Up to 50% of the required parking spaces may be provided above ground, provided that no parking spaces shall be located between any proposed building setback line and adjacent R-3 zoned properties. The remaining parking shall be provided in a below ground parking area.
- (q) The following requirements shall also apply:
  - a. No unit shall have more than 2 bedrooms.
  - b. Each unit shall have a kitchen or kitchenette in addition to a minimum of 1 private bathroom.
  - c. Transportation amenities, including courtesy bus transportation for shopping and non-emergency medical appointments, may be provided.
  - d. Additional amenities including recreation activities and housekeeping may be provided and shall be for the exclusive use of residents and their guests.
  - e. A small retail convenience area not to exceed 300 sq. ft. in area, and a beauty parlor/barber shop not to exceed 400 sq. ft. in area may be provided for the exclusive use of residents and their guests.
- 4. In the event that the development is owner occupied, title to all reserved or common land shall be held in fee simple by a Homeowners Association, except that the municipality may elect to have certain areas dedicated to the municipality.
- 5. In the event that the development is owner occupied, Homeowners Association shall be required to be established by a Master Deed. Said deed shall require that the Homeowners Association operate and maintain recreation facilities and maintain all common property such as open space, streets and storm water detention facilities.

### **21-41 O-1/40 Office-Research Zone.**

The purpose of the O-1/40 Office-Research Zone is to provide for the development of general offices, professional offices, medical/dental offices, and research related uses in the Township of Ocean on lots of 40,000 square feet or larger; to provide for compatible land use relationships; to restrict the emission of any environmental pollutants; and to provide for the safe and efficient flow of vehicles to and from the office research areas. It is the intent of this zone to encourage the consolidation of smaller lots into conforming lots where practicable. It is not the intent to prohibit the development of lots of less than 40,000 sq. ft. where consolidation is not possible.

21-41.1 Permitted Uses. A building may be erected, altered or used and a lot or premises may be occupied and used for any of the following purposes:

- a. Principal Uses shall include office and research related facilities including:
  1. Office buildings for executive or administrative purposes, professional or general offices, and medical or dental offices.
  2. Laboratories, similar to the following (but not including manufacturing): biological, chemical, dental, pharmaceutical and general research.
  3. Data processing and computer operations.
  4. In addition to the above, any office-research facility not inconsistent with the above, that is similar in purpose, function, character and effort.
- b. Accessory Buildings and Uses Including:
  1. Private garage space for the storage of vehicles operated exclusively as part of a permitted use which is located on the same site.
  2. Signs subject to the provisions of this Chapter.
  3. Fences and hedges subject to the provisions of this Chapter.
  4. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- c. Conditional Uses. The following conditional uses are permitted upon approval of the Planning Board in accordance with the special conditions of this Chapter.
  1. Child Day Care Centers.

2. Satellite antenna dishes greater than two (2) meters in diameter.
3. Wireless Telecommunications Tower and Antenna
4. Assembly and/or fabrication of light machinery or products.

21-41.2 Development Standards. The O-1/40 Office-Research Zone specified herewith shall be occupied only as indicated in the Schedule in Article XVII of this chapter which is as follows:

a. Principal Buildings.

1. Minimum lot size - 40,000 square feet
2. Minimum lot width - 200 feet
3. Minimum lot depth - 100 feet
4. Minimum front yard setback  
(measured from the future  
street R.O.W.) - 100' from N.J. Route 35  
35' from any other street
5. Minimum rear yard setback - 20 feet

Where an O-1/40 Zone abuts a lot in a single family residential zone, a minimum rear yard of 25 feet shall be required.

6. Minimum side yard setback - 12 feet one side; 50% of lot  
width both sides combined

Where an O-1/40 Zone abuts a lot in a single family residential zone, a minimum side yard of 25 feet shall be required.

7. Maximum lot coverage - 27% of buildable lot area
8. Maximum Floor area ratio - 30% percent of total lot area
9. Minimum gross floor area - 3,500 square feet
10. Maximum building height - 35 feet
11. Minimum distance between buildings shall be no less than the height of the  
highest of the 2 buildings.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - O-1/40 Regulations**

- b. Accessory Buildings. Accessory buildings shall be set back one foot for each one foot of building height, but not less than 25 feet from a property line, except where the yard abuts a residential zone, the building shall meet all the setback requirements of a principal building. Accessory buildings are not permitted in the required front yard.

**21-41.3 Other Provisions and Requirements.**

- a. Off-street parking and loading is required subject to regulations and conditions specified in this chapter.
- b. Landscaping must be provided in subject to the regulations of this chapter.
- c. No materials, raw or finished, shall be stored in any yard or open area.

## **21-42 O-1/80 Office-Research-Limited Commercial Zone.**

The purpose of the O-1/80 Office-Research-Limited Commercial Zone is to provide for the development of general offices, professional offices, medical/dental offices, research related uses, and limited retail and service uses in the Township of Ocean on lots of 80,000 square feet or larger; to provide for compatible land use relationships; to restrict the emission of any environmental pollutants; and to provide for the safe and efficient flow of vehicles to and from the sites within the zone and adjacent areas. It is the intent of this zone to encourage the consolidation of smaller lots into conforming lots where practicable. It is not the intent to prohibit the development of lots of less than 80,000 sq. ft. where consolidation is not possible.

21-42.1 Permitted Uses. A building may be erected, altered or used and a lot or premises may be occupied and used for any of the following purposes:

- a. Principal permitted uses shall include office and research related facilities including:
  1. Office buildings for executive or administrative purposes, professional or general offices, and medical or dental offices.
  2. Laboratories similar to the following but not including manufacturing: biological, chemical, dental, pharmaceutical and general research.
  3. Data processing and computer operations.
  4. In addition to the above, any office-research facility consistent with the above, that is similar in purpose, function, character and effort.
- b. Accessory Buildings and Uses Including:
  1. Private garage space for the storage of vehicles operated exclusively as part of a permitted use which is located on the same site.
  2. Signs subject to the provisions of this Chapter.
  3. Fences and hedges subject to the provisions of this Chapter.
  4. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- c. Conditional Uses. The following conditional uses are permitted upon approval of the Planning Board in accordance with the special conditions of this Chapter.
  1. The following limited retail and service uses are permitted:

Land Development Ordinance  
Township of Ocean  
January 8, 2010  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - O-1/80 Regulations

Apparel  
Artist's supply  
Bakery  
Bank  
Barber store  
Beauty and cosmetic shop  
Periodicals and newspaper sales  
Candy store  
Card store  
Cigars and tobacco sales  
Cleaners (no processing)  
Coin or collectibles dealer  
Computer sales, supplies and service  
Delicatessen  
Florist  
Gift shop  
Health Club  
Ice cream store  
Jewelry store  
Locksmith  
Luncheonette (non drive-in)  
Musical instrument store  
Office equipment and supplies  
Photography studio  
Restaurant (non drive-in, non fast-food)  
Shoe or hat repair store  
Stationery store  
Tailor  
Travel agency

2. Billboard signs.
3. Child Day Care Centers.
4. Satellite antenna dishes greater than two (2) meters in diameter.
5. Rehabilitation and vocational training center for the physically and/or neurologically disabled.
6. Principal permitted uses in the I-1 Zone with the exception of: manufacturing, fabrication and assembly of light machinery and products; and professional, general business, and corporate office uses.

7. Wireless Telecommunications Tower and Antenna

21-42.2 Development Standards. The O-1/80 Office-Research-Limited Commercial Zone specified herewith shall be occupied only as indicated in the Schedule in Article XVII of this chapter which is as follows:

a. Principal Buildings.

1. Minimum lot size - 80,000 sq. ft.
2. Minimum lot width - 200 feet
3. Minimum lot depth - 400 feet
4. Minimum front yard setback (measured from the future street R.O.W.) - 100 feet (Note 1)
5. Minimum rear setback - 75 feet (Note 1)

Where an O-1/80 Zone abuts a lot in a single family residential zone, a rear yard of 100 feet shall be required.

6. Minimum side yard setback - 50 feet (Note 1)

Where an O-1/80 Zone abuts a lot in a residential zone, a side yard of 100 feet shall be required.

7. Maximum lot coverage - 27% of buildable lot area
8. Maximum floor area ratio - 30% of total lot area
9. Minimum gross floor area - 10,000 square feet
10. Maximum building height - 4 stories above grade or 45 feet, whichever is less (Note 1)

11. Minimum distance between buildings shall not be less than the height of the tallest of the 2 buildings.

(Note 1) All required setbacks shall be increased a total of 5' for each foot the building height exceeds 35'

**Land Development Ordinance  
Township of Ocean  
January 8, 2010  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - O-1/80 Regulations**

- b. Accessory Buildings. Accessory buildings shall be set back one foot for each one foot of building height, but not less than 25 feet from a property line, except where the yard abuts a residential zone, the building shall meet all the setback requirements of a principal building. Accessory buildings are not permitted in the required front yard.

**21-42.3 Other Provisions and Requirements.**

- a. Off-street parking and loading is required subject to regulations and conditions specified in this chapter.
- b. Landscaping must be provided in subject to the regulations of this chapter.
- c. No materials, raw or finished, shall be stored in any yard or open area.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
Deleted January 26, 2005 - Ordinance 2003  
Article IV - O-2 Regulations**

**21-43 O-2 Zone (Deleted January 26, 2003 - Ordinance 2003)**

**21-43A. SRI - Recreation Activities Zone.** The purpose of the SRI - Recreational Activities Zone is to provide for compatible land use activities on these environmentally sensitive parcels of land. Section

43A.1. Permitted Uses. The permitted uses shall be designated as follows:

Activities included would be camping, marina use as permitted by the NJ State Department of Environmental Protection, water related recreational activities such as swimming and fishing, and other recreational activities which would normally be associated with this type of environment.

## **21-44 Sign Permit Required.**

It shall be unlawful for any person to erect, replace or alter any advertising sign or structure as defined in this chapter without first obtaining a sign permit. Where a use is a permitted use in the C-4 Zone, and the requirements of this section conflict with those specifically listed for permitted uses in the C-4 Zone, the requirements of the C-4 Zone shall govern.

### **21-44.1 General.**

- a. All principal buildings in all districts shall be clearly identified as to house number or street number by means of a small unobstructed sign clearly visible and legible from the main abutting street.
- b. **Sign Area Measurement.** The area of a sign shall be computed as the total square foot content of the background upon which the lettering illustration or display is presented. If there is no background, the sign area shall be computed as the product of the largest horizontal width and the largest vertical height of lettering illustration or total display. This shall not be construed to include the supporting members of any sign which are used solely for such purpose. For signs with two sides the maximum area requirement shall be permitted on each side. Signs with more than two sides are prohibited.
- c. **Sign Height Measurement.** The largest vertical height of the background upon which the lettering illustration or display is presented. If there is no background, the height shall be the largest vertical height of the lettering, illustration or total display. If the letters, illustration or display are attached directly to the face of the building, the height of the sign shall be the height of the largest letter illustration or total display, whichever is greater. No sign of any type shall be permitted to obstruct driving vision, traffic signals and signs, or similar safety devices or other places of business.
- d. **Illumination.** All illuminated signs shall be either indirectly lighted or of the diffused lighting type. No sign shall be lighted by means of flashing or intermittent illumination. All lights used for the illumination of any use or building or the areas surrounding them or for the illumination or display of merchandise or product of business establishments, shall be completely shielded from the view of vehicular traffic using the road and roads abutting such business properties. Floodlights used for the illumination of said premises or of any sign thereon, whether or not such floodlights are attached to or separate from the building, shall not project above the highest elevation of the front wall of the building or more than 18 feet above the street level of the premises, whichever is less. Where permitted, illuminated signs shall be so arranged as to reflect the light and glare away from adjoining premises in any residential district or adjoining highway.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - Sign Requirements**

- e. Projecting. No sign as permitted shall extend or project at any point above or outside the limits of the roof, the highest elevation of the wall to which it is attached, or above the height of the principal building as defined in this chapter. No signs shall be permitted on accessory buildings.
- f. Line of Sight. Signs and sign structures of all types shall be set back or elevated sufficiently to allow a clear, unobstructed line of sight from points of ingress or egress for at least 1,000 feet along all abutting streets and highways.
- g. Nonresidential Uses. Nonresidential uses shall be permitted a maximum of two directional signs for each street frontage designated "entrance" or "enter" and "exit". Such directional signs shall be no larger than two square feet each; the top of the sign shall be no more than 30 inches from ground level; and the signs may be internally illuminated. No external illumination shall be permitted. Directional signs shall have no setback requirements.
- h. Construction; Maintenance. Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
- i. Stationary. All signs shall be stationary with no moving parts.
- j. Residential. On a lot in a residential district, one sign shall be permitted not to exceed two square feet in area. If illuminated, the direct source of light shall be shielded in such a manner that it is not visible from the street or any adjoining residential property, unless a porch light or lamp post light. A church, school or other public or institutional building may have for its own use an announcement sign or bulletin board not over 12 square feet in area which, if not attached to the building, shall be at least 20 feet from all street lines.
- k. Removal. Removal of business signs shall be within 30 days of the closing of such business at the expense of the owner of said property. Real estate signs shall be removed within seven days after signing the contract of sale, or the signing of a sale transaction, or the execution of a lease. Signs announcing that the premises or portion thereof have been sold, rented or leased may remain for ten days after above transaction.

21-44.2 Subdivision Developments. Subdivision developments involving six or more residential lots may contain signs advertising the sale of the dwelling contained therein as approved by the Planning Board as follows:

- a. One non-illuminated sign no larger than 30 square feet is permitted at each entrance of the development. In addition, customary non-illuminated trade and professional signs no larger than four square feet are permitted on the lots being developed.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Sign Requirements**

- b. Temporary directional signs no larger than 2 square feet are permitted at locations approved by the Planning Board along public streets, provided that only the name of the development and a directional indication appear on the said signs.
- c. All signs permitted under this section shall be removed by the owner within seven days after signing the contract of sale or signing of a sale transaction or the execution of a lease of the last house in the development.

21-44.3 Signs in the Commercial Zones (C-1, C-2, C-3, C-4, C-5), and Office and Industrial Zones (O-1/20, O-1/40, O-1/80, O-2, I-1). In the foregoing commercial, office, and industrial zones, no sign shall be permitted which is not accessory to the business conducted on the property. Such sign may only be erected providing that it is shown on an approved site plan and all of the requirements of this chapter are met:

- a. Each individual lot in any commercial, office, or industrial zone shall be permitted one free standing sign, provided:

- 1. All buildings on the site meet the required minimum front yard setback of the zone within which the site is located.

For corner lots, the buildings must meet the required front yard setback for the front yard within which the sign is located. Where a sign is located within the area of the intersection of the front yards of a corner lot, the buildings must meet the minimum required setback of both front yards.

- 2. The height of the sign structure, including the supporting members, shall not exceed the height of the building plus 20 percent, but at no time shall the height exceed 25 feet.
- 3. The sign must be set back a minimum of 15 feet from the front street right-of-way line and must be perpendicular to the front lot line. In the event of a sign located within 30 feet of the intersection of front lot lines on a corner lot, as measured perpendicular to the front lot lines, the sign may be situated perpendicular to either front lot line.
- 4. The area of one side of the sign shall not exceed one square foot for each linear foot the business building sits back from the front street property line, provided that no sign shall exceed 100 square feet in area.
- 5. Said sign must be placed within a concrete curbed area of no less than 20 square feet. This area shall be landscaped.
- 6. Where a sign is located on the frontage of a site on Route 35, it must be located on the "upstream" side of the entrance drive or drives in order to facilitate safe

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Sign Requirements**

traffic flow. Signs fronting on southbound Route 35 shall be located north of the entrance drive or drives, and signs located on northbound Route 35 must be located on the south side of the entrance drive or drives.

- b. Except as noted in paragraph b.5. below, each business shall be permitted one facade sign for each street frontage of the business, provided that:
  1. The total sign area for the sign or signs permitted on the face of any wall shall not exceed ten percent of the area of the face of the wall upon which such sign or signs are attached.
  2. No sign, unless located on a canopy, shall extend further than 15 inches from the face of the building upon which it is attached, provided that where a sign extends more than three inches from the face of said wall, the bottom of said sign shall not be closer than ten feet from the ground level below the sign.
  3. Signs located on canopies, whether such canopies are permanent or temporary, may extend more than 15" beyond the face of the building upon which the canopy is attached provided that the canopy is not in violation of the setback provisions of the ordinance. Such canopy sign shall not extend beyond the face of the canopy upon which it is attached.
  4. The maximum height of any single sign shall not exceed six feet, and the maximum width shall not exceed 90 percent of the width of the wall to which the sign is attached. In no case, may the area of a sign exceed 150 square feet.
  5. Where multiple businesses within a building are serviced by one or more common entrances, such as in an enclosed mall or office building, only one facade sign shall be permitted per entrance.
- c. In addition to the above regulations, all signs permitted in the residential zones are also permitted in the commercial, office and industrial zones.

21-44.4 Signs in the Transitional Office/Residential Zone (T-1). The following signs shall be permitted in the Transitional Office/Residential Zone, provided that:

- a. No sign shall be permitted which is not related to the use on the premises.
- b. One free-standing sign is permitted provided that:
  1. No sign structure shall exceed 5 feet in height.
  2. The area of said sign shall not exceed twenty square feet.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Sign Requirements**

3. Said sign shall be set back a minimum of 15 feet from the front street right-of-way and side property lines.
- c. One facade sign shall be permitted on each building per street frontage of the building, provided that:
1. The total sign area for the sign or signs permitted on the face of any wall shall not exceed five percent of the area of the face of the wall upon which such sign or signs are attached.
  2. No sign, unless located on a canopy, shall extend further than 15 inches from the face of the building upon which it is attached, provided that where a sign extends more than three inches from the face of said wall, the bottom of said sign shall not be closer than ten feet from the ground level below the sign.
  3. Signs located on canopies, whether such canopies are permanent or temporary, may extend more than 15" beyond the face of the building upon which the canopy is attached provided that the canopy is not in violation of the setback provisions of the ordinance. Such canopy sign shall not extend beyond the face of the canopy upon which it is attached.
  4. The maximum height of any single sign shall not exceed three feet, and the maximum width shall not exceed fifty percent of the width of the wall to which the sign is attached. In no case, may the area of a sign exceed 50 square feet.
- d. Signs shall not be illuminated between the hours of 10 PM and 6 AM.
- e. In addition to the above regulations, all signs permitted in the residential zones are also permitted in Transitional Office/Residential Zones.

**21-44.5 Temporary Signs**

- a. Any person or organization desiring to erect a temporary sign or signs as set forth hereinafter shall apply for a sign permit from the Township of Ocean for which there shall be a fee of fifteen dollars (\$15.00).
- b. Temporary Signs for special events may be erected by certain non-profit organizations subject to the following regulations:
  1. No sign shall be larger than 4' X 8'.
  2. All signs shall have a professional appearance. A draft of the sign shall be submitted to the Zoning Officer for approval to ensure a professional appearance.

3. A no fee permit shall be obtained from the Zoning Officer.
4. No more than three signs shall be displayed and they shall be limited to the following locations:
  - (a) South east corner of Logan Road and Park Boulevard
  - (b) South west corner of Deal Road and Roller Road
  - (c) North west corner of West Park Avenue and the municipal pool exit road
  - (d) East side of Monmouth Road, midway between Brown Place and Lake Avenue
  - (e) North side of Deal Road opposite Logan Road
  - (f) East side of Wickapecko Drive opposite Bimble Boulevard.

Only one sign may be erected an any one time at any of the above locations. In addition to the option of erecting one sign at up to three of the above locations, sign requests for usage of the public message boards will be considered and signage will be permitted on property owned by the non-profit organization subject to the size and time limitations set forth herein.

5. Eligible non-profit organizations must either be based in the Township of Ocean or be conducting an event at a Township of Ocean public facility.
  6. Sign requests cannot be made earlier than sixty (60) days prior to the scheduled start date of the event, will be considered on a first come/first serve basis, cannot be erected earlier than two weeks prior to the scheduled event, and must be removed within 48 hours after the conclusion of the scheduled event.
  7. Exceptions to the limit on the number of signs may be granted by the Township Council for events benefiting more than one Township of Ocean based non-profit organization.
- c. Temporary signs may be erected in any commercial, office or industrial zone (C-1, C-2, C-3, C-4, O-1/20, O-1/40, O-1/80, O-2, I-1) as follows:
1. Temporary signs announcing "sales" of merchandise sold on the premises, are permitted for business establishments other than an automotive gasoline station or automotive service station, in addition to approved permanent signs. The total area of the sign or signs may not exceed ten percent of the front wall area of the

establishment and the sign(s) must be removed within seven days after the "sale" is completed. No such sign shall remain in place for a period exceeding 30 days. Only four such "sales" shall be permitted in any calendar year.

2. Temporary signs are permitted inside windows of commercial establishments not covering more than 25 percent of the total window area. Such temporary signs shall remain in place for a period of not greater than 21 days. Service organization posters shall be exempt from this provision. When temporary signs announcing "sales", as permitted in paragraph "1." above, are located within a window, they shall be included in the calculation of the maximum 25% of total window area permitted under this paragraph.
3. Free standing signs for such purposes as special sale days. Such signs shall not exceed 16 square feet in total area and shall be erected for no longer than seven days. Said signs may only be erected upon the property of the business holding such sale and no more than one sign shall be permitted per event. No more than five permits may be granted per year per applicant. Said signs shall be set back five feet from front property lines and 15 feet from any side property line.
4. A temporary sign shall be permitted for grand openings in commercial zones together with flags and banners for no more than 30 days. No more than one sign per street frontage shall be allowed which shall not exceed 16 square feet. Said signs shall be set back five feet from front property lines and 15 feet from any side property line.
5. Lighter than air balloon and inflatable signs shall be permitted in all commercial zones. Said signs shall be anchored in accordance with the Building Code at a location approved by the Township. They shall be permitted for special sales, grand openings and special events. They shall be permitted for no more than five times a year and may not be erected for more than seven days at a time. They must be flown higher than any structure on the property or adjacent property and there must be a person in attendance at all times that the balloon is flown. They may not have a surface area of more than 750 square feet and they must not be illuminated, nor filled with a flammable gas and no flags or streamers may be attached to same. A certificate of insurance must be provided naming the Township of Ocean as an additional insured in the minimum amounts of three hundred thousand/five hundred thousand (\$300,000/\$500,000) dollars. Heavier than air balloons shall comply with the requirements of lighter than air balloons except that: no certificate of insurance need be provided; they shall be ground mounted; and the surface area shall not exceed 100 square feet.

21-44.6 Prohibited Signs.

- a. No sign of any type, temporary or permanent, shall be erected which is of a form, character, or shape, so as to confuse or dangerously detract the attention of the operator of a motor vehicle. A mannequin, costumed individual, or animated device located at roadside for the purpose of attracting attention shall be considered such a sign and is expressly prohibited.
- b. Any signs used in connection with sales placed upon a stationary motor vehicle advertising any such sale are prohibited.

21-44.7 Exempt Signs. The following signs shall be permitted only in accordance with the following standards and shall not require a permit.

- a. Temporary election signs, not to exceed four feet by four feet, may be erected in all zones. No more than one such sign per candidate or issue shall be permitted on any single property. Such signs shall not be installed sooner than one month prior to the election on the same calendar day as the election. For example, if an election is to be held on November 4, election signs may not be erected prior to October 4. Such signs must be removed within five days following said election by the candidate or organization erecting same at his or its expense.
- b. A temporary non-illuminated sign advertising the sale or rental of a premises or portion thereof shall be, if not attached to the building, set back at least 10 feet from all street lines. The maximum allowable area of such signs shall not exceed the following:
  1. In all residential zones, the area shall not exceed five (5) square feet.
  2. In all non-residential zones where there is no frontage on either Highway 35 or Highway 66, the area shall not exceed nine (9) square feet.
  3. For all properties that have frontage on either Highway 35 or Highway 66, the area shall not exceed twelve (12) square feet plus inserts of 6" X 24".

The maximum height of any such sign in any zone shall not exceed six (6) feet. These provisions shall further apply to all signs announcing that the premises or portion thereof have been sold, rented or leased. Such signs must be removed within a period of seven days after conclusion of sale or rental transaction. The total number of signs shall not exceed one such sign per lot in any residential zone, or one such sign per business or vacant parcel in any other zone.

- c. A temporary non-illuminated job sign shall be permitted on residential property. Such job sign shall provide information related to work which is actively being

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Sign Requirements**

engaged in on the property. Such signs shall include, but not be limited to, building contractors, roofers, painters, and landscapers. This shall not be construed to include signs for work of a very limited duration or of a repetitive nature, for example, lawn maintenance services or chimney cleaning services which shall not be permitted. Job signs shall not exceed four square feet and must be set back a minimum of ten (10) feet from any street line. The total number of signs shall not exceed one such sign per lot. Such signs must be removed immediately upon the completion of the work, but in no case may the sign of any one contractor be displayed for more than thirty days in any calendar year.

- d. For all non-residential property where one or more businesses or uses occupy a single building, side and rear entrances may contain a sign indicating the occupant of that space. Such signs shall be stenciled or professionally lettered. Each individual letter shall be 3" to 5" tall. No information other than the name of the occupant may be included in the sign. Upon the change of the occupant, the sign must be removed or re-lettered with the new name of the subsequent occupant.

## **21-45 Off Street Parking Requirements**

21-45.1 Requirements. Off-street parking, unloading and service requirements of this section shall apply and govern in all zones within the municipality, except if these regulations conflict for a conforming use in the C-4 Zone, the C-4 Zone requirements shall hold. Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building, improvement or use, a site plan including the required parking and adhering to the zoning requirements and design standards applicable to the subject building, use or improvement. A Certificate of Occupancy shall not be issued unless the required off-street parking, unloading, and service facilities have been provided in accordance with those shown on the approved plan.

21-45.2 Duty to Provide and Maintain Off-Street Parking and Loading. No land shall be used or occupied, no structure shall be designed, created, altered, used or occupied, and no use shall be operated unless off-street parking and loading facilities are provided in at least the amount and maintained in the manner required by this Ordinance.

21-45.3 Connection to a Public Right-of-Way. Each off-street parking, loading or service area shall be connected to a public street right-of-way by means of a driveway constructed in accordance with at least the minimum standards required by this chapter.

21-45.4 Setback From Street. No off-street parking space backing into an entrance or exit drive shall be closer than 25 feet from the street right-of-way line.

21-45.5 Parking Area Site Layout.

- a. Parking areas shall be divided into lots separated by appropriate landscaping where possible.
- b. Driveways and internal roads shall be separated from parking areas by curbed landscaped islands where possible. Curbed, landscaped islands, a minimum of 10' in width, shall be located at the end of all rows of parking, and no more than 20 consecutive parking spaces shall be permitted in any row of parking without being defined by a 10' wide landscaped island. All curbed islands shall be landscaped with suitable trees, shrubs or ground cover.
- c. Parking spaces shall have a minimum area of ten (10') feet wide and eighteen (18') feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto, except that all parallel off-street parking spaces shall have an area of ten (10') feet wide and twenty two (22') feet long. Sixty degree diagonal parking shall have a width of ten (10') feet and a depth of twenty one (21') feet measured perpendicular to the centerline of the drive aisle. Forty five degree diagonal parking shall have a width of ten (10') feet and a depth of twenty (20') feet measured

perpendicular to the centerline of the drive aisle. Handicapped spaces shall be eight (8') feet wide and eighteen (18') feet long. Van accessible handicapped spaces shall have an adjacent access aisle of eight (8') feet wide. Other handicapped spaces shall have an adjacent access aisle of five (5') feet wide. Two (2) adjacent handicapped spaces may share a common access aisle. All parking spaces shall have hairpin striping.

d. Parking lot Aisle widths shall be as follows:

1. 90 degree parking - 24'
2. Parallel parking - One way aisle 15'  
Two way aisle 24'
3. 60 degree parking - 16'
4. 45 degree parking - 13'
5. Drive aisles within parking lots which do not have parking directly accessing them shall be a minimum width of 24' for two way traffic flow and 13' for one way traffic flow.

21-45.6 Off-Street Parking Space Within Buildings. Garage space or space within buildings, in basements or on the roofs of buildings may be used to meet the off-street parking requirements of this chapter, provided all requirements regarding this section are met.

21-45.7 Parking Provided on Same Lot as Main Building. Off-street parking spaces for all uses shall be located on the same lot as the main building to be served, except as otherwise specifically permitted in this chapter.

21-45.8 Joint Parking Facilities. The off-street parking requirements for two or more neighboring uses may be satisfied by the allocation of the required number of spaces for each use in a common parking facility, provided that the number of off-street parking space is not less than the sum of individual requirements; and provided further, that there be compliance with all other provisions of these regulations. This provision will only apply with approval of the municipal agency.

21-45.9 Sharing of Parking Facilities. Off-street parking facilities for one use shall not be considered as providing the required facilities for any other use, except that one-half of the off-street parking space required by any use whose peak attendance will be at night or on Sundays, such as churches, theaters, and assembly halls, may be assigned to a use which will be closed at night or on Sundays. This provision will only apply with approval of the municipal agency.

21-45.10 Computing Number of Employees. For the purpose of this section, the number of employees shall be computed on the basis of the maximum number of persons to be employed on any one shift taking into consideration day, night and seasonal variations.

21-45.11 Fractional Spaces Required. When units of measurements determining the number of required off-street parking and off-street loading spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded. Any units over one-half will require an additional space.

21-45.12 Off-Street Parking and Loading Space Within Front Yards.

- a. Residential Uses: No parking is permitted in either the required front yard setback or in the actual front yard between the residence and the street of any residential use within any zone except parking may be permitted in the front yard of a single family residence if parked on a driveway. In no instance shall the width of a driveway within a required front yard exceed 20'.
- b. Commercial and Office Zones and Uses: In any C-1, C-2, C-3, C-4, O-1/20, O-1/40, O-1/80, or O-2 zone, parking for permitted uses shall be permitted in the front yard providing that all necessary buffers are adhered to, a minimum twenty-five foot landscaped area is provided along the front property line, and a minimum 10' landscaped area provided along the side lot lines. Landscaping within these areas shall be in conformance with the requirements of this Chapter. Furthermore, this requirement shall apply to any use, which is listed as a permitted use in any of the above zones, which is located in any other zone within the Township as a permitted use, a pre-existing non-conforming use, or is permitted by "use" or "D" variance.
- c. Industrial Uses: Only parking for visitors shall be permitted in the front yard of Industrial Uses. Furthermore, this requirement shall apply to any mixed office/industrial uses and mixed retail/industrial uses whether permitted in a zone, a pre-existing non-conforming use, or permitted by "use" or "d" variance.

21-45.13 Location of Curb Cuts.

- a. All properties, except single family residences and properties in the I-1 Zone, shall be limited to one curb cut each. Curb cuts shall be located as close to the center of the lot frontage as is practicable, but in no case may they be closer than one-third of the actual lot frontage to any side property line. In the case of a corner lot, except single family residences, in order to prevent undue traffic on local streets, the permitted curb cut shall be located on the street of higher classification in the Township Master Plan. Properties in the I-1 Zone shall be permitted up to 2 curb cuts, located no closer than ten feet (10') to the side property line.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Off Street Parking and Loading Requirements**

- b. In the case of a corner lot, except for any lot in a residential zone, in order to promote the free flow of traffic at major intersections within the Township, the permitted curb cut shall be located on the street of higher classification in the Township Master Plan.
- c. In residential zones, corner lots on collector, major, or arterial streets shall have driveway access only to the street of lesser traffic classification. Such driveway shall be a minimum of 50' or two-thirds of the lot frontage, whichever is less, from the corner of the parcel at the intersection of the streets. For single family residences, curb cuts shall be located a minimum of 5' from an adjacent property line.

21-45.14 Paving Locations Restrictions. In any single family residential zone, paving for parking, loading or access thereto (unless otherwise restricted) except for entrance or exit drives crossing front property lines shall not be permitted within five feet of any property line.

21-45.15 Other Uses of Off-Street Parking Spaces Prohibited. No required off-street parking or loading area shall be used for the storage, sale, repair, dismantling or servicing of any vehicle, equipment, materials or supplies.

21-45.16 Shared Access. Nothing in this chapter is intended to prohibit the sharing of access by adjacent uses.

21-45.17 Off-Street Parking Minimum Spaces. Off-street parking spaces for the parking of passenger vehicles of occupants, employees and patrons of main buildings and structures hereafter erected or enlarged shall be provided and kept available in amounts not less than specified in this section.

a. Residential uses. The minimum required number of parking spaces to be provided in connection with residential uses in any given zone shall be in accordance with the following regulations:

- |   |  |
|---|--|
| 1. Single family dwelling               | 2 spaces for each unit   |
| 2. Apartments                           | 1.75 spaces for each unit  |
| 3. Townhouses                           | 2.25 spaces per unit*  |
| 4. Senior citizen housing               | 1.5 spaces per unit  |
| 5. Senior Independent Living Facilities | 1.25 spaces per unit with reservation of lands for up to 1.6 spaces per unit |

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Off Street Parking and Loading Requirements**

- \* For Townhouse units, if garages are provided they must be inside or attached to the townhouse unit and each garage space shall be deemed to meet one of the required off-street parking spaces provided that:
  - (a) Each space shall have a minimum area of 240 square feet;
  - (b) Any driveway space which obstructs access to or from the garage space shall not be counted as all or part of any parking space for the purpose of meeting the parking space per unit requirement;
  - (c) No garage shall be converted to living space without approval of a site plan by the municipal agency.
  
- b. Non-residential Uses. The minimum required number of parking spaces to be provided in connection with non-residential uses in any given zone shall be in accordance with the following regulations:
  - 1. Auditorium, movie theater, or other place of public assembly (including public, parochial and private schools): one parking space for each three fixed seats or 72" of bleachers for auditoriums or similar gathering spaces, at capacity; or one parking space for each 100 square feet of gross floor area in cases where the capacity is not determined by the number of fixed seats.  
  
For any Movie Theater located within a shopping center of 15 acres or greater, the total square footage of the Movie Theater shall be utilized to determine the parking requirement, and one parking space shall be provided per 200 sq. ft. of building area.
  - 2. Clubs: one parking space for each 100 square feet of gross floor area.
  - 3. Home professional office: 4 spaces including the 2 required spaces for the residential use.
  - 4. Hotel/motel: one parking space per room plus one parking space per employee on maximum shift plus one parking space per 200 square feet of gross floor area of meeting rooms, restaurants and cocktail lounges.
  - 5. Manufacturing, research, industrial, wholesale, laboratory, or distribution facility: one parking space for 200 sq. ft. of office space; Plus one space for each 500 sq. ft. of gross remaining floor area for laboratory, manufacturing, or shipping and handling uses, plus one space for each 1,000 sq. ft. for uses devoted strictly to storage or warehousing of goods.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - Off Street Parking and Loading Requirements**

6. Mortuary: one parking space for each 25 square feet of floor area devoted to assembly rooms for services.
7. Office, office building, office-research building (not including medical and dental): one parking space for each 200 square feet of gross floor area.
8. Offices (medical and dental): one parking space for each 150 square feet of gross floor area.
9. Retail home furnishing (furniture) stores - not including home appliance stores: one parking space for each 500 square feet of gross floor area.
10. Restaurant or tavern (non drive-in or non fast-food franchise): one parking space for each 150 square feet of gross floor area.
11. Restaurant (drive-in/fast food): one parking space per 3 seats.
12. Retail store, personal service or custom shop, or studio: one parking space for each 200 square feet of gross floor area.
13. Automotive gasoline and service stations: four parking spaces for each repair bay plus one space for each employee on maximum shift. Automotive gasoline station/C-Store: 1 parking space for each 250 sq. ft. of floor area.
14. Banks: one parking space for each 150 square feet of gross floor area.
15. Police and fire stations and post offices: one space for each 250 square feet of gross floor area.
16. Houses of Worship: one space for each two fixed seats, or; one for each 72 inches of benches in the sanctuary, or; one parking space for each 100 square feet of gross floor area for assembly and meeting rooms – excluding administrative office and indoor recreational space - whichever is greater.
17. Other uses not specifically listed: the same requirement as for the most similar listed use as determined by the Zoning Officer.
18. Mixed uses: the total requirement shall be the sum of the requirements of the component uses, as listed above, computed separately except that where more than 5 separate uses occupy a single site, the parking requirement may be reduced by up to 20% provided that:
  - (a) A shared parking analysis indicates that such a reduction in parking area is appropriate, and;

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Off Street Parking and Loading Requirements**

- (b) An area on the site is reserved for future parking which is to be installed at some future date if the Zoning Officer determines that such additional parking is necessary. Any such area reserved for future parking shall not be considered landscaped area for the purpose of determining required % landscaped area of a site.
  - (c) At no time shall any first floor portion of a building be allowed to remain vacant because all available parking has been assigned to other portions of the building.
19. Shopping Center - 1 space per 200 sq. ft. of floor area
  20. Recreational Establishments including Community Recreation Centers: One parking space for each 200 square feet of gross floor area.
  21. Taxi and/or package delivery service: One parking space plus one space for each vehicle in the service's fleet.
  22. Automotive detailing - 1 space per 200 sq. ft. of floor area.
  23. Career counseling services and activities - 1 space per 200 sq. ft. of floor area.

**21-46 Loading and Unloading.**

21-46.1 General. On the same premises with every retail commercial or industrial building, there shall be provided and maintained on the lot adequate space for off-street loading and unloading services in order to avoid interference with public use of the streets, sidewalks, parking areas, and public rights-of-way. These requirements shall not apply to the C-4 Zone.

21-46.2 Number of Spaces. Loading and unloading shall be provided according to the following schedule:

Gross Floor Area in Square Feet	Spaces Required
0 - 25,000	1
25,001 - 50,000	2
50,001 - 75,000	3
75,001 - 100,000	4
Each additional 50,000	1 additional

21-46.3 Location. Loading and unloading areas shall be permitted only in the rear yard except for properties in the industrial zone where loading and unloading shall be permitted in the side or rear yards.

**21-47 Landscaping Regulations.** The intention of these requirements is to enhance the aesthetic and environmental appeal and character of buildings and sites being developed within the municipality by insuring the compatibility of uses, thereby maintaining the health, safety, and general welfare of the community while preserving property values. In addition to "enhancing aesthetic and environmental appeal", landscaping is also located to mitigate adverse environmental impacts as well as to provide true site amenities on a particular site; i.e., screening of winter winds, blocking of afternoon summer sun. These considerations make for a better place to live and work in, not only to look at.

21-47.1 General Regulations for All Zones.

- a. Landscaping Required. All areas in a development not used for construction of buildings, roads, accessways, parking or sidewalks shall be fully landscaped in accordance with the regulations of this chapter.
- b. Minimum Landscaped Area Required. In all zones a minimum of 25% required landscaped area shall be provided on every site. Required landscaped area shall be calculated by subtracting any required buffers and undeveloped wetlands or floodplains, which are not within the required buffer areas, from the total lot area, and multiplying the remaining lot area by .25. The Municipal Agency shall have the authority to determine its distribution, but 30% of all required front yards shall be landscaped.

In calculating landscaped areas, the areas of plazas, open pedestrian shopping malls, sitting areas, swimming pools, and ornamental pools and fountains shall be included. Conventional sidewalks and similar paved surfaces shall not be included.

- c. Minimum landscaped area along property lines.
  1. A minimum 25' wide landscaped area shall be provided along all front property lines and public streets, except entrance walks and access drives. The 25' shall be measured from the proposed right-of-way line as designated in the Master Plan. This requirement shall apply to all uses in all zones except:
    - (a) Where a building is located closer than 25' to a front property line. In such instances, all areas directly between the building and the front property line must be landscaped, with the exception of entrance walkways. The minimum 25' landscaped area shall be required for all other portions of the front yard except entrance drives.
    - (b) Where any building in a C-1 Zone is located closer than 8' to a front property line no landscaping is required between the building and property line. The

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Landscaping and Fence Requirements**

minimum 25' landscaped area shall be required for all other portions of the front yard except entrance drives and walks.

2. A minimum 10' wide landscaped area shall be provided along all side and rear property lines, except for single family residences, and furthermore except:

Where a building is located closer than 10' to a side or rear property line. In such instances, all areas directly between the building and the property line must be landscaped, with the exception of entrance walkways. The minimum 10' landscaped area shall be required for all other portions of the side and rear yard.

3. Along all public streets, landscaping within 10' of the proposed right-of-way line, or within 15' of the proposed curb, whichever is more restrictive, shall consist of sod only. This requirement shall not apply to any permitted use in a C-1 Zone nor to any single family residence in any zone.

d. Buffer Requirements.

1. Where any Multi-family or Townhouse residential use abuts a single family residential use, a minimum buffer area of 100 feet shall be provided on the multi-family or townhouse site.
2. Required buffer on residential "thru" lots. On any residential thru lot, a minimum 10' wide buffer shall be required along the street frontage at the architectural rear of the building if the street is classified as other than a minor street in the Master Plan. The buffer shall comply with the standards for a buffer as set forth in this chapter.
3. Abutting any Residential Zone. In all zones where commercial, office or industrial zone lines abut a residential zone, a buffer shall be established in the non-residential zone as follows:

C-1	5 feet
C-2	50 feet
C-3	25 feet
C-4	100 feet
I-1	150 feet
O-1/20	5 Feet
O-1/40	50 feet
O-1/80	100 feet
O-2	100 feet

Where any property in an R-3 Zone abuts a developed property in an I-1 Zone or a street which defines the zone boundary of the I-1 Zone, no new single family

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Landscaping and Fence Requirements**

residence shall be permitted unless a buffer is provided along the residential property line within the R-3 Zone. Where such a buffer is required, the minimum buffer along any street line or rear yard of a proposed residence shall be 40' and the minimum buffer in any side yard shall be 30'. All required setbacks of the principal buildings shall be measured from the nearest point of the required buffer. Such buffers shall include a 6' high solid architectural fence in addition to the required buffer planting. If located along a street line, the required 6' high fence shall be set back a minimum of 20' from the street line and shall not be subject to the Ordinance height limitations regarding a fence in a front yard. In the case of a major subdivision where the property line abuts a street which serves as an I-1 Zone boundary, the required buffer area shall remain continuous along the frontage of the entire tract, and no street or driveway shall be constructed which provides direct access to the existing street which serves as the zone boundary.

4. In any residential zone, where any non-residential use abuts an existing single family residence or undeveloped residentially zoned property which is not part of a previously approved and constructed residential development, and where no buffer requirements are otherwise established for that use, a minimum buffer of 50' shall be established.
  5. No improvements can be made within a required buffer other than fencing, berming, and planting in accordance with this chapter.
  6. Clearing or Grading Buffer Areas. Areas required for buffers shall not be cleared or graded prior to development approval as outlined in the Land Use Procedures portion of this chapter.
- e. Mulching Material. All planting beds shall be covered with a plastic or similar material to prevent weed growth. Mulching material such as wood chips or pine bark shall be placed on top of this material to a depth of at least four inches. The use of stone or any other artificial material in planting beds is specifically prohibited.
  - f. Design. Landscape plans shall be required for all Site Plans and shall only be prepared under the supervision of and signed by a Certified Landscape Architect, except for single and two-family homes, where no plan is required.
  - g. Landscaping Within a Street Right-of-way. In all zones, no groundcover, trees, shrubs, stone, or mulch shall be permitted within a street right-of-way. Only sod shall be permitted within the right-of-way.

## **21-48 Fence and Hedge Regulations.**

21-48.1 Purpose. The intention of these requirements is to provide standards for the protection of the health, safety and aesthetic values of adjacent property. All fences and walls over three feet in height shall require a permit. The Municipal Agency shall have the authority to waive or regulate fences at their discretion.

21-48.2 Intersections. Within the required sight triangle at the intersection of two or more streets no wall, fence, hedge or other structure shall be erected to a height in excess of two and one-half feet above curb level, nor any other obstruction to vision shall be permitted.

21-48.3 Height. Except as otherwise permitted in this chapter, on any lot in any residential, commercial, or office district, the single or combined height of any wall or fence shall not exceed four feet in the required front yard nor more than six feet in the required side or rear yards. In an industrial zone, the single or combined height of any wall or fence shall not exceed four feet in the required front yard nor more than eight feet in the required side or rear yards.

In any zone, the height of any hedge or the combined height of any wall/hedge shall not exceed four feet in the required front yard. The hedge height in any side or rear yard is not limited.

The combined height of a wall, fence or hedge shall be measured from the base of the wall to the top of the fence or hedge if a wall, fence, or hedge are located closer than ten feet to each other in the same required yard. Exceptions to this height restriction include:

- a. Tennis court fences shall have a maximum height of twelve feet provided that they are located in a side or rear yard and provided that they are located no closer than ten feet to a property line.
- b. Swimming pool fences may have a maximum height of five feet in a front yard provided that they are located a maximum of fifteen feet from the nearest point of the pool surface and are not located within any sight triangle at any street intersection or driveway.

21-48.4 Prohibited Fences.

- a. No fence in a residential zone shall be erected of barbed wire, or electrified or topped with metal spikes or constructed of any material or in any manner which may be dangerous to persons or animals.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Landscaping and Fence Requirements**

- b. No solid architectural fences or slatted chain link fences 3' in height or greater shall be permitted around tennis courts or within a front yard in any zone. A picket fence will be considered a solid fence if the openings between the slats are less than the width of the slats.

21-48.5 Maintenance. In any zone, walls or fences erected shall be maintained in an aesthetically pleasing manner and any failure to do so shall be subject to the construction official's order to repair or replace the wall or fence in order to meet the requirements of this chapter.

21-48.6. Swimming Pool. There shall be a fence of a type approved by the construction official not less than four feet high completely enclosing any below-ground swimming pool, any above ground swimming pool four feet in height or greater, and any other swimming pool of 100 square feet of surface water area or more and which is less than four feet above the ground. Each gate in a pool fence shall be self-closing and capable of being locked when not in use.

21-48.7 Finished Side. The finished side of all fences shall be on the outside facing away from the lot on which it is erected.

21-48.8 Public Property. The restrictions provided for in this section shall not apply to any premises owned by the Township, but any fence or wall or other such structure erected by the Township of Ocean to protect and secure Township owned property shall be subject to an informal review by the Ocean Township Planning Board prior to the erection thereof.

## **21-49 Performance Standards**

21-49.1 Purpose. As a condition to approval and as a condition to continuance of any business or building, process, installation, production or other use in any zone, the applicant shall supply evidence, satisfactory to the construction official or to his designated representative, that the proposed building, process, installation, production or other use will conform fully with all of the applicable performance standards. As evidence of compliance, the construction official may require certification of tests by appropriate government agencies or by recognized testing laboratories, any costs thereof to be borne by the applicant. The construction official may require that specific operation procedures or methods be followed if the government agencies or testing laboratories examining the proposed operation shall determine that the use of such specific types of machinery, equipment, devices, procedures or methods are required in order to assure compliance with the applicable performance standards.

21-49.2 General Regulations. No use shall be established, maintained or conducted that will cause any of the following:

- a. Atmospheric Pollutants. Dissemination of toxic or noxious smoke, fumes, gas, dust, odor or any other atmospheric pollutant into the air to such a degree as to be detrimental to the health and welfare of residents in the area, as determined by State, regional and local requirements.
- b. Waste Material. Discharge of any waste material whatsoever on the site or into any watercourse except in accordance with State, regional and local requirements.
- c. Glare, Vibration and Noise. Dissemination of glare, vibration, and/or noise beyond the immediate site on which such use is conducted and in accordance with this chapter establishing noise performance and vibration standards.
- d. Hazards. Hazard by reason of fires, explosion, radiation or similar cause to property in the same or adjacent zones. Safeguards for the health and safety of workers shall comply with all applicable regulations and requirements of the State Department of Labor and Industry.
- e. Examination of Applications. All applications shall be examined by the municipality in regard to the effect of the proposed use upon the public health of the residents and the surrounding area in respect to any potential pollution of air, ground water, or ground resulting from the dissemination of smoke, chemicals, odors or dust from the industrial processes of the proposed use. A written report indicating the conformance with or violation of the performance standards shall be submitted to the construction official.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Performance Standards**

21-49.3 Liquid Wastes. No liquid wastes shall be discharged directly or indirectly into any watercourse in the municipality, except as herein provided. If the applicant proposes to construct facilities for the treatment of waste, he shall supply the following:

- a. Certification in writing by the New Jersey Department of Environmental Protection that such proposed facilities are in compliance with applicable State laws and regulations; and
- b. Certification in writing by the Municipal Engineer approving the installation of such facilities.

21-49.4 Storage and Waste Disposal. No materials or waste shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream, watercourse or underground aquifer be allowed to enter any stream, watercourse or underground aquifer. All materials or wastes which might cause fumes or dust or which constitute a fire or explosion hazard, or which might be edible or otherwise attractive to rodents or insects shall be stored indoors in appropriate containers adequate to eliminate such hazards.

21-49.5 Industrial Wastes. No industrial waste shall be discharged into the public sewage collection and disposal system unless the Municipal Engineer and the appropriate sewerage authority shall have first investigated the character and volume of such waste and shall have certified in writing that it will accept the discharge of such waste material into the system. The applicant shall comply with any requirements of said authorities including the pre-treating of such wastes, the installation of processing methods, separation or screening of wastes, control of pH, and other methods of improving such wastes prior to discharge, as a condition to acceptance by the said authorities.

21-49.6 Additional Standards and References. In order to satisfy itself that the applicant will comply with all of the applicable performance standards, the Municipal Agency or its designated representative may examine and refer to any or all of the available standards, codes, regulations and requirements, including but not necessarily limited to:

- a. Laws, regulations and codes administered by the New Jersey State Department of Health.
- b. Laws, regulations and codes administered by the New Jersey Department of Labor and Industry.
- c. State of New Jersey Uniform Building Code.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article IV - Performance Standards**

- d. Applicable standards of the United States Public Health Service.
- e. Applicable standards of the Bureau of Mines, United States Department of the Interior.
- f. Laws, regulations and codes administered by the New Jersey Department of Environmental Protection. If there is a conflict of the foregoing with local codes, the more restrictive shall apply.
- g. Applicable property maintenance code or codes.

**21-50 Approval Required for Conditional Uses.** A conditional use is a permitted use only as specified by this chapter and may be granted in accordance with the standards and specifications of this section. No permit shall be issued for a conditional use unless an application is submitted to and approved by the Planning Board. It shall be submitted and distributed in the same manner as prescribed for all applications in Land Development Procedures portion of this Land Development Ordinance.

**21-51 Standards for Approval of Conditional Uses.** The following standards apply to conditional uses as permitted in specific zones. Where conditional use standards of this section conflict with standards of any other section of this Ordinance, the conditional use standards shall govern. Where no specific conditional use standard is stated for a specific conditional use, the intent of this Ordinance is that the appropriate standard for the zone within which the use is located shall apply. (For example, if no side yard setback requirement is listed under this section for a specific conditional use, then the side yard setback standard for the zone within which the site is located shall apply.)

21-51.1 Government Buildings and Services. Government buildings such as municipal buildings, libraries, and schools shall provide the Planning Board with the following:

- a. A set of plans, specifications and plot plan and a statement setting forth the need and purpose of the installation.
- b. Proof that the proposed installation in a specific location is necessary and convenient for the efficiency of the proposed use or the satisfactory and convenient provision of service to the neighborhood or area in which the particular use is to be located; that the design of any building in connection with such facility conforms to the general character of the zone and will in no way adversely affect the safe and comfortable enjoyment of property rights of the zone in which it is located; that adequate and attractive fences and other safety devices will be provided and that sufficient landscaping including shrubs, trees and lawn are provided and will be periodically maintained.

21-51.2 Churches, Synagogues, Parish Houses, and Similar Religious Uses.

- a. All such uses shall comply with the following bulk standards:

Minimum Lot Area.....	2 acres
Minimum Lot Width.....	200 feet
Minimum Lot Depth.....	200 feet
Minimum Front Yard Setback....	25% of lot depth
Minimum Side Yard Setback.....	25% of lot width
Minimum Rear Yard Setback.....	20% of lot depth
Maximum Lot Coverage.....	30%

Maximum Building Height.... Two (2) stories above grade or  
35 feet. whichever is less.

- b. Where parking areas are adjacent to a residential zone, a 25 foot wide buffer strip shall be provided.

21-51.3 Eating Establishments (Drive-In or Fast-Food).

- a. Drive-in or Fast Food establishments may be free standing or part of a larger shopping center. When part of a larger shopping center, such establishment may be located on a portion of the lot which is dedicated solely to the use. Such free standing lot or portion of a larger shopping center lot must meet all of the following requirements:

Minimum Lot Area - 40,000 sq. ft.

Minimum Lot Width - 175 feet.

Minimum Lot Depth - 200 feet.

- b. There shall be no access to rest rooms from the exterior of the building.  
c. There shall be adequate trash receptacles outside the building for use of patrons.

21-51.4 Development Standards for retail uses as conditional uses in a C-4 Zone.

- a. Minimum lot area - 40,000 sq. ft.  
b. Minimum lot width - 200 feet  
c. Minimum lot depth - 175 feet  
d. Minimum front yard setback - 75 feet  
e. Minimum side yard setback - 25 feet  
f. Minimum rear yard setback - 45 feet  
g. Minimum gross floor area - 5,000 square feet  
h. Maximum lot coverage - 27 percent of buildable lot area  
i. Maximum floor area ratio - 40%

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Conditional Use Standards**

- j. Maximum building height - 2 stories above grade or 30 feet, whichever is less.

21-51.5. Building materials and supplies, Home improvement establishment, Garden and nursery supplies and equipment.

- a. Only retail sales shall be permitted.
- b. The facility shall be part of the Regional Shopping Center and shall be entirely contained within a building.

21-51.6 Tire, batteries, and accessories (TBA) stores

- a. TBA stores, commonly known as tire, battery, and accessory stores, shall be permitted within any planned commercial development in a C-4 Zone. A TBA store shall be similar to an automotive service station except that the retail sales of gasoline shall not be permitted. TBA stores shall be subject to the following conditions:
  - 1. Such stores shall be located in the same building as the principal use with which is it associated.
  - 2. Such stores shall sell tires, batteries, and automobile accessories only, and may install the merchandise sold on the premises. Such stores may also perform minor services such as oil changes, wheel alignment, balancing, and brake lining replacement or similar minor services.
  - 3. No automobile body work nor major mechanical repairs may be performed at any such facility.

21-51.7 Automobile Accessory Sales and Installation

- a. All overhead garage doors must face the rear yard so not to be visible to the general public.

21-51.8 Hotel, motel or inn.

- a. Such facility may be free standing and located on a separate lot, and shall consist of a building containing rooms for transient lodging only, and also may provide personal services incidental thereto, including meals and entertainment, and meeting rooms. No guest room shall contain kitchen facilities of any sort.

- b. Each hotel/motel shall meet the minimum lot area, width, depth, lot coverage, and floor area ratio requirements of the O-1/80 Zone. All other requirements, including the setback requirements, of the C-4 Zone apply.

21-51.9 Public Utility Installations. Public utility uses and installations, above and below ground, such as transmission lines, water storage tanks, towers, pumping stations and substations, shall provide the Planning Board with the following:

- a. A set of plans, specifications and plot plan and a statement setting forth the need and purpose of the installation.
- b. Proof 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.
- c. Proof that the design of any building in connection with such facility conforms to the general character of the zone and will in no way adversely affect the safe and comfortable enjoyment of property rights of the zone in which it is located; that adequate and attractive fences and other safety devices will be provided and that sufficient landscaping including shrubs, trees, and lawn are provided and will be periodically maintained.

21-51.10 Plant Nurseries, Nursery Stock Supply and Sales, Garden Landscape Supplies.

- a. With the exception of the landscape plants, shrubs, and trees, all materials shall be contained within a building, except that open storage and sales areas may be maintained in a side or rear yard provided that such open storage and sales areas are contiguous to the building and are encircled by a fence of a design which is homogeneous to the adjacent building. Such materials shall be no closer than 10' to any property line.
- b. A six foot high solid fence shall be so designed as to screen all materials and supplies, except plant materials, from public view.
- c. Plant materials may be displayed openly in any side or yard, but not within 10' of any side or rear property line.

21-51.11 Automotive Gasoline Station; Automotive Service Station; Automotive Gasoline Station/C-Store.

- a. Minimum lot area, lot frontage and lot coverage shall be as follows:

**SCHEDULE**

	MINIMUM LOT SIZE	MINIMUM LOT FRONTAGE	MAXIMUM BUILDING COVERAGE
Automotive Gasoline Station	30,000 sq. ft.	150 feet	10% Buildings 30% Building & Canopy
Automotive Service Station	40,000 sq. ft.	200 feet	10% Building 30% Building & Canopy
Automotive Gasoline Station/C-Store	65,000 sq. ft.	300 feet	5 % Building** 25% Building & Canopy

\*\* The maximum permitted building size for an Automotive Gasoline Station/C-Store shall be 4,000 sq. ft., including offices, rest rooms and storage.

- b. No Automotive Gasoline Stations, Automotive Service Stations, or Automotive Gasoline Stations/C-Store shall be located on a site which has frontage on both Route 35 and either West Park Ave., Deal Rd. or Sunset Ave. Automotive Gasoline Stations/C-Stores shall be permitted only on sites which have frontage on Route 35.
- c. Canopies. A cantilevered cover or canopy may be permitted to extend into the front yard provided that the roof of the canopy is at least 25 feet from any front property line (in order to maintain the required 25' wide landscaped area along the front property line) and maintains the required side and rear yard setbacks of the zone. Any kiosk located beneath a canopy shall be located no closer than 50' from any front property line.
- d. Curb Cuts and Driveways.
  1. On a corner lot, a driveway shall be at least 25 feet from the street intersection as measured along the property line.
  2. Driveways shall be no less than 25 feet and no more than 35 feet wide. The driveway shall be flared or slanted at the curb line to facilitate auto ingress and egress.
  3. Curb cuts shall be no less than 25' from any property line. Where County or State standards apply, the stricter standard shall prevail.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Conditional Use Standards**

4. Any two driveways giving access to a single street shall be separated by a curbed island of at least 20 feet.
  5. There shall not be more than two curb cuts providing access to any one street.
- e. Signs.
1. Free-standing Signs.
    - a. Automotive Gasoline Stations, Automotive Service Stations shall be permitted one free-standing or one pylon sign. Such sign may advertise: the name of the Automotive Station; the principal products sold on the premises including any special company or brand names, insignia, and emblem; and the price of gasoline. Such sign shall not exceed 50 square feet in area.
    - b. Automotive Gasoline Station/C-Stores shall be permitted additional sign area on the above free standing sign. The total area of one side of such sign, including all information permitted in paragraph a above, shall not exceed one square foot for each linear foot the convenience store building sits back from the front street property line, provided that no sign shall exceed 100 square feet in area
    - c. All signs shall comply with the Ordinance requirement for setback from a property line and shall be not less than ten nor more than 20 feet above the ground..
  2. Facade Sign. One facade sign shall be permitted for each street frontage and shall not exceed 8 percent of the area of the facade on which it is located.
  3. Canopy Signs. Signs shall be permitted on up to 2 sides of a canopy, for the purpose of advertising the name of the gasoline company only, provided that the sign does not occupy more than 1/4 of the length of the face of the canopy on which it is located and does not extend above or below the face of the canopy.
  4. Other. Other signs that may be required by State and Federal law shall be allowed.
- f. Lighting. All lighting shall be so designed, arranged and installed as to reflect all light down and away from adjoining properties and streets and highways. No string of multiple lights shall be permitted. Lighting under a canopy shall be recessed and directed downward.
- g. Pavement. All parking, access and driveway areas shall be paved with a permanent surface such as macadam with proper drainage so as not to affect adjacent property owners.

- h. Location of Pumps. All pump islands shall be a minimum of 25 feet from any property line.
- i. The retail sale of food and other non-automotive related items, including vending machines, is prohibited at Automotive Gasoline Stations and Automotive Service Stations. The sale of such items is permitted at Automotive Gasoline Station/C-Stores to the extent described in the definition of Automotive Gasoline Station/C-Store in this Ordinance. Outdoor display of products for sale or rental, including convenience household, beverages and food items at "C-Stores", shall not be permitted.
- j. Accessory Buildings and Uses.
  - 1. Accessory buildings shall not be permitted. All lifts, lubrication equipment, service pits and automotive related goods for sale shall be enclosed within the principal service station building.
  - 2. The sale or rental of cars, trucks, trailers, boats or any other vehicles on the premises of an automotive gasoline or automotive service station shall be prohibited.
  - 3. The storage of cars, trucks, trailers, boats or any other vehicle not being serviced or repaired on the premises of an automotive gasoline station or automotive service station shall be prohibited.
  - 4. Storage of any vehicle requiring body work, or which is inoperable because of major repairs required, shall not be permitted.
  - 5. The storage of inoperable vehicles, classified as junk cars or those not currently registered with the State of New Jersey shall not be permitted.
- k. Trash and Garbage. A solid enclosed area shall be provided for the temporary storage of trash, garbage, tires, and unusable automotive parts. Except for tires, all trash shall be stored in tight containers. The enclosed area shall be so designed that the trash shall not be seen from a public street or from adjoining properties. Adequate trash receptacles shall be provided adjacent to parking areas for "C-Stores".
- l. Screening. The site shall be screened by a minimum 6' high solid evergreen planting or combination of solid evergreen planting and fence on all sides except within the required front yard setback. Such screening shall not extend into the required sight triangle for any access drive.

m. Special regulations for automotive gasoline station/C-stores. There shall be no counters, tables or seating for the consumption of food or beverage items either within the building or outside the building. Drive-thru windows shall not be permitted. The preparation of foods on site which are not specifically permitted by the definition of automotive gasoline station/C-store, shall not be permitted. The purpose of these regulations is to promote the public safety by limiting those situations where customers will eat prepared foods such as sandwiches, hamburgers, hot dogs, pizza, soups and similar items while driving, and by facilitating the function and safety of the site by limiting the amount of time customer vehicles will remain on site at the gasoline pump islands or in parking spaces.

21-51.12 Automotive Sales and Service and Automotive Rentals and Leasing.

a. Automotive sales, and automotive sales and service (cars and vans only), automotive sales and service (cars, vans, and trucks) and automotive rentals and leasing uses shall maintain the following bulk requirements:

	Automotive Sales Service (cars and vans only)	Automotive Sales and Service (cars, vans and trucks)	Automotive Rentals and Leasing
1. Minimum lot area	2 acres	4.5 acres	1 acre
2. Minimum lot width	200 feet	200 feet	200 feet
3. Minimum lot depth	200 feet	200 feet	175 feet
4. Minimum front yard setback	100 feet	100 feet	100 feet
5. Minimum side yard setback	50 feet	50 feet	50 feet
6. Minimum rear yard setback	45 feet	45 feet	45 feet
7. Minimum gross floor area	5,000 sq. ft.	5,000 sq. ft.	2,000 sq. ft.
8. Maximum lot coverage	27% of buildable lot area	27% of buildable lot area	27% of buildable lot area
Maximum building height	2 stories above grade or 30 feet, whichever is less	2 stories above grade or 30 feet, whichever is less	2 stories above grade or 30 feet, whichever is less

- b. No used or rental cars shall be displayed in the required front yard.
- c. No signs, numbers, letters, or similar displays, whether painted or otherwise, shall be permitted within the windows of any vehicles on display.
- d. All vehicles shall be displayed at ground level. No raised platforms of any sort shall be permitted for the purpose of displaying vehicles, and no vehicles shall

be raised off the ground in any manner for the purpose of display. This requirement shall be retroactive and shall apply to all automotive sales and services and automotive rentals and leasing uses in the Township.

- e. On those lots of 4.5 acres in area or greater where truck sales (as defined in 21-6 'Automotive Sales and Service') are permitted, no trucks shall be on display within the required front yard setback and no trucks shall be displayed on any portion of the lot with truck beds in a raised position.

#### 21-51.13 Car Wash

- a. Minimum lot area for a car wash shall be not less than 1 acre.
- b. Adequate off-street automobile stacking area which shall not be less than 15 spaces per bay for a drive-thru car wash, and 2 spaces per bay for a self service car wash, shall be provided. Such stacking system shall in no way hinder or impair normal traffic flow on adjoining property or public right-of-way.
- c. In addition to the stacking area, one parking space per employee on maximum shift shall be required.

21-51.14 Quasi-Public Uses. Quasi-public uses such as clubs, social organizations, and other public gathering places not publicly owned, not commercial in nature, and not specifically listed in this section, shall adhere to the following:

- a. Minimum lot area shall be 40,000 square feet.
- b. Where parking areas are adjacent to a residential zone or use, a 25 foot wide buffer shall be provided.

21-51.15 Lumber Yards, Building Materials Sales, and Contractors Yards. (These requirements shall not apply to similar uses in a C-4 Zone which are part of a planned commercial development.)

- a. A 20 foot wide fire access strip shall be established along all side and rear property lines, inside any required buffer or landscaped area, in addition to required buffers. Said strip shall be free of obstructing structures, parking or loading areas. Access to the strip shall be maintained from a public street and it shall be paved in an aesthetic fashion and in a manner suitable to support emergency vehicles.
- b. All materials shall be contained within a building except that open storage and sales areas may be maintained in a side or rear yard provided that such open storage and sales areas are contiguous to the building and are encircled by a fence of a design which is homogeneous to the adjacent building.

**21-51.16 Retail Specialty Shops.**

- a. Retail specialty shops shall have a maximum of 3,600 square feet per store.
- b. Retail specialty shops shall not occupy a gross floor area of more than 37.5 percent of the gross floor area of the building within which they are located.

**21-51.17 Billboard Signs.** The construction of new billboard signs shall not be permitted in the Township of Ocean. The continued existence of billboard signs which were lawfully in existence on date of adoption of this chapter, shall be permitted to continue provided they comply with the provisions of N.J.S.A. 54:40-50 et seq. and further provided that:

- a. A billboard sign which has been destroyed by fire or other casualty to an extent greater than 50 percent, or the relocation of which is required by virtue of a condemnation by a government agency, or for which permission to locate has lapsed or been revoked by a land owner, may be rebuilt or relocated on the same property or other property subject to the following:
  1. The rebuilt or relocated billboard sign or signs shall be no larger than the original billboard sign or signs which are replaced nor shall there be an increase in the number of signs.
  2. For the purposes of determining required setbacks, a billboard shall be considered a principal building and shall maintain the required setbacks for the principal building of the zone within which it is located.
  3. Each rebuilt or relocated billboard sign shall be landscaped with suitable plant materials so as to provide a pleasing visual environment for the sign structure and surrounding area while permitting an unencumbered view of the advertising message. In the event that the relocation of any sign involves the removal of trees or other shrubbery, same shall be permitted, but to the extent possible such trees and shrubbery shall be relocated or replaced to minimize the loss of such vegetation on the site.
  4. The relocation of billboard signs permitted under this subsection shall only be permitted in the Highway Commercial (C-2), General Commercial (C-3), Regional Commercial (C-4), Office Research Professional (O-2) and Regional-Office-Research (O-3) Zones in the Township.
  5. At the intersection of Route 66 and Route 18 no billboard sign may be located within 660 feet of the Route 18 right-of-way. In all cases, no billboard sign may be placed or oriented to seek attention from drivers utilizing Route 18 in order to protect the noncommercial character of Route 18.

6. Any relocated billboard sign, in addition to complying with all building line setback requirements, shall be located in such a way as to not obstruct the vision of drivers or pedestrians at intersections of streets or highways with other street or highways or driveways, access ways, alleys or pedestrian crosswalks.
7. A relocated billboard may not exceed the following dimensions depending upon its size prior to relocation:
  - (a) 6 feet x 12 feet
  - (b) 12 feet x 25 feet
  - (c) 12 feet x 50 feet

No relocated billboards including supports may exceed a height of 25 feet above the grade of land on which the sign is located.

8. No more than 12 feet x 50 feet of billboard advertising space may exist facing any one direction. There shall be at least 500 feet between any two such advertising locations.
9. Construction of any rebuilt or relocated billboard must be completed within two years after the removal or destruction of the billboard it replaces. If this time period lapses, the right to a billboard site is lost by the owner.

#### 21-51.18 Home Professional Offices in an R-4HO Zone

- a. The site shall be located with frontage on Monmouth Rd., in the portion of the Monmouth Road Corridor between West Park Ave. and Roosevelt Ave.
- b. Minimum lot area - 10,000 sq. ft.
- c. Minimum lot width - 100 feet
- d. A maximum of 600 sq. ft. of office space is permitted.
- e. No more than one non-resident employee is permitted on the premises at any one time.
- f. Off street parking is to be provided in a manner consistent with a residential use, except that no parking shall be permitted in a front yard. Parking area striping shall not be permitted. Parking areas may be curbed with curbs a maximum height of 3" above the paved surface. Formally designed parking areas shall not be required,

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Conditional Use Standards**

however all parking areas and drive areas shall be designed to permit automobiles to turn around on a site in order to prevent backing out onto Monmouth Rd.

- g. Minimum buffers of 25' are required along any rear yard and 10' along any side yard.
- h. A Home/Office Permit from the Township shall be required and shall be renewed annually. Such permit shall require an annual inspection of the premises in order to determine that the use is in compliance with the provisions of this Ordinance. The annual fee for the home/office permit shall be \$50.
- i. One free standing identification sign shall be permitted, provided that the sign: be no closer than 10 ft. to any property line; not be illuminated; be hung from a cantilevered post; be made of wood; and consist of muted colors. Fluorescent or bright colors shall be prohibited. All signs shall meet with the approval of the Architectural Review Committee, if established.
- j. The exterior of the building shall meet the requirements of the Architectural Review Committee as established for the Monmouth Rd. Corridor. In the absence of an architectural review committee or standards, the building shall comply with the existing architectural character of the area.
- k. Permitted professional offices are those which do not generally require client visits to the site, such as architects, accountants, engineers, professional planners, design professionals, and attorneys. Medical and dental offices are specifically prohibited.

**21-51.19 Child Day Care Centers**

- a. Each Child Day Care Center shall be licensed by the New Jersey State Division of Youth and Family Services or other organization with which the Division contracts for Family Day Care or Child Care.
- b. Each Child Day Care Center shall have an accessible outdoor play area which is demonstrated, by the applicant, to be safe and adequate to meet the needs of the Child Day Care Center.
- c. Each Child Day Care Center shall have a conveniently located area which shall be for the purpose of allowing parents or guardians to park their car while escorting the child into the Day Care facility.

**21-51.20 Family Day Care Homes In an R-4HO Zone and T-1 Zone**

- a. Family Day Care Homes shall be permitted only in those areas where Home Professional Offices are permitted as a principal or conditional use.

- b. No more than one non-resident employee is permitted on the premises at any one time.
- c. Off street parking is to be provided in a manner consistent with a residential use.
- d. A fence or vegetative screen shall be provided along any rear and side yard.

21-51.21 Community Recreation Center

- a. Minimum Lot Area - 10 acres
- b. Minimum Lot Width - 500'
- c. Minimum Lot Depth - 600'
- d. Minimum Front Yard Setback - 100'
- e. Minimum Side Yard Setback - 100'  
from existing residences or undeveloped residentially zoned property; 60' from all other property
- f. Minimum Rear Yard Setback - 100'  
from existing residences or undeveloped residentially zoned property; 60' from all other property
- g. Maximum Floor Area Ratio - 25%
- h. Minimum required buffer from existing residences and undeveloped residentially zoned properties - 60'

21-51.22 Senior Citizen Housing in an R-4 Zone and R-4HO Zone

- a. The site must be designated, on the Master Plan Land Use Plan, as a Senior Citizen Housing site.
- b. A maximum density of 20 units per acre is permitted.
- c. Except as noted below, all setback and bulk requirements of the R-1 Zone shall apply.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Conditional Use Standards**

- d. A minimum buffer of 25' shall be provided on all side and rear property lines.
- e. Minimum distance between buildings - 35 feet between any two front facades or any front facade with a side or rear facade; 35 feet between any two side or rear facades.
- f. Minimum setback from parking area - 10 feet.
- g. Maximum building length - 150 feet.
- h. Maximum units per structure - 24.
- i. Minimum unit size:
  - 1. Efficiency - 550 square feet.
  - 2. 1 Bedroom - 650 square feet.
  - 3. 2 Bedroom - 750 square feet.
- j. Each principal building shall:
  - 1. Not allow or contain outside television antenna. All television antenna equipment shall be built into the building to eliminate individual television antennas from being erected on the roof.
  - 2. Provide, in an enclosed storage area, with a minimum vertical clearance of 5', of not less than 400 cubic feet of storage for each unit in the building.
  - 3. Not fail to provide, in an enclosed area, laundry facilities of not less than one washer and one dryer for each ten dwelling units for the exclusive use of the occupants of the building, unless washers and dryers are provided within each unit. No outside clothes lines or clothes hanging facilities or devices shall be provided or allowed.
  - 4. There shall be a trash and recyclable storage area completely surrounded by a six foot high solid architectural fence with front solid gates. All outside trash and recyclables shall be stored in this area and shall not be in public view over the fence. All accessory apparatuses shall be similarly enclosed.
- k. Indoor and outdoor recreation facilities, of adequate size to serve the occupants, shall be provided. An indoor recreation area, consisting of a minimum of three percent of the gross floor area of all residential units, but not less than 1,600 square

feet, shall be provided. Outdoor leisure and recreation area, consisting of a minimum of 50 square feet per dwelling unit, shall also be provided.

21-51.23 Accessory Retail Sales in an I-1 Zone.

- a. The applicant must demonstrate that the retail use is directly related to the industrial use of the site. For example, if the industrial use is a manufacturing or warehousing use, the retail use may sell the products which are manufactured or warehoused.
- b. The retail use may occupy no more than 10% of the floor area of the Industrial use, but in no case more than 3,500 sq. ft. The "floor area of the Industrial use" utilized to calculate the permitted floor area for the accessory retail use shall include the total floor area of building or buildings on a site which are utilized for the specific industrial use in question, including the area to be utilized for retail use.
- c. Parking shall be provided at a rate of 1 parking space per 200 sq. ft. of retail space, in addition to the parking required for the industrial use.

21-51.24 Limited Retail and Service Uses in the O-1/80 and O-2 Zones

- a. Limited Retail and Service Uses may not be free standing, and must be located within an approved office building.
- b. Limited Retail and Service Uses (including pro-rated common space) may occupy no more than 35% of the gross floor area of the building within which they are located.
- c. The floor area ratio of the development on the site may be increased to 45% provided:
  1. Where the floor area ratio exceeds 30%, the floor area dedicated to retail and service use is equal to or greater than 1/2 of the floor area which exceeds 30%. Common space within the building shall be pro-rated to determine the total retail and service space.
  2. The minimum % landscaped area required shall be increased by 1% of the lot area for each 1% the floor area ratio exceeds 30%.
- d. There shall be no additional parking spaces required for any retail and service use space where that retail space exceeds a 30% floor area ratio. For example, if the floor area ratio of a building is 34%, and retail and service uses (including pro-rated common space) occupy a floor area ratio of 6%, parking shall not be required for those retail uses occupying a floor area ratio of 4%.

**21-51.25 Farms**

- a. Farms shall be a minimum of 5 acres in area.
- b. No farm activity, structure or use, except fencing, shall be located within 25' of any residentially zoned property.

**21-51.26 Satellite Antenna Dishes**

- a. Location of Satellite Antenna Dishes
  - 1. Satellite antenna dishes for single family residential uses shall be located in the rear yard only.
  - 2. Satellite antenna dishes for other than single family residential uses must be located in a side or rear yard, or on the roof of a principal building.
- b. All satellite antenna dishes must be set back a minimum of 10' from any property line, or the toppling distance of the dish, whichever is greater.
- c. Ground mounted satellite antenna dishes must be screened from view from adjacent properties and from all public streets by a solid screening of evergreen trees, spaced a minimum of 8' apart and a minimum height of 8' at planting.

Roof mounted satellite antenna dishes must be screened from public view by architectural means consistent with the architecture of the building.

- d. All satellite antenna dishes must be permanently installed. Portable units are prohibited.
- e. The maximum diameter of a satellite antenna dish in any residential zone shall be ten (10) feet.
- f. Satellite antenna dishes used for the purpose of transmitting shall be prohibited in any residential zone.

**21-51.27 Movie Theater, indoor.**

- a. A movie theater shall only be located within a Shopping Center with a minimum total lot area of 15 acres.
- b. A movie theater shall be designed so that there is an area directly adjacent to the movie theater which is reserved for the drop-off and pick-up of patrons. Such area shall be separated from parking areas and be situated so that any person being

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Conditional Use Standards**

dropped-off or picked-up does not cross a parking area or drive aisle. The area should be identified with signs stating 'Drop-off and pick-up area only, no parking.

- c. A movie theater shall be permitted one free standing sign (in addition to the free standing sign permitted for the shopping center) which shall comply with the following provisions:
  - 1. The sign shall be located a minimum of 200' from the Shopping Center's free standing sign as permitted under Section 21-44 of this Chapter.
  - 2. The sign shall have a maximum area of 100 sq. ft. on one side.
  - 3. The sign shall have a maximum height of 20 feet.
  - 4. All other provisions of Section 21-44 shall apply.

21-51.28 Rehabilitation and vocational training centers for the physically and/or neurologically disabled. Such facilities may include rehabilitation, therapy, education, vocational training, supported employment, related administrative services, and child care and similar services related to the primary function of the facility.

- a. Minimum Lot Area - 5 Acres
- b. Minimum Front Yard Setback - 100'
- c. Minimum Rear Yard Setback - 45'
- d. Minimum Side Yard Setback - 45'

21-51.29 Industrial Uses (Principal permitted uses in the I-1 zone with the exception of manufacturing, fabrication, and assembly of light machinery and products; and, professional, general business and corporate office uses) in an O-1/80 Zone.

- a. The parcel shall be located as follows:
  - 1. One property line shall abut the I-1 Zone;
  - 2. The site shall be within the portion of the O-1/80 Zone which is located between the C-4 Zone and the I-1 Zone.
- b. Bulk requirements shall be as follows:
  - 1. Minimum lot area - 4 acres

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Conditional Use Standards**

- 2. Minimum lot width - 250 feet
- 3. Minimum lot depth - 400 feet
- 4. Minimum front yard setback - 100 feet
- 5. Minimum side yard setback - 50 feet
- 6. Minimum rear yard setback - 75 feet
- 7. Minimum gross floor area - 5,000 sq. ft.
- 8. Maximum lot coverage - 27% of buildable lot area
- 9. Floor area ratio - 30%
- 10. Maximum building height - 35 feet

- c. The exterior of the building as viewed from public streets and adjacent properties in the C-4 and O-1/80 Zone must have the appearance of an office use.
- d. All loading areas must be completely screened from public streets and all properties located in the C-4 and o-1/80 Zones.
- e. Outside storage of supplies or materials shall be prohibited.

21-51.30 Public and Parochial Schools in R-1, R-1T, R-2, R-3, R-4, R-4HO, R-5, R-6, R-7, R-/PRD, AR-3/PRD Zones and Boarding Schools in the R-2 and R-4 Zones.

- a. Requirements for Public and Parochial Schools in the R-1, R-1T, R-3/PRD, AR-3/PRD, and R-7 Zones

(1) Bulk Requirements for Public and Parochial Schools

Minimum Lot Area.....	10.0 acres plus 1 acre per 50 students for all students in excess of 500 students.
Minimum Lot Width.....	400 feet
Minimum Lot Depth	400 feet
Minimum Front Yard Setback	100 feet
Minimum Side Yard Setback	75 feet
Minimum Rear Yard Setback	75 feet
Maximum floor area ratio	20%
Maximum Building Height	Three (3) stories above grade or 35 feet, whichever is less.

- (2) Where driveways, parking areas or play areas are adjacent to a vacant or residential property in a residential zone, a buffer strip with a width equal to 5' for every acre of land, rounded to the nearest acre, shall be provided along all side and rear lot lines except as follows:

the required buffer on each side yard may be reduced to 20% of the distance between side lot lines at any point where the buffer width, as required above, exceeds 20% of the distance between side lot lines at that point;

the required buffer on rear yards may be reduced to 20% of the distance between front and rear lot lines at any point where the buffer width, as required above, exceeds 20% of the distance between the front and rear lot lines at that point;

regardless of the above, the minimum required buffer shall be not less than 50' and the maximum required buffer shall be not more than 100'.

- b. Requirements for Public and Parochial schools in the R-2 and R-3 Zones and Boarding Schools in the R-2 Zone.

- (1) Bulk Requirements for Public and Parochial Schools

Minimum Lot Area	7.0 acres plus 1 acre per 50 students for all students in excess of 350 students.
Minimum Lot Width	250 feet
Minimum Lot Depth	200 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	40 feet
Minimum Rear Yard Setback	60 feet
Maximum floor area ratio	25%
Maximum Building Height	Two (2) stories above grade or 30 feet, whichever is less.

- (2) Where driveways, parking areas or play areas are adjacent to a vacant or residential property in a residential zone, a buffer strip with a width equal to 5' for every acre of land, rounded to the nearest acre, shall be provided along all side and rear lot lines except as follows:

the required buffer on each side yard may be reduced to 20% of the distance between side lot lines at any point where the buffer width, as required above, exceeds 20% of the distance between side lot lines at that point;

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Conditional Use Standards**

the required buffer on rear yards may be reduced to 20% of the distance between front and rear lot lines at any point where the buffer width, as required above, exceeds 20% of the distance between the front and rear lot lines at that point;

regardless of the above, the minimum required buffer shall be not less than 25' and the maximum required buffer shall be not more than 100'.

(3) Additional requirements for Boarding Schools in the R-2 Zone.

- (a) No more than 80 persons, including but not limited to staff and boarding students, shall be permitted to remain on site between the hours of 12 AM (midnight) and 6 AM.
- (b) Boarding students shall be in grades 9 thru 12 and in no case shall a boarding student be older than 18 years of age at the beginning of the academic year.
- (c) There shall be no outdoor lighting of playfields or recreation areas after dusk, except that lighting shall be permitted for security purposes only, and shall be limited to that lighting which is specifically permitted by the reviewing Municipal Agency, and is shown on an approved site plan.
- (d) There shall be no outdoor recreational or group activities after 9 PM.
- (e) Students shall be prohibited from having pets or automobiles on site at any time.

c. Requirements for Public and Parochial Schools in the R-4, R-4HO, R-5, and R-6 Zones

(1) Bulk Requirements for Public and Parochial Schools

Minimum Lot Area	2.0 acres plus 1 acre per 50 students for all students in excess of 150 students.
Minimum Lot Width	200 feet
Minimum Lot Depth	200 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	40 feet
Minimum Rear Yard Setback	60 feet
Maximum floor area ratio	30%
Maximum Building Height	Two (2) stories above grade or 30 feet, whichever is less.

- (2) Where driveways, parking areas or play areas are adjacent to a vacant or residential property in a residential zone, a buffer strip with a width equal to 5' for every acre of land, rounded to the nearest acre, shall be provided along all side and rear lot lines except as follows:

the required buffer on each side yard may be reduced to 20% of the distance between side lot lines at any point where the buffer width, as required above, exceeds 20% of the distance between side lot lines at that point;

the required buffer on rear yards may be reduced to 20% of the distance between front and rear lot lines at any point where the buffer width, as required above, exceeds 20% of the distance between the front and rear lot lines at that point;

regardless of the above, the minimum required buffer shall be not less than 25' and the maximum required buffer shall be not more than 100'.

- (3) Additional requirements for Boarding Schools in the R-4 Zone.

- (a) No more than 50 persons, including but not limited to staff and boarding students shall be permitted to remain on site between the hours of 12 AM (midnight) and 6 AM.
- (b) Boarding students shall be in grades 9 thru 12 and in no case shall a boarding student be older than 18 years of age at the beginning of the academic year.
- (c) There shall be no outdoor lighting of playfields or recreation areas after dusk, except that lighting shall be permitted for security purposes only, and shall be limited to that lighting which is specifically permitted by the reviewing Municipal Agency, and is shown on an approved site plan.
- (d) There shall be no outdoor recreational or group activities after 9 PM.
- (e) Students shall be prohibited from having pets or automobiles on site at any time.

21-51.31 Accessory Warehouses in the C-5 Zone. Accessory warehouses shall be permitted as Conditional Uses in the C-5 Zone, subject to the following conditions:

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Conditional Use Standards**

- (a) The warehouse shall be located in a building which is utilized for retail sales and display, and a minimum of 1/3 of the floor area of said building shall be utilized for retail sales and display.
- (b) The warehouse shall be accessory to a principal retail sales and display use which is located in the same building. The subject warehouse may also be used for storage for goods sold at other similar retail sales and display uses which are owned and operated by the same individual or company which operates the above principal retail commercial use.
- (c) No portion of an accessory warehouse shall be located within 70' of the front facade of the building, and the facade treatment shall be consistent on all sides of the building.
- (d) Loading areas shall be located on the side or rear of the building, provided that no loading area shall be located within 150' of Seaview Square Dr., and all loading areas shall be screened from view from adjacent properties by a planting screen. Such planting screen shall consist of a minimum of 2 rows of evergreen trees, spaced 10' apart and 10' on centers and a minimum of 6' high at planting. Loading areas shall also be screened from view of public streets as fully as practicable by a solid planting of evergreen trees, a minimum of 6' in height at planting, within the line of sight between the loading area and the public street, except within driveways. Evergreen trees in such planting screens shall be massed so that they overlap in order to ensure full screening. Where such a planting screen is provided along the property line, there shall be no requirement for shade or flowering trees.

**21-51.32 Indoor Recreational Facilities in the AR-3/PRD Zone**

- a. Indoor Recreational Facilities may include facilities for indoor field and court sports such as tennis, basketball, soccer, roller hockey. Accessory uses such as spectator seating, a snack bar, a pro-shop, locker rooms, management offices, and other accessory uses clearly incidental to the indoor recreational uses in the facility are also permitted.
- b. All access shall be from Cindy Lane or a collector street as designated in the Township Master Plan.
- c. Bulk Requirements
  - Minimum Lot Area - 4 acres
  - Minimum Lot Width - 250'
  - Minimum Setbacks - Principal Building - Front Yard 50' Except that where a building line is not parallel to a street line, one corner of the building may be set back a minimum of 30' provided the height of the building at any point does not exceed

the setback at that point, and provided the average front setback is at least 10' greater than the maximum height of the building.

Side and Rear Yard - 50' from existing developed single family residential lots or undeveloped residentially zoned property which is not part of a previously approved and constructed residential development; 15' from all other property

Maximum Floor Area Ratio - 25% of total lot area  
Maximum Building Height - 40'

#### 21-51.33 Wireless Telecommunications Tower and Antenna

- a. Principal or Accessory Use. Wireless telecommunications towers and antennas may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- b. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- c. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Township as part of the application an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Township of Ocean or within one mile of the border thereof including specific information about the location, height and design of each tower. The Township may share such information with other applicants applying for approvals under this section or other organizations seeking to locate within the jurisdiction of the Township of Ocean provided, however that the Township, by sharing such information, in no way represents that such sites are available or suitable.
- d. Aesthetics. Towers and antennas shall meet the following requirements:
  1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA be painted a neutral color so as to reduce visual obtrusiveness.
  2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- e. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- f. Signs. No signs shall be allowed on an antenna or tower.
- g. Maximum Height. The tower shall meet the following maximum height and usage criteria:
  1. for a single user, up to ninety (90) feet in height;
  2. for two users, up to one hundred twenty (120) feet in height; and,
  3. for three or more users, up to one hundred fifty (150) feet in height.

A licensed professional engineer must certify that the tower can structurally accommodate the number of shared users proposed by the applicant.
- h. In addition to any information required for applications for site plan review pursuant to this Chapter, applicants for approval of a tower shall submit the following information:
  1. A location plan drawn to scale and clearly indicating the location, and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning including all properties within the applicable separation distances set forth in this subsection, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, and parking.
  2. Legal description of the parent tract and leased parcel (if applicable).
  3. The setback distance between the proposed tower and the nearest residential unit and residentially zoned properties.
  4. The separation distance from other towers described in the inventory of existing sites submitted pursuant to this subsection shall be shown. The applicant shall also identify the type construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Conditional Use Standards**

5. A landscape plan showing specific landscape material by type, height, size and number.
  6. Method of fencing, including type, height, and color.
  7. A notarized statement by the applicant as to whether construction of the tower will accommodate additional antennas for future users.
  8. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed tower.
  9. A description of the feasible location(s) of future towers or antennas within the Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- i. Availability of Suitable Existing Towers, other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the municipal agency that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the municipal agency related to the availability of suitable existing towers, other structures or alternative technology, Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
1. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
  2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
  - (a) Minimum Required Setback. The following setback requirements shall apply to all towers for which site plan approval is required:
    - (1) Towers must be set back a distance equal to at least one hundred (100%) of the height of the tower from any adjoining lot line, but in no event shall the tower be located in the minimum required yard area or buffer area of the zone district.
    - (2) Guys and accessory buildings must satisfy the minimum zoning district setback and buffer requirements.
- j. Minimum Separation Requirement Between Uses. The following separation requirements shall apply to all towers and antennas for which site plan approval is required:
  1. Separation from off-site uses/designated areas.
    - (a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in (b) below, except as otherwise provided.
    - (b) Towers shall maintain a separation distance of two hundred (200) feet or 300% of the tower height, whichever is greater, from residential dwelling units or from lands zoned for residential use.
  2. Separation distances between towers. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers or other proposed towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown below:

**Table of Required Separation  
Distances between Towers**

	Lattice	Guyed	Monopole 75 Ft. in Height or Greater	Monopole Less Than 75 ft. in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 ft. in Height or Greater	1,500	1,500	1,500	750
Monopole Less than 75 ft. in Height	750	750	750	750

- k. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anticleimbing device.
- l. Landscaping. The following requirements shall govern the land surrounding towers for which site plan approval is required.
  - 1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent property.
  - 2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.
- m. Buildings or Other Equipment Storage.
  - 1. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:
    - (a) The cabinet or structure shall not contain more than two hundred (200) square feet of gross floor area or be more than ten (10) feet in height
    - (b) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten (10) percent of the roof area.
  - 2. Antennas Located on Towers, Utility Poles, or Light Poles. The related unmanned equipment structure shall not contain more than two hundred (200) square feet of gross floor area or be more than ten (10) feet in height, and shall

be located in accordance with the yard and buffer requirements of the zoning district in which located and shall be screened from view of all residential properties.

- n. Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township of Ocean notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- o. Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance is permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.
- p. Nothing contained in this subsection (21-51.32) shall be construed to apply to prohibit antennas or support structures by those licensed by the FCC pursuant to 47 CFR part 97 to operate amateur radio stations in accordance with the requirements of subsection 21-52.1.
- q. Antennas and Towers Permitted on Township Property. Wireless telecommunications towers and antennas which are located on Township property and which are approved by the Township Council shall be deemed to be permitted as a Municipal facility in any zone district. The Township Council shall consider criteria set forth in Section 21-51.33 prior to approving the location of a tower or antennas on Township property.

#### 21-51.34 Indoor and Outdoor Recreational Facilities in the O-2 Zone

- a. Indoor and Outdoor Recreational Facilities may include facilities for: indoor field and court sports such as tennis, basketball, soccer, roller hockey and ice skating; and outdoor field sports, court sports, swimming and similar recreational activities. Accessory uses such as spectator seating, a pro-shop, locker rooms, management offices, and other accessory uses clearly incidental to the recreational uses in the facility are also permitted. An indoor snack bar may also be permitted provided the Board finds the use to be clearly incidental to the indoor recreational facilities.
- b. Setback requirements for Outdoor Recreational Facilities and Fields - 20' from any property line except that all outdoor recreational facilities and fields shall be located a minimum of 100' from any property line which abuts a residential zone and all hard

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Conditional Use Standards**

surface court sports and swimming pools shall be located a minimum of 250' from any property line which abuts a residential zone

- c. Minimum Gross Floor Area - 5,000 sq. ft.
- d. Minimum Buffer along residentially zoned property - 100'. The required buffer shall include a minimum area 50' wide which is heavily planted, including a single row of deciduous shade trees planted 25' on centers, and a double row of evergreen trees a minimum of 6' in height and spaced a minimum of 10' on centers. The balance of the required 100' buffer area may include improvements necessary for public health, safety and welfare such as emergency access drives, but shall not include any fields or active recreation areas, bleachers, benches, fencing over 6' in height, or similar amenities which are normally associated with recreational facilities.
- e. There shall be no lighting of any outdoor recreational facilities which are located within 400' of any residentially zoned property.
- f. Parking shall be permitted in any required yard but in no case shall it be closer than 100' to any residentially zoned property.

**21-51-35. Office Uses in the R3-PRD Zone.**

- a. The site shall be located in an area which is designated for General Office use in the Master Plan.

**b. Bulk Requirements**

Minimum Lot Area	2 acres
Minimum Front Yard Setback	105 feet from Deal Road and Poplar Place 85 feet from Poplar Road
Minimum Side Yard Setback	30 feet
Minimum Rear Yard Setback	30 feet
Maximum Lot Coverage	10%
Maximum floor area ratio	16%
Maximum Building Height	30 feet
Maximum Stories Above Grade	2

- c. The architecture of the proposed buildings shall be consistent with or complementary to the architecture of the existing office building in this area. Buildings shall have peaked roofs and shall be of colonial or similar style. Facade treatment shall consist of clapboard or similar vinyl siding, and/or of red colonial style brick. Windows shall be colonial in style with small panes, shutters or similar

treatments. Modern style buildings with flat roofs, sharp angles, large single pane windows and similar features shall be prohibited.

- d. Signage shall be limited to 1 free standing “monument” style sign per street frontage up to a maximum of 2 freestanding signs, and 1 facade sign per frontage up to a maximum of 2 facade signs, subject to the following:
  - (1) The free standing sign shall consist of wood or identical appearing construction, and shall be illuminated by exterior lights which are ground mounted and screened from the street by evergreen shrubs. The area of one side of the free standing sign shall be limited to 60 sq. ft., and maximum height shall be 10'. The sign must be set back a minimum of 15 feet from the front street right of way line. Sign orientation shall be at the discretion of the applicant.
  - (2) Facade signs shall be of wood or identical appearing construction, and shall not be illuminated. The congregate area of facade signs shall not be more than 100 sq. ft., and no individual facade sign shall be more than 75 sq. ft. in area.
  - (3) The color of the sign shall complement the architecture and color of the building, and no sign shall have more than 3 colors (including black and whit) nor shall any sign have bright "flouresent", "neon", or "electric" types of colors.
- e. Direct access to and from Poplar Road and Deal Road shall be prohibited.

21-51.36 Automotive Service and Inventory Storage in an I-1 Zone.

a. Minimum Bulk Requirements

- 1. Minimum lot area                    2.5 acres
- 2. Minimum lot width                200 feet
- 3. Minimum lot depth                200 feet

- b. No automotive sales or rental shall occur on the site, except for the issue of “loaner” cars to clientele who are having automobiles serviced on site.
- c. Inventory storage shall be screened from view from any street by a solid architectural fence. Sufficient landscaping to enhance the screening shall also be provided where possible. Inventory parking spaces need not be defined by striping.
- d. In order to accommodate inventory storage, the minimum required Landscaped Area for the entire site may be reduced by 1% of the total lot area for each percent of the total lot area which is used for inventory storage, except that the total landscaped area of the site shall be no less than 12% of the total lot area.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Conditional Use Standards**

- e. A total of no more than 2 overhead doors which face any front yard or yards shall be permitted.

**21-51.37 Senior Independent Living Facilities in the AR-3/PRD Zone.**

**a. Bulk Requirements**

Minimum Lot Acres	-15 acres.
Minimum Building Setbacks	- Front Yard 50' to any portion of the front building facade and 35' to an front projection such as a portico or covered walkway.
Side and Rear Yard	-25'
Maximum Density	- 6 dwelling units per gross acre.
Maximum Building Height	- 50'
Maximum Stories Above Grade	- three as living space plus one for ground or partially subterranean parking
Minimum Unit Area	
Studio	- 380 sq. ft.
One Bedroom	- 535 sq. ft.
Two Bedroom	- 795 sq. ft.

- b. No unit shall have more than 2 bedrooms.
- c. Each unit shall have a kitchen or kitchenette in addition to a minimum of 1 private bathroom.
- d. Transportation amenities, including courtesy bus transportation for shopping and non-emergency medical appointments, shall be provided. This service may be provided through the internal management organization or through a contract with a private or public agency. The facility may impose a user fee for needs of an individual in excess of two trips per week per unit.
- e. Additional amenities including dining, recreation activities, and housekeeping shall be provided and shall be for the exclusive use of residents and their guests. However, the residents shall be surveyed at least one time per calendar year relative to the desire to receive dining service. The provision of the dining service shall be optional if less than fifty percent (50%) of the residents elect to receive this service. The facility may impose a separate fee for providing dining and/or housekeeping services.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Conditional Use Standards**

- f. A small retail convenience area not to exceed 300 sq. ft. in area, and a beauty parlor/barber shop not to exceed 400 sq. ft. in area may be provided for the exclusive use of residents and their guests.

21-51.38 Limited Truck Rental in a C-4 Zone.

- a. Limited Truck Rental shall be permitted as a part of any single retail use which has a gross floor area exceeding 100,000 sq. ft.
- b. Truck rentals shall be solely for the convenience of the customers and solely for the purpose of transporting items purchased at the subject store.
- c. Trucks shall be parked only in specific truck parking spaces which are designated on an approved site plan.
- d. No more than 3 such trucks shall be permitted for any business.

21-51.39 Warehouses in a C-4 Zone RSSF Option Overlay.

- a. The site shall not have frontage on N.J. Route 35
- b. Bulk Standards shall be as follows:
  - 1. Minimum lot size - 3.5 acres
  - 2. Minimum lot width - 250 feet
  - 3. Minimum lot depth - 200 feet
  - 4. Minimum front yard setback (measured from the future street R.O.W.) - 50 feet
  - 5. Minimum rear yard setback - 75 feet
  - 6. Minimum side yard setback - 50 feet
  - 7. Maximum lot coverage - 35% of buildable lot area
  - 8. Maximum floor area ratio - 25% of total lot area
  - 9. Minimum gross floor area - 10,000 square feet
  - 10. Maximum building height - 40'

11. Maximum distance between buildings.

More than one principal building on a lot shall provide a minimum open unoccupied area between buildings equal to the height of the adjoining building or buildings but not less than 15 feet.

- c. A minimum 25' wide landscaped area, providing a substantial visual screen, shall be provided between any warehouse use and a regional shopping center site.

21-51.38 Retail Uses in Combination with Retail Development in an adjacent C-3 Zone.

- a. The site shall be adjacent to a minimum 10 acre site located in the C-3 Zone, and shall be merged with and developed as an integral part of that adjacent site.
- b. Uses permitted shall be any use which is permitted in the C-3 Zone and Building materials and supplies, Home improvement establishment or Hardware store; Garden and nursery supplies and equipment.
- c. Specific requirements for Building materials and supplies, Home improvement establishment or Hardware store; Garden and nursery supplies and equipment are as follows:
  - (1) Only retail sales shall be permitted.
  - (2) The facility entirely contained within a building.
  - (3) Parking shall be provided at a rate of 5 spaces per 1,000 sq. ft.
- d. Outdoor storage of inventory, and outdoor display or storage of materials for sale shall be prohibited, except as approved by the Municipal Agency as a part of an approved site plan.
- e. Architectural control over the building to be exercised by the Planning Board.
- f. All other requirements shall be as required in the C-3 Zone.

21-51.39. Automotive Gasoline Stations in a Regional Shopping Center

- a. Automotive Gasoline Stations shall be permitted within any planned commercial development in a C-4 Zone, and shall be ancillary use to a principal use of over 100,000 sq. ft. within the regional shopping center. The Automotive Gasoline Station shall be located adjacent the principal use with which it is associated.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Conditional Use Standards**

- b. There shall be no access to or from an Automotive Gasoline Station from the ring road or any other major roads accessing the regional shopping center. All access shall be from internal drives.
- c. Signs
  - 1. Free-standing Signs.
    - a. Automotive Gasoline Stations shall be permitted one free-standing or one pylon sign. Such sign may advertise: the name of the Automotive Station; the principal products sold on the premises including any special company or brand names, insignia, and emblem; and the price of gasoline. Such sign shall not exceed 50 square feet in area.
    - b. All signs shall comply with the Ordinance requirement for setback from a property line and shall be not less than ten nor more than 20 feet above the ground.
  - 2. Facade Sign. One facade sign shall be permitted and shall not exceed 8 percent of the area of the facade on which it is located.
  - 3. Canopy Signs. Signs shall be permitted on up to 2 sides of a canopy, for the purpose of advertising the name of the gasoline company only, provided that the sign does not occupy more than 1/4 of the length of the face of the canopy on which it is located and does not extend above or below the face of the canopy.
  - 4. Other. Other signs that may be required by State and Federal law shall be allowed.
- d. Canopies. A cantilevered cover or canopy may be permitted, and shall be no closer than 20' to the ring road.
- e. The retail sale of food and other non-automotive related items, including vending machines, is prohibited.
- f. Accessory Buildings and Uses
  - 1. Accessory buildings, except for mechanical enclosures, restrooms, and attendant kiosk directly associated with the operation of the automotive gasoline station, shall not be permitted. The maximum size of any accessory building shall be 300 sq. ft.
  - 2. The sale or rental of cars, trucks, trailers, boats, or any other vehicles on the premises shall be prohibited.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Conditional Use Standards**

3. The storage of cars, trucks, trailers, boats or any other vehicle shall be prohibited.
- g. Trash and Garbage. A solid enclosed area shall be provided for the temporary storage of trash and recyclable items. The enclosed area shall be so designed that the trash shall not be seen from public view, and shall be screened with landscaping of 3 sides.
- h. A Landscape Plan shall be required. Landscaping shall be provided around the perimeter of the Automotive Gasoline Station, and on any interior islands which are not covered by the canopy. The landscaping shall be consistent with the landscaping within the remainder of the Regional Shopping Center.

**21-51.40 Golf Course/Country Clubs in the R-1 Zone**

- a. Minimum Lot Size: 50 acres
- b. A golf course/country club may include other facilities, buildings and activities which are customarily associated with a golf course/country club, including pro shops; offices for the administration of the facility only; dining/banquet facilities; maintenance garages and sheds; residential facilities for year round or seasonal staff; and accessory recreational facilities such as court sports. Swimming pools shall be specifically prohibited.
- c. Bulk Requirements
  1. Principal Buildings including clubhouses, staff residential facilities, and dining/banquet facilities:

Minimum Building Setback	200 feet from any property lines
Maximum Building Height	35'
Maximum Stories Above Grade	2
  2. Accessory buildings including maintenance buildings, garages and storage sheds

Minimum Building Setback	50' from any street 100', but not less than the longest horizontal dimension of the building from any adjacent side or rear property line, except that a building may be located closer to a property line bounded by a lake or pond provided the building is screened from view from the lake or pond. Buildings existing as of January 1, 2002 which are located less than 100' from a side or
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rear lot line shall not be subject to this requirement, but shall not be expanded. The burden of proof shall be on the applicant to demonstrate that the building existed prior to January 1, 2002

Maximum Building Height 20'  
Maximum Stories Above Grade 2

3. Parking Areas

Minimum Setback 50' from any property line

4. Active accessory recreational facilities but not including golf tees, fairways, practice driving areas, and greens:

Minimum Setback 200' from any property line. Buildings existing as of January 1, 2002 which are located less than 100' from a side or rear lot line shall not be subject to this requirement, but shall not be expanded. The burden of proof shall be on the applicant to demonstrate that the building existed prior to January 1, 2002.

d. A golf course or country club may provide residential facilities for year round and seasonal onsite staff members and immediate family as follows:

Year Round Staff Members and Immediate Family: 2 persons per 10 acres of land up to a maximum of 20 persons

Additional Seasonal Staff Members and Immediate Family between May 1 and October 30: 1 person per 10 acres of land up to a maximum of 10 persons.

21-51.43 Mixed Use Commercial and Self-Storage in the C-2 Zone.

- a. The use shall be a mixed use consisting of retail commercial and/or office use and self-storage. The square footage of retail and/or Office uses must equal a minimum of 10% of the lot area.
- b. The retail commercial or office use shall be located at the front of the building and any façade facing a street shall give the appearance of being a retail commercial or office use. The sides of the building shall also give the

appearance of being a retail commercial or office use for a depth of 75' from any front façade of the building.

- c. No more than one building shall be permitted on a site.
- d. Bulk requirements

- 1. Maximum Building Coverage – 50%
- 2. Maximum Floor Area Ratio – 85% total; 15% for retail/office use.
- 3. Minimum Front Yard Setback – 100'
- 4. Minimum Side Yard Setback – 25'
- 5. Maximum Building Height – 35'

21-51.44 Assembly and/or fabrication of light machinery or products in the O-1/40 Zone.

- a. The use shall consist only of fabrication and/or assembly of light machinery or products and accessory storage/warehousing and office use. Wholesale (business to business) sale of products may occur, but no retail sales to the general public shall be permitted. No manufacturing of parts shall occur on site and no chemical processing or emission of environmental pollutants into the environment shall occur.
- b. Site access is provided only from Doris Avenue, and in no case should access be provided through residential neighborhoods.
- c. A minimum 75' landscaped buffer should be provided to all adjacent residentially zoned or developed areas.
- d. Bulk Requirements

- 1. Minimum lot size - 25,000 square feet
- 2. Minimum lot width - 140 feet
- 3. Minimum lot depth - 100 feet
- 4. Minimum front yard setback (measured from the future street R.O.W.) - 35' from any other street
- 5. Minimum rear yard setback - 20 feet

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Conditional Use Standards**

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|----------------------------------|---------------------------------|
| 6. Minimum side yard setback     | - 20 feet one side              |
| 7. Maximum lot coverage          | - 70% of buildable lot area     |
| 8. Maximum Floor area ratio area | - 65% percent of total lot area |
| 9. Minimum gross floor area      | - 3,500 square feet             |
| 10. Maximum building height      | - 35 feet                       |

**21-51.45 Affordable Apartment Flats in the AR-3/PRD Zone**

**a. Bulk Requirements**

- |                             |                                   |
|-----------------------------|-----------------------------------|
| Minimum Lot Acres           | - 15 acres                        |
| Minimum Building Setbacks   | - Front Yard 50'                  |
| Side and Rear Yard          | - 25'                             |
| Maximum Density             | - 7 dwelling units per gross acre |
| Maximum Building Height     | - 50'                             |
| Maximum Stories Above Grade | - three                           |

- b. No unit shall have more than 2 bedrooms except that affordable units may have 3 bedrooms per unit up to the number of units necessary to comply with New Jersey Council On Affordable Housing (COAH) regulations.
- c. The total number of units to be affordable units shall be based on applicable COAH regulations. More specifically, if the development is intended to address Round 2 COAH regulations, a minimum of 15% of the total units shall be affordable units. If the development is intended to address Round 3 COAH regulations, a minimum of 20% of the units shall be affordable units. In the event the applicant proposes to provide affordable housing units by expanding an existing facility the applicant shall calculate the affordable obligation as a percentage of the existing market units and add that product to the total.
- d. The provision of affordable units shall be based on a plan approved by the appropriate Municipal Agency.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Conditional Use Standards**

- e. An existing approved Senior Independent Living Facility may be converted to Affordable Apartment Flats either by including affordable units in the existing facility or by expanding the facility to include affordable units. In either event, the COAH required percentage of affordable 2 bedroom and 3 bedroom units must be provided or bonded for prior to such conversion as described below.

In the event the applicant chooses to provide affordable housing units within the existing building, without expansion of the building, the applicant must bond for the minimum number of 3 bedroom units required by COAH until such time as existing units are modified to provide the required number of 3 bedroom units. The amount of the bond shall be determined by the Township Engineer based on plans provided by the applicant, and shall be equivalent to the cost of converting existing units to the required number of 3 bedroom units.

In the event that the applicant chooses to expand the existing building by adding new units, the applicant shall bond for the minimum required number of 3 bedroom units until such time as the new 3 bedroom units are constructed and have received a Certificate of Occupancy. The amount of the bond shall be determined by the Township Engineer, and shall be equivalent to the cost of construction of the required number of 3 bedroom units based on plans provided by the applicant. The remaining required affordable units must be made available for rent from existing units at the COAH determined rent levels until such time as any new affordable units are constructed and have received a Certificate of Occupancy.

Recreational amenities shall be provided on site to accommodate anticipated families with children. Such amenities shall include play equipment for children and may also include such amenities as a swimming pool, courts for games, and sitting areas for adults.

- f. All other ordinances or parts of ordinances inconsistent thereof are hereby repealed to the extent of such inconsistencies.
- g. If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.
- h. This ordinance shall take effect following the final adoption and publication pursuant to the law subject to the filing of a copy of same with the Monmouth County Planning Board.

**21-52 Permitted Modifications and Exceptions.** The following modifications and exceptions to the limitations imposed by the chapter are permitted under the terms and specifications herein set forth.

21-52.1 Height. The height limitations of this chapter shall not apply to church spires, clock towers, belfries, and cupolas. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve, or, in the opinion of the Construction Code Official and Zoning Officer, the height of the proposed structure is complimentary to the architecture of the overall building or buildings. In addition, no advertising, corporate logos or color schemes or similar signage will be permitted. Mechanical appurtenances such as air conditioning or heating units and elevators shall not exceed the height limit of more than six (6') feet and shall be screened in a manner which is architecturally compatible with the building. The provisions of the chapter shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornamental purposes to screen mechanical appurtenances. Building mounted antennas shall not exceed the height limits by more than ten (10') feet. Ground based antennas shall conform to the height requirements of an accessory structure.

21-52.2 Area.

- a. Improvements or additions may be made to single-family dwellings in districts, where permitted, without municipal agency approval, provided the improvement or addition does not encroach on any front, rear or side yard setback requirements and meets all other provisions of this chapter. A building permit must be obtained.
- b. Where the owner of a lot of substandard size owns adjacent lots or parcels of land, such lots or parcels shall be considered as a single lot and the area and yard space provisions of this chapter shall hold.

**21-53 Nonconforming Uses.** Within the districts established by this chapter, or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, unless to make such use or structure conform to minimum safe building standards.

21-53.1 Signs. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land, shall not be extended or enlarged after

passage of this chapter by the attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

21-53.2 Construction Begun. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner according to architectural and engineering design, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction provided that work shall be diligently carried on until completion of the building involved.

21-53.3 Nonconforming Structures and Their Use, Restoration and Abandonment. Structures that are nonconforming according to this chapter may be continued so long as they remain otherwise lawful. Nonconforming structures and their use shall not be enlarged, expanded or altered except to become more in conformity with this chapter. Any replacement of a nonconforming structure or use shall conform to this chapter. Any nonconforming structures partially destroyed may be restored or repaired, but only to the extent of the previous nonconformity. Change from one nonconforming use to another shall not be allowed, except by approval of the Board of Adjustment. No structure or use shall be re-established after abandonment for 12 consecutive months and shall be so adjudged when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within the 12 month period from the date of cessation or discontinuance.

21-53.4 Reversions. No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.

21-53.5 Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, repairs and maintenance may be made. Said repairs shall be limited to routine or ordinary repairs. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any wall, floor or roof of any building which is a valid non-conforming structure, which has been declared unsafe by the construction official.

21-53.6 Canopies. The setback and lot coverage limitations of this chapter shall not apply to canopies located over doorways if the following conditions are met:

- a. The canopy may not extend more than 5 feet from the face of the building.
- b. The canopy may extend no more than 18 inches beyond each side of the doorway.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article IV - Permitted Modifications And Exceptions**

- c. In no case may the canopy be closer than five feet to any property line.
- d. No signage, letters, numbers, or graphics may appear on the canopy other than the street address number.

## **ARTICLE V. Site Plan and Subdivision Design and Submission Requirements**

### **21-54 Submission Required.**

21-54.1 Site Plan Required. It is required that a site plan be submitted to the Administrative Officer, under the procedures portion of the Development Ordinance, for every application for development, including a change of use from single family residential to any other use, except for subdivision or the development of a single family residential structure. A site plan will also not be required for the addition, deletion or relocation of doors and windows, or the construction or re-construction of the roofline of an entire building for non-residential uses, or the erection of canopies pursuant to Section 21-53.6, if, in the opinion of the Planning Administrator and Construction Code Official, the proposed changes will not be detrimental to the public health, safety, and general welfare. Site plans may be submitted separately as a preliminary site plan and final site plan or may be submitted as a combined preliminary and final site plan.

21-54.2 Subdivision Application Required. It is required that an application for subdivision approval be submitted to the administrative officer for any subdivision of land, as defined in the New Jersey Municipal Land Use Law.

- a. Submission of Sketch Plat. The applicant shall submit a sketch plat to the administrative officer for the purpose of classification of all subdivision applications. Once classification has been determined by the Administrative Officer, the applicant shall be so advised and shall follow the appropriate procedures for filing as outlined in the procedures ordinance. This submittal may be waived by the administrative officer if the application clearly falls within the definition of either major subdivision or minor subdivision. The decision shall be final on any request for a waiver of this provision.

**21-55 Design Standards.** The following design standards shall apply to all site plan and subdivision development applications submitted to the administrative officer. The Municipal Agency may grant waivers from these requirements upon the submission of information reasonably necessary for the Municipal Agency to make an informed decision.

- a. The developer shall regard the following requirements and principles of land development in the design of each development application or portion thereof. Prior to the granting of final approval, or as a condition of final approval, the subdivider shall have installed or, at the option of the Municipal Agency shall have furnished performance guarantees in accordance with the appropriate section of this chapter and N.J.S.A. 40:55D-53 for the ultimate installation or protection of the items required by this section.

- b. The site plan or subdivision shall conform to design standards that will encourage good development patterns encouraging a coordinated, well-planned community with provisions for desirable services and circulation facilities. Furthermore, the site plan or subdivision shall conform to the proposals and conditions shown on the Official Map and the Master Plan of the Township of Ocean.
- c. In addition to the standards set forth in this section, all subdivisions shall conform to the standards contained in Chapter VIII of this revision on Excavation and Construction in Public Streets where the provisions of that chapter and this chapter differ, those which provide for the highest standard of improvement and design shall govern.

#### 21-55.1 Landscaping Design Criteria

- a. Site Considerations. Natural site features such as: existing trees, streams, rock outcropping, etc. shall be preserved wherever possible. Whenever such natural features are absent or insufficient or have been destroyed during the development of the site, additional new plantings of a sufficient size as determined by the Municipal Agency shall be established to provide environmental protection to beautify the buildings and grounds, and to provide privacy, shade and the screening out of objectionable features created on the site.

Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formation, flood conditions, or similar circumstances, the Municipal Agency may, after adequate investigation, withhold favorable action on such lots.

- b. Screening. Service areas, trash enclosures, recycling areas and enclosures, satellite dish antennas, parking areas, transformer compounds, and other strictly utilitarian improvements, shall be screened as fully as practicable. In general, it is intended that possible objectionable or unsightly features within a given development shall be screened from passing traffic or abutting residential properties.
- c. Variety. In the case of a repetition of building designs, as in apartment house development, care shall be exercised to avoid monotony in the planting design by introducing sufficient variety in the planting layout to lend interest and aesthetic appeal. By the same token, excessive variety shall be avoided and all shall be represented as a balanced design with proper accent in the right places.
- e. Protection of Area by Curbs or Bumpers. All buffers and landscaped areas shall be protected from adjacent parking areas by minimum 6" high concrete or belgian block curbs

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article V - Design and Submission Requirements**

- f. Sodding. All lawn or grassed areas shall be sodded. Sod shall consist only of a mixture of blue grass, fescue, and perennial rye grass. A minimum of 25% of the mixture shall be bluegrass and a minimum of 25% of the mixture shall be fescue. Perennial rye grasses shall account for a maximum of 35% of the mixture.
- g. Underground Sprinkler Systems Required. Underground sprinkler systems shall be required in all landscaped areas of commercial, office, and industrial developments. In order to provide for maximum water conservation, sprinkler systems shall be designed so that no water shall be directed on to impervious surfaces, and shall include automatic timing and metering mechanisms in order to insure that over-watering does not occur.
- h. Buffer Planting Requirements. Planting in all required buffer areas shall consist of a minimum of two staggered rows of evergreen trees spaced 10' apart and planted 10' on center, except that in buffer areas less than 15' wide, a single row of evergreen trees planted 8' on center shall be required.

Additional planting materials and/or fencing may be required by the Municipal Agency to supplement the two rows of evergreen trees, but shall not replace them. The requirement for two rows of evergreen trees may be reduced by the Municipal Agency if substantial existing vegetation is located within the buffer area and the strict enforcement of this section would result in the loss or damage to the existing vegetation, or would be impractical as determined by the Municipal Agency.

- i. All plants shall be specified and planted according to the following requirements :
  - (1)Where this Ordinance requires minimum tree size, the tree size shall be specified in an acceptable size range, showing the required minimum as the lower size in the range. Street trees required at a minimum 2 1/2" or 4" caliper shall be specified as 2 1/2" to 3" caliper or 4" to 4 1/2" caliper respectively. Evergreen trees required at a minimum 6' or 8' height shall be specified at 6' to 8' in height or 8' to 10' in height respectively.
  - (2) All trees shall be of a full and symmetrical growth habit at time of planting and at time of release from performance and maintenance bonds. Street trees shall begin branching at a minimum height of 8', but no higher than 12'. Evergreen trees shall be full and symmetrical, and of a sufficient density that they provide a significant visual screening effect.
  - (3)All plant materials shall be nursery grown stock, and shall comply with the minimum requirements of the American Association of Nurserymen as approved by the American National Standards Institute (ANSI) unless otherwise specified in this Ordinance.

21-55.2. Provision and Protection of Trees and Shrubs. In all zones, for all site plans and subdivisions, the following provisions for trees and shrubs shall be included in addition to those provided in required buffer areas.

a. Trees

1. The applicant shall provide a Tree Location and Preservation Plan which shall locate all existing trees as provided below. Such tree preservation plan shall include:
  - (a) For all areas of the site where soil disturbance or development is to occur, and within 30' of any such area, the location, type, and caliper of all existing trees with a caliper of 6 inches or greater measured at a height of one foot above the root crown;
  - (b) For all other areas of the subject site, the general location of and general description of existing trees, or wooded areas containing existing trees with a caliper of 6 inches or greater measured at a height of one foot above the root crown;
  - (c) Which of the above trees are to be saved, and measures to be taken to insure the survival of the trees to be saved during and after construction, including the limits of regrading within the area of the root crown, protection of root systems during construction, suggested trimming and maintenance prior to construction;
  - (d) No tree with a caliper of 6 inches or greater measured at a height of one foot above the root crown, shall be removed from a site unless it is replaced with: a similar tree 4 inches in caliper one foot above the root crown; 2 trees with a minimum 2 1/2 inch caliper one foot above the root crown; a donation of \$350 to the Township of Ocean Shade Tree fund.
  - (e) In the event that any tree, designated on an approved tree preservation plan to be preserved, dies or is removed within 2 years of the completion of construction, it shall be replaced by either: a similar tree 4 inches in caliper one foot above the root crown; or 2 trees with a minimum 2 1/2 inch caliper one foot above the root crown. Prior to replacement, the applicant shall submit a minor site plan application to the Municipal Agency for approval of the location of the new trees. The Municipal Agency may permit, in lieu of the replacement of the tree or trees, a donation of \$350 to the Township of Ocean Shade Tree fund for each tree which has died or been removed.
2. In all residential, commercial and industrial developments, a minimum of 15 trees shall be provided for each acre of development, excluding required buffer areas.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article V - Design and Submission Requirements**

No fewer than 30% of the trees shall be evergreen and no fewer than 30% of the trees shall be deciduous. Evergreen trees shall be a minimum height of 6' at planting. Deciduous trees shall have a minimum height of fifteen (15) feet at planting and a mature height of at least 30'. They shall be a minimum caliper of 2 1/2" measured at a height of 1' above the base of the tree at planting, except that a minimum of 2 deciduous trees per acre shall be not less than 4" caliper measured 1' above the base of the tree.

Existing trees, saved or replace as part of a tree preservation plan under paragraph 1.(d) above, may be included as part of the required trees, provided that the trees are not located in a required buffer area, and provided that, where the number of trees saved or replaced exceeds 15 per acre, the number of trees so saved is not reduced.

The number of trees provided shall be pro-rated for fractions of an acre, except that not less than one 4" caliper deciduous tree shall be provided on any site.

Deciduous trees that do not have a mature height of 30' or greater may be substituted for the deciduous trees which are required in the above paragraph provided that: two (2) of the smaller trees shall be required for each one (1) larger tree it replaces; and no more than five (5) deciduous trees per acre shall be substituted for in this manner.

No less than 30% of the required trees shall be planted in the required front yard. There shall be no requirement for the mix of deciduous and evergreen trees to be planted in a front yard.

3. **Street Tree Plantings.** For all development, street trees shall be required to be planted along all street frontage except in a C-1 zone. The minimum number of such trees shall total one tree for each 40' of frontage and shall not be located within the required sod area as described in this chapter. However, the Municipal Agency may waive the maximum spacing requirement and also permit the location of street trees within the required sod area in order to promote creative and aesthetically pleasing site design. Street trees shall meet the minimum size requirements of Paragraph 2 above and shall be counted towards meeting the minimum requirement of 15 trees per acre as required in this ordinance.
- b. **Shrubs.** For residential dwellings, a minimum of one shrub shall be provided for each 50 sq. ft. or fraction thereof of building coverage. A minimum of 50% of all shrubs shall be evergreen. For the purpose of this paragraph, at least 50% of all shrubs shall have a mature height of not less than 30", and no shrub shall have a mature height of less than 18". All shrubs shall be in cans or balled and burlapped and shall have a minimum height or breadth of 18" at planting. Ground covers and

plants with a mature height of less than 18" are permitted, but shall not be counted towards meeting the above minimum requirement.

### 21-55.3 Off Street Parking and Loading Design Criteria

#### a. General Design Considerations.

1. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.
2. Roads, pedestrian walks and open spaces shall be properly related to existing and proposed buildings and appropriately landscaped.
3. Buildings, parking areas and vehicular circulation shall be arranged so that pedestrian movement is not necessarily exposed to vehicular traffic.
4. Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance and easily maintained.
5. The location and design of pedestrian walks should emphasize desirable views of new and existing development.
6. The maximum separation of private automobiles and service vehicles shall be provided through the use of separate service lanes, where reasonably possible.
7. Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, and ease of access, and shall be developed as an integral part of an overall site design.

b. Provision for Proper Drainage and Maintenance. All off-street parking, off-street loading, and service facilities shall be graded and drained so as to dispose of all surface water accumulation in a safe manner while preventing damage to abutting properties and/or public streets. Except for single-family uses, they shall be surfaced with asphaltic, bituminous cement or other properly bound pavement which will assure a surface resistant to erosion. All paved parking and loading areas and drives for other than single family residential uses shall be curbed with concrete or belgian block curbing, a minimum of 6" high. Such drainage and materials shall be installed as required by the Municipal Agency and as recommended by the Municipal Engineer. All such areas shall be at all times maintained at the expense of the owners thereof, in a clean, orderly and dust-free condition.

c. Separation from Walkways and Streets. All off-street parking, off-street loading, and service areas shall be separated from walkways, sidewalks, streets or alleys by

curbing or other protective device where necessary as required by the Municipal Agency.

- d. Private Walks Adjacent to Business Buildings. A walkway, if provided, adjacent to a business building shall be a minimum of four feet in width.
- e. Size of Driveways.
  - 1. A for all uses other than single family dwellings, a driveway, exclusive of curb return radii, shall be not less than 15 feet in width.
  - 2. A curb return radius for a driveway at its entrance to a public street shall be a minimum of five feet for single-family residential uses and a minimum of 15 feet for all other uses.
  - 3. For all uses other than single family residential uses, the maximum width of a driveway exclusive of curb return radii shall not exceed 30 feet. For single family uses, the maximum width of a driveway shall not exceed 20'.
- f. Lighting. All parking areas, walkways thereto and appurtenant passageways and driveways, serving commercial, public office, industrial, multi-family and other similar uses having off-street parking and loading areas, and building complexes requiring area lighting, shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation. The lighting plan in and around the parking areas shall provide for non-glare, color-corrected lights focused downward.

The light intensity provided at ground level shall be a minimum of three-tenths foot candle anywhere in the area to be illuminated, shall have a minimum average of five-tenths foot candle over the entire area and shall be provided by fixtures with a mounting height not to be more than 20 feet measured from the ground level to the center line of the light source or the height of the building if attached, whichever is lower.

Any other outdoor lighting, such as building and sidewalk, illumination, driveways with no adjacent parking and ornamental light, shall be shown on the lighting plan in sufficient detail to allow determination of the effects to adjacent properties, traffic safety, and overhead sky glow.

The objective of these specifications is to provide safe and adequate on-site lighting and to minimize undesirable off-premises effects. No light shall shine directly into windows or onto streets and driveways in such manner as to interfere with or distract driver vision. No multiple string lights shall be permitted in any zone to illuminate or attract whether in parking areas, display areas, or yard areas.

To achieve these requirements, the intensity of such light sources, light shielding, and similar characteristics shall be subject to site plan approval by the municipal agency.

All light stanchions or poles shall be located within a curbed, landscaped island.

- g. **Size of Loading Spaces.** All required loading spaces shall be at least 14 feet in width, 55 feet in length and have a minimum vertical clearance of 15 feet. Additional space for maneuvering, depending on the arrangement of the loading facilities, shall be provided. Reductions in the space size may be made for certain uses, if adequately demonstrated by the applicant, as determined by the Municipal Agency.

**21-55.4 Streets and Highways.**

- a. Subdivisions shall be served by paved public streets and all new streets shall be graded and provided with an all weather base and pavement with an adequate crown in keeping with Township specifications and standards.
- b. The arrangement of streets shall be such as to provide for the appropriate continuous extension of existing, mapped or potential streets.
- c. No subdivision showing reserve strips controlling access to another area, either developed or undeveloped, shall be approved except where control and disposal of land comprising such strips has been given to the governing body after recommendation by the planning board.
- d. Subdivisions that adjoin or include streets that do not conform to widths as shown on the Master Plan, Official Map, or the street width requirements of this chapter, shall dedicate additional width along one or both sides of said road. If the subdivision is along one side only, one-half of the required extra width shall be dedicated unless there is sufficient area available within the subdivision to permit the complete additional dedication without creating nonconforming or substandard lots. This additional dedication may be required by the Municipal Agency as a condition of approval.
- e. The right-of-way width shall be measured from lot line to lot line. Right-of-way width and pavement width shall not be less than the following unless otherwise indicated on the Master Plan or Official Map:

	Pavement Right-of-way	Width
1. Arterial streets	80 feet	60 feet
2. Major streets	66 feet	40 feet

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article V - Design and Submission Requirements**

3. Collector streets	60 feet	40 feet	
4. Minor streets	50 feet	30 feet	*

\* The Municipal Agency may require a paved width of up to 36' for minor streets in areas of the Township where the prevailing paved width is 36'.

- f. The pavement width of streets and the quality of surfacing and base materials shall adhere to the minimum standards set forth by the Township, County or State when said paving concerns roads under their jurisdiction and where such standards exist. Roads specifically serving industrial areas shall adhere to Township standards designed for the development of industrial uses and shall be sufficient to handle projected traffic and heavy trucking.
- g. Street intersections shall be as nearly at right angles as is possible and in no case shall be less than 60 degrees. No more than two streets shall meet or intersect at any one point and the centerlines of both intersecting streets shall pass through a common point. Measuring from this common point, two intersections shall be spaced at a minimum of 150 feet. The block corners at intersections shall be rounded at the curb line with a curve having a radius of 20 feet. No shrubbery, signs, trees, monuments or other visual obstructions over two and one-half feet in height, measured from the top of the curb directly opposite the object or planting, shall be permitted within the following sight triangles measured from the centerline, point of intersection:

	Major Street	Minor Street
1. T-type intersection	200 feet	30 feet
2. Full intersection with control	200 feet	30 feet
3. Full intersection without control	200 feet	200 feet

Street or specimen shade trees are permitted within this triangle provided they are trimmed to a point at least eight feet above the maximum elevation of the road surface within the triangle.

- h. Where streets have a reverse curve, a tangent of at least 100 feet in length between curves shall be required.
- i. No street shall have a minimum grade of less than three-fourths of one percent which shall be defined to mean a vertical rise of 0.75 feet for each 100 feet of horizontal distance. No street shall have a maximum grade of more than eight percent, which shall be defined to mean a vertical rise of eight feet for each 100 feet

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article V - Design and Submission Requirements**

of horizontal distance. The maximum grade may be exceeded in exceptional cases to preserve unique topographical features as determined by the Municipal Agency.

- j. All changes in grade where the grade differential is one percent or greater shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance, but not so great as to create drainage problems. Sight distance shall be at least:
  - 1. 600 feet for arterial streets.
  - 2. 400 feet for collector streets.
  - 3. 250 feet for minor streets.
- k. The use of cul-de-sac streets shall be discouraged. When they are deemed necessary by the Municipal Agency, they shall be located so that they drain toward their entrances where practicable. The total length of the cul-de-sac shall be determined by good planning and engineering design and approved by the Municipal Agency. They shall provide a minimum turnaround radius of 50 feet which shall be tangent to the right side of the street where practicable.
- l. All driveways and other off-street parking areas shall have driveway aprons in accordance with Chapter VIII of the Revised General Ordinances of the Township of Ocean on excavation and construction in public streets. Driveways resulting in the elimination of curbing along Township streets shall be prohibited.
- m. Cul-de-sacs, limited service or minor streets shall not intersect with major or secondary arterial roads. Driveway to single family dwellings shall not open on arterial roads.
- n. Street Names and Traffic Control Signs
  - 1. No street shall have a name which will duplicate or so nearly duplicate the name of an existing street that confusion results. The continuation of an existing street shall have the same name as the street of which it is a continuation. Curblined streets shall change their names only at street intersections or in accordance with the appropriate provisions of this chapter. The Municipal Agency shall have the right to approve or name streets within the proposed subdivision.
  - 2. Street name signs meeting Township specifications as to size, material and location shall be installed at the intersection of all streets and at such places on curvilinear streets as noted below:
    - (a) At street intersections.

- (b) When two roads intersecting at right angles are connected by a curve.
  - (c) At the peak of the curve connecting two parallel streets when the length of the streets exceeds the length of the loop.
3. Where traffic control signs are required or permitted under the Manual on Uniform Traffic Control Devices, the proper Township, County or State office shall be informed of the proposed installation so that necessary action may be taken to legitimize such installation.
  4. All street name and traffic control signs shall be installed free of visual obstructions.

Subdivisions abutting major or secondary arterial streets shall provide a marginal service road or reverse frontage with a buffer strip for planting, or some other means of separating through and local traffic as the Municipal Agency may deem appropriate. Minor streets shall not intersect collector streets at intervals more frequent than 500 feet whenever practical in the opinion of the municipal agency.

The minimum requirement for the surface of any street shall be in accordance with Chapter VIII of the Revised General Ordinances on Excavation and Construction in Public Streets.

#### 21-55.5 Block and Lot Layout Requirements.

- a. The length, width or acreage of blocks shall be determined with due regard to the limitations and opportunities of topography and shall be such as to be sufficient to meet all the area, yard, and parking requirements for the proposed uses as expressed in the Zoning Ordinance as well as providing for convenient access, circulation control and safety to street traffic.
- b. Side lot lines shall be at right angles to straight streets and radial to curved streets.

21-55.6 Where the property to be developed is next to or includes a railroad right-of-way, suitable provisions shall be made for such things as road and pedestrian crossings, screening or buffer strips in accordance with this chapter, freight access, warning signals and signs in accordance with the Manual on Uniform Traffic Control Services, in recognition of the relationship between the railroad and the subdivision.

**21-55.7 Curbs, Gutters and Storm Water Drainage Systems**

- a. Curbs, gutters and storm water drainage systems shall be provided along all streets in accordance with Chapter VIII of this revision on Excavation and Construction in Public Streets.
- b. Curbs, gutters and storm water drainage systems shall be adequate to handle the maximum water runoff from tributary lands.

**21-55.8 Sidewalks**

- a. Sidewalks shall be provided along both sides of all streets in accordance with Chapter VIII this revision on Excavation and Construction in Public Streets. Specific exemptions from this requirement detailed in subsection 8-2.3 do not apply in the case of new streets in a new subdivision.
- b. Sidewalks shall be located a minimum of one foot within the street right-of-way. It is preferred that sidewalk be located to maximize planting strip between sidewalk and curbs.
- c. All sidewalks shall have a minimum slope of one-quarter inch per foot toward the curb line. This slope shall be consistent from the rear of the sidewalk to the top of the proposed or existing curb.

**21-55.9 Topsoil Protection.** No topsoil shall be permanently removed from areas intended for lawn or open space. Topsoil removed during the course of construction shall be redistributed within the tract so as to provide a minimum 4" cover to all areas to be seeded, sodded, or planted with trees or shrubs. Surplus topsoil within a development tract which exceeds the needs of the developer by that particular subdivision or site shall be removed by the developer to a storage location designated by the Township engineer within the Township for the use by the Township as it may see fit. Such surplus topsoil is considered to be a natural resource of the Township and is not to be sold or transported by the developer or his agent out of the Township. If requested by the developer, and approved by the Township engineer, surplus topsoil may be transferred to another project or subdivision within the Township which is under the control of the developer for use in that subdivision. All other surplus topsoil shall become the property of the Township for use or disposal as the Township may see fit.

Where additional topsoil must be added to a development in order to provide the minimum 4" deep topsoil cover prior to sowing of seed or sod, or planting of trees or shrubs, such topsoil shall consist of natural fertile agricultural soil of good texture, free from subsoil and it shall be taken from an area which has never been stripped. Such topsoil shall be of uniform quality, free from roots, sods, rubbish, Japanese Beetle and

other dangerous insect larvae and shall have come from arable areas with good normal drainage.

21-55.10 Monuments. Monuments shall be installed in compliance with the New Jersey Map Filing Law.

#### 21-55.11 Drainage System

- a. A preliminary grading and drainage system shall be a part of the preliminary site plan or subdivision plat. It shall indicate a proposal for an adequate system of drainage structures to carry off and store or discharge the storm water runoff and natural drainage water which originates not only within the property boundaries, but also that which originates beyond the property boundaries and flows across the boundaries of the subject property.

The final drainage plan shall show a positive method to provide for subsurface disposal of sump pump discharges. Sump pumps shall not discharge into the gutter through curb openings, driveway aprons, or any other means. Where storm sewers are not available for a direct connection of the sump pump discharge hose, the developer will provide an auxiliary subsurface discharge facility for the purpose of conducting the sump pump discharge water to the storm sewer system.

1. The grading and drainage system shall be so designed that the peak flow rate of storm water runoff and natural drainage leaving the site after development does not exceed the peak flow rate prior to development. Calculations showing the peak flow rate before and after development for two year, ten year, 25 year and 100 year storm events shall be submitted as part of the preliminary application.
- b. The public improvement and utility plans and profiles shall show the final drainage plan and street profiles. They shall be prepared and submitted with the final plat after approval of the preliminary plat and drainage plan and calculations.
  - c. No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands.
  - d. Existing or proposed ditches or brooks shall have a right-of-way offered to the Township for dedication for drainage purposes. Such right-of-way shall be shown on the drainage plan and on the final plat and shall be of sufficient width to include a 15 foot wide access strip adjacent to the ditch or brook bank top in addition to the width of the ditch or brook as measured from bank top to bank top.
  - e. Land subject to periodic or occasional flooding shall not be plotted for residential occupancy or for any other use which may endanger life or property or aggravate the

flood hazard, either on the site or off-tract. Nothing in this chapter shall be construed to prevent a developer from filling the land or constructing bulkheads or retaining walls, provided such work meets the requirements of the Township, the Township engineer, the New Jersey Department of Environmental Protection, or any other review agency which may have jurisdiction within the project area. All approvals must be obtained from such review agencies prior to final approval by the Township.

- f. All stormwater management measures for a development regardless of use, including structural stormwater management strategies, detention basins, and other stormwater management facilities and stormwater collection and conveyance structures, shall be designed in accordance with and comply with the provisions of section 21-55.14 of the Township of Ocean and the Residential Site Improvement Standards, N.J.A.C.5:21-7 et seq. as applicable.
- g. Development not defined as a 'major development', stormwater management measures shall only be developed to meet the stormwater runoff quality in Sections 21-55.14.d of this ordinance

#### 21-55.12 Public Utilities

- a. In any development easements along rear property lines, or elsewhere, for utility installations may be required. Such easements shall be at least 15 feet wide and located in consultation with the utility companies or Township departments concerned.
- b. All public water, fire hydrants, storm sewers and sanitary sewer mains shall be installed in accordance with the specifications of the governmental authority, district, or utility company which has jurisdiction over a particular improvement.
- c. A letter approving such a proposed installation and a statement of capability to provide service, including who will carry out the construction, signed by a responsible official of the governmental authority, district, or utility company concerned shall be directed to the chairman of the Municipal Agency and shall be received prior to the signing of the final plat.
- d. Utility extensions, including distribution and/or supply lines, required in connection with development applications and/or construction permits, shall be constructed underground. In all subdivisions and site plans, the developer shall, with the approval of the Township Engineer, arrange with all servicing utility companies for the installation and construction of the utilities' distribution and supply facilities, both on tract and off tract, to be underground. Electric distribution and supply facilities and telephone lines shall be constructed underground in accordance with the Standard Terms and conditions incorporated as a part of the Utility's Tariff for Electric and telephone Service as the same at the time are on file with the State of

New Jersey Board of Public Utility commissioners and shall submit to the Municipal Agency a copy of the Written instruction from which utility evidencing compliance with this provision.

21-55.13 Off-Site and Off-Tract Improvements.

As a condition of final approval, the Municipal Agency may require the payment of the developer's pro-rata share of the following off-site and off-tract improvements: street improvements, water system, sewerage, drainage facilities, recreation and education facilities and easements. Street improvements shall include, but are not limited to intersection improvements, approach street improvements, traffic control improvements, and such other improvements as may be required due to anticipated or projected increased traffic movements or counts resulting from the proposed subdivision or project.

- a. Essential off-site and off-tract improvements may be required to be installed or a performance guarantee furnished in lieu thereof, with the total cost borne by the developer.
  1. Where a development has no direct access to an improved street or public or private central water supply or central sanitary sewer and does not qualify for individual sewage disposal systems, the Municipal Agency may nevertheless grant final approval if the developer shall acquire and improve such street between the development and an existing improved street and, in the case of water/sewer system(s), if the developer shall acquire and improve such water and sanitary sewer connections between the development and existing facilities.
  2. Where a development creates a demand for water supply and/or sewerage treatment beyond the capacity of the present facilities and causes the need for a new or expanded well, pump or storage tank for water supply and/or a new or expanded sewage treatment plant and ancillary equipment, the Municipal Agency may nevertheless grant final plat approval if the developer shall acquire land for, improve and dedicate such water and sewer facilities, all as approved by the Municipal Agency, governing body and serving utility company. Where such new or expanded facilities will have a capacity beyond the needs of the development, the cost to the developer shall be determined in accordance with paragraph b. below.
  3. Where drainage waters are diverted from the development into other drainage systems or onto other lands or streets and they are not adequate to accommodate the additional waters, the Municipal Agency may grant final approval if the developer shall acquire, improve and dedicate to the Township such enlarged, additional or new drainage facilities.

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article V - Design and Submission Requirements**

4. In lieu of the developer's performing such off-site and off-tract work, the developer may request and the governing body may enter into an agreement for such work to be performed by the Township or its contractors at the cost of the developer.
  5. Where the Municipal Agency determines that off-site and off-tract improvements are essential to the development and the developer does not consent to the improvements, the application shall be denied, without prejudice, to a future application at such time as the conditions no longer apply.
- b. Advisable Off-Site and Off-Tract Improvement. Where the Municipal Agency finds that off-site and off-tract improvements would be advisable, although not essential, and the improvements would promote the objectives of this chapter and can be most appropriately accomplished in connection with the development and particularly where the off-site and off-tract improvements would be required to be made as a local improvement by the Township, with the costs thereof to be assessed against all properties specially benefited thereby, including the property of the developer, the following provisions shall apply:
1. During the processing of the application the Municipal Agency shall refer its recommendations for off-site and off-tract improvements to the governing body.
  2. If the governing body concurs, the Township engineer shall determine the nature of the off-site and off-tract improvements, including the needs created by the applicant's proposed development and the then existing needs in the area, notwithstanding any work of the applicant.
  3. The Township engineer shall estimate the costs of such work, including all costs to be in any local improvement ordinance and those to be assessed to the developer and including costs for construction, engineering, any easement or right-of-way acquisition, legal work, advertising, contingencies, bonding and assessments.
  4. If the governing body will not adopt a local improvement ordinance, the final development shall be designed accordingly, and the Municipal Agency shall proceed on that basis.
  5. If a local improvement ordinance is adopted, the governing body shall proceed in the following manner:
    - (a) If sufficient funds are available for the initial appropriation, the governing body may appropriate such funds and adopt such ordinance.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article V - Design and Submission Requirements**

- (b) If sufficient funds are not available for the initial appropriation, the governing body may determine the anticipated amount that the lands of the applicant would be expected to be assessed.
  - (1) The amount determined by the governing body shall then be deposited by the applicant with the Township director of finance prior to final approval and prior to introduction of such local improvement ordinance.
  - (2) Such deposit shall be made concurrent with an agreement between the applicant and the Township concerning the uses of the deposit, which shall include the following stipulations: that said funds shall be used by the Township solely for the expenses of such off-site and off-tract improvements; that such deposit may be appropriated by the Township, with other funds of the Township, and may be commingled with other appropriated funds and expended by the Township in connection with such purposes; that, if such deposit is not used by the Township within a specified time agreed upon by the applicant, said funds shall be distributed in accordance with the terms of said agreement; that, upon completion of the work by the Township or its contractors, the properties specially benefited by such improvement shall be assessed as provided by law, including the property of applicant; that the applicant's deposit shall be credited against the assessment made upon applicant's property, whether or not applicant is then the owner thereof; and that if such deposit was less than the amount ultimately assessed against such property, then the owner(s) of said property shall pay the difference between the deposit and such assessment; or, if the deposit exceeded the amount assessed, the excess shall be refunded to the applicant, without interest.
  - (3) Where said off-site and off-tract improvements are found by the Municipal Agency to be advisable and important to the sound development of the site, but the developer is unwilling to make such deposit as specified above, then there shall be no final approval until funds become available for the initial appropriation required to adopt the local improvement ordinance.
- 6. The determination of the governing body whether or not to proceed toward the adoption of a local improvement ordinance shall be made within 30 days after the referral by the Municipal Agency, unless such time shall be extended with the consent of the applicant. If the determination is not made within the designated period, the Municipal Agency may proceed as if the governing body had determined that it would not adopt such local improvement ordinance.

- c. All stormwater management measures for off-site and off-tract improvements regardless of use, including structural stormwater management strategies, detention basins and other stormwater management facilities and stormwater collection and conveyance structures, shall be designed in accordance with and comply with the provisions of Section 21-55.14 of the Land Development Ordinance of the Township of Ocean and the Residential Site Improvement Standards, N.J.A.C. 5:21-7 et seq.

## 21-55.14 STORM CONTROL ORDINANCE

### a. Scope and Purpose

#### 1. Policy Statement

Flood control, groundwater recharge, and pollutant reduction through Nonstructural or low impact techniques shall be explored before relying on structural BMP. Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater discharge.

#### 2. Purpose

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for "major development," as defined in 21-55.14.b.

#### 3. Applicability

- (a) This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
  - (1) Non-residential major developments; and
  - (2) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
- (b) This ordinance shall also be applicable to all major developments undertaken by Township of Ocean.

#### 4. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

#### b. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Planning Map” means the geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3.

“CAFRA Centers, Cores or Nodes” means those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

“Compaction” means the increase in soil bulk density.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

A county planning agency; or

A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the New Jersey Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally critical areas” means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and wellhead protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Empowerment Neighborhood” means a neighborhood designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article V - Design and Submission Requirements**

“Major development” means any “development” that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

“Municipality” means any city, borough, town, township, or village.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, Township of Ocean, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management basin” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Tidal Flood Hazard Area” means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

- (1) Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- (2) Designated as CAFRA Centers, Cores or Nodes;
- (3) Designated as Urban Enterprise Zones; and
- (4) Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

c. General Standards

1. Design and Performance Standards for Stormwater Management Measures

- (a) Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in Section 21-55.14.d. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.
- (b) The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

d. Stormwater Management Requirements for Major Development

1. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 21-55.14.j.
2. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’ Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
3. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 21-55.14.d.6. and 21-55.14.d.7.:

- (a) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  - (b) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
  - (c) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
4. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 21-55.14.d.6. and 21-55.14.d.7. may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
- (a) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  - (b) The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections 21-55.14.d.6. and 21-55.14.d.7. to the maximum extent practicable;
  - (c) The applicant demonstrates that, in order to meet the requirements of Sections 21-55.14.d.6. and 21-55.14.d.7., existing structures currently in use, such as homes and buildings, would need to be condemned; and
  - (d) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under 4 (c) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 21-55.14.d.6. and 21-55.14.d.7. that were not achievable on-site.
5. Nonstructural Stormwater Management Strategies
- (a) To the maximum extent practicable, the standards in Section 21-55.14.d.6. and Section 21-55.14.d.7 shall be met by incorporating nonstructural stormwater management strategies set forth at Section 21-55.14.d.5. into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Paragraph 2 below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

(b) Nonstructural stormwater management strategies incorporated into site design shall:

- (1) Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
- (2) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
- (3) Maximize the protection of natural drainage features and vegetation;
- (4) Minimize the decrease in the "time of concentration" from pre-construction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;
- (5) Minimize land disturbance including clearing and grading;
- (6) Minimize soil compaction;
- (7) Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
- (8) Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
- (9) Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:
  - i. Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Section 21-55.14.d.5(c) below;
  - ii. Site design features that help to prevent discharge of trash and debris from drainage systems;
  - iii. Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
  - iv. When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

(c) Site design features identified under Section 21-55.14.d.5.(b)(9)ii. above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 21-55.14.d.5.(c)(3) below.

- (1) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
  - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- (2) Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- (3) This standard does not apply:
  - i. Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
  - ii. Where flows from the water quality design storm as specified in 21-55.14.d.7(a) are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

- a. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
  - b. A bar screen having a bar spacing of 0.5 inches.
  - iii. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in 21-55.14.d.7(a), or
  - iv. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.
- (d) Any land area used as a nonstructural stormwater management measure to meet the performance standards in 21-55.14.d.6 and 21-55.14.d.7 shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.
- (e) Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 21-55.14.g., or found on the Department's website at [www.njstormwater.org](http://www.njstormwater.org).
6. Erosion Control, Groundwater Recharge and Runoff Quantity Standards
- (a) This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.
- (1) The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.
- (2) The minimum design and performance standards for groundwater recharge are as follows:
- i. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 21-55.14.e. either:
    - a. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of

- the average annual pre-construction groundwater recharge volume for the site; or
- b. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
- ii. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to (3) below.
  - iii. The following types of stormwater shall not be recharged:
    - a. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
    - b. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.
  - iv. The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.
- (3) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 21-55.14.e., complete one of the following:

- i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two, 10, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
  - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2, 10 and 100 year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or
  - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (1), (2) and (3) above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.
- (b) Any application for a new agricultural development that meets the definition of major development at Section 21-55.14.b. shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "agricultural development" means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

## 7. Stormwater Runoff Quality Standards

- (a) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required

**Land Development Ordinance**  
**Township of Ocean**  
**January 8, 1992**  
**As Amended thru: December 31, 2010 - Ordinance 2140**  
**Article V - Design and Submission Requirements**

for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution			
Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

(b) For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 21-55.14.g., or found on the Department's website at [www.njstormwater.org](http://www.njstormwater.org). The BMP

Land Development Ordinance  
 Township of Ocean  
 January 8, 1992  
 As Amended thru: December 31, 2010 - Ordinance 2140  
 Article V - Design and Submission Requirements

Manual and other sources of technical guidance are listed in Section 21-55.14.g. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.

- (c) If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (AXB)/100$$

Where

R = total TSS percent load removal from application of both BMPs, and

A = the TSS percent removal rate applicable to the first BMP

B = the TSS percent removal rate applicable to the second BMP

Table 2: TSS Removal Rates for BMPs	
Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See Section 21-55.14.f.3.
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

- (d) If there is more than one onsite drainage area, the 80 percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.
- (e) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Sections 21-55.14.d.6. and 21-55.14.d.7.
- (f) Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 21-55.14.g.
- (g) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
- (h) Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:
  - (1) The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:
    - i. A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided. (2) Encroachment within the designated special water resource protection area under Subsection (1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the

special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.

- (2) All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the "Standards For Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq.
- (3) If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:
  - i. Stabilization measures shall not be placed within 150 feet of the Category One waterway;
  - ii. Stormwater associated with discharges allowed by this section shall achieve a 95 percent TSS post-construction removal rate;
  - iii. Temperature shall be addressed to ensure no impact on the receiving waterway;
  - iv. The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;
  - v. A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and
  - vi. All encroachments proposed under this section shall be subject to review and approval by the Department.
- (4) A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Section 21-55.14.d.7(h) has been approved by the Department of Environmental Protection, then the provisions of the

plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to 21-55.14.d.7(h) shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in 21-55.14.7(h)(1)i. above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.

(5) Paragraph 7(h) does not apply to the construction of one individual single-family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

e. Calculation of Stormwater Runoff and Groundwater Recharge

1. Stormwater runoff shall be calculated in accordance with the following:
  - (a) The design engineer shall calculate runoff using one of the following methods:
    - (1) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook—Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or
    - (2) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.
  - (b) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology at Section 21-55.14.e.1(a)(1) and the Rational and Modified Rational Methods at Section 21-55.14.e.1(a)(2). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

- (c) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
  - (d) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds and other methods may be employed.
  - (e) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
2. Groundwater recharge may be calculated in accordance with the following:
- (a) The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.
- f. Standards for Structural Stormwater Management Measures
1. Standards for structural stormwater management measures are as follows:
- (a) Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).
  - (b) Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch (1”) spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of

the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 21-55.14.h.4.

- (c) Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.
  - (d) At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.
  - (e) Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Section 21-55.14.h.
2. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by Section 21-55.14.d. of this ordinance.
3. Manufactured treatment devices may be used to meet the requirements of Section 21-55.14.d. of this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

g. Sources for Technical Guidance

1. Technical guidance for stormwater management measures can be found in the documents listed at 1 and 2 below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.
- (a) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.
  - (b) The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

2. Additional technical guidance for stormwater management measures can be obtained from the following:

- (a) The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;
- (b) The Rutgers Cooperative Extension Service, 732-932-9306; and
- (c) The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540.

h. Safety Standards for Stormwater Management Basins

1. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.

2. Requirements for Trash Racks, Overflow Grates and Escape Provisions

- (a) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
  - (1) The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.
  - (2) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
  - (3) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
  - (4) The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft sq.

(b) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

- (1) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
- (2) The overflow grate spacing shall be no less than two inches across the smallest dimension.
- (3) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.

(c) For purposes of this paragraph 3, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins.

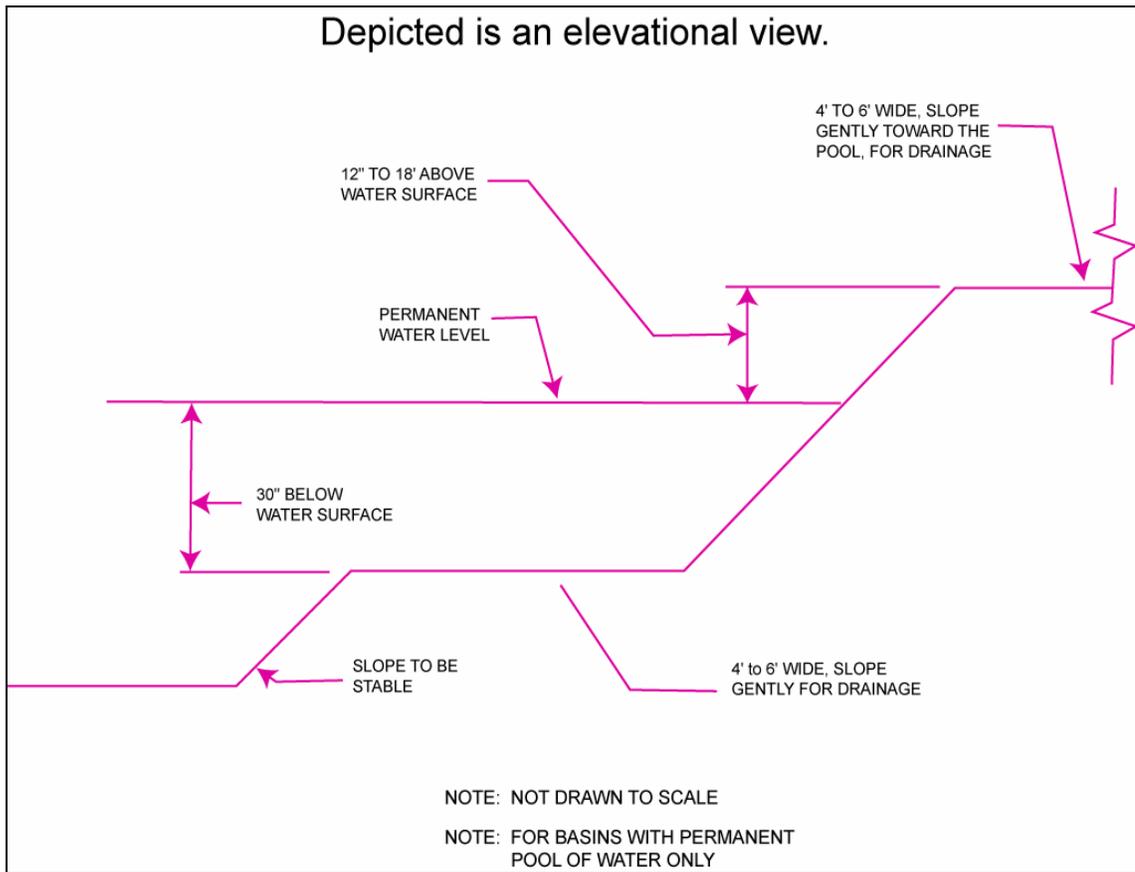
Stormwater management basins shall include escape provisions as follows:

- (1) If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in 21-55.14.h.3. a free-standing outlet structure may be exempted from this requirement.
- (2) Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section 21-55.14.h.4 for an illustration of safety ledges in a stormwater management basin.
- (3) In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

### 3. Variance or Exemption from Safety Standards

(a) A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

### 4. Illustration of Safety Ledges in a New Stormwater Management Basin



## i. Requirements for a Site Development Stormwater Plan

### 1. Submission of Site Development Stormwater Plan

- (a) Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at 21-55.14.i.3. below as part of the submission of the applicant's application for subdivision or site plan approval.
- (b) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
- (c) The applicant shall submit sixteen (16) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 21-55.14.i.3. of this ordinance.

### 2. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

### 3. Checklist Requirements

The following information shall be required:

#### (a) Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

#### (b) Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site.

Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

#### (c) Project Description and Site Plan(s)

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

(d) Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 21-55.14.c. through 21-55.14.f. are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(e) Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- (1) Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- (2) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(f) Calculations

- (1) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 21-55.14.d. of this ordinance.
- (2) When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(g) Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 21-55.14.j.

(h) Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in Sections 21-55.14.i.3(a) through 21-55.14.i.3(f) of this ordinance when it can be demonstrated that the information requested is

impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

j. Maintenance and Repair

1. Applicability

(a) Projects subject to review as in Section 21-55.14.a.3. of this ordinance shall comply with the requirements of Sections 21-55.14.j.2. and 21-55.14.j.3.

2. General Maintenance

(a) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

(b) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

(c) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.

(d) If the person responsible for maintenance identified under Section 21-55.14.j.2(b) above is not a public agency, the maintenance plan and any future revisions based on Section 21-55.14.j.2(g) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

(e) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article V - Design and Submission Requirements**

- (f) The person responsible for maintenance identified under Section 21-55.14.j.2(b) above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.
  - (g) The person responsible for maintenance identified under Section 21-55.14.j.2(b) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
  - (h) The person responsible for maintenance identified under Section 21-55.14.j.2(b) above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections 21-55.14.j.2(f) and 21-55.14.j.2(g) above.
  - (i) The requirements of Sections 21-55.14.j.2.(c) and 21-55.14.j.2(d) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
  - (j) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to affect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality may immediately proceed to do so and utilize the funds from the Stormwater Management Escrow Agreement.
3. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

**k. Escrow Account for Stormwater Management Maintenance and Repair**

1. OWNER shall fund and maintain, and the TOWNSHIP of Ocean shall hold, a BALANCE of ESCROW monies equal in amount (ESCROW PRINCIPAL) to the estimated cost of two (2) annual TOWNSHIP inspections of the onsite stormwater management system plus the estimated cost of one year's routine maintenance as set forth in the Maintenance Manual for the Stormwater Management System appended hereto; these cost estimates and ESCROW PRINCIPAL being adjusted for all years of the life of this Agreement,

beyond the first, in accordance with 'b' below. The following shall apply to the payment and/or disposition of ESCROW monies:

(a) OWNER shall deposit ESCROW money with the Township in the amount required to raise its current ESCROW BALANCE to equal the required ESCROW PRINCIPAL for the forthcoming calendar year on, or before, January 31 of each calendar year of the life of this AGREEMENT. Additionally, OWNER shall deposit ESCROW money with the Township within thirty (30) days of notification by the TOWNSHIP, that its ESCROW BALANCE requires supplementation to be brought to the full value of the ESCROW PRINCIPAL for the present calendar year.

(b) The amount of the ESCROW BALANCE to be maintained (ESCROW PRINCIPAL) during any calendar year shall be adjusted annually, in January of the year, by multiplying the ESCROW PRINCIPAL of the prior calendar year by a multiplier equal to the greater of either:

1.03 or the ratio:  $(CPI-W_{Nov} / CPI-W_{Nov-12})$

where CPI-W is the Consumer Price Index for urban wage earners and clerical workers in the New York-Northern NJ-Long Island (i.e., NY-NJ-CT-PA) area published by the Bureau of Labor Statistics of the U.S. Department of Labor and the subscript "Nov" indicates the index for the November immediately prior to the adjustment while the subscript "Nov-12" indicates the index for the December fourteen (14) months prior to the adjustment.

(c) Escrow monies of OWNER may be used by the TOWNSHIP to pay or reimburse itself, its agents and/or its assigns, for any loss, cost or expense incurred in connection with actions authorized and taken under the terms of this AGREEMENT.

#### I. Penalties

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties as prescribed in Section 21-65.

3. Article V, Submission Requirements, Section 21-56.2. shall be amended to read:

o. A Stormwater Management Plan as required under Section 21-55.14.

4. Article V, Submission Requirements, Section 21-56.6. shall be amended to read:

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article V - Design and Submission Requirements**

- o. A Stormwater Management Plan as required under Section 21-55.14.
- 5. All other ordinances or parts of ordinances inconsistent thereof are hereby repealed to the extent of such inconsistencies.
- 6. If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause, or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

**21-56 Requirements for submission for development applications.**

The following is a list of items and details to be supplied with the various development applications which are submitted for approval to a municipal agency of the Township of Ocean. The following documents shall be provided for development application review. In some circumstances, additional information beyond these requirements may be required of the applicant by the municipal agency. Such additional items shall be provided promptly in order to facilitate prompt action on the part of the Municipal Agency. The municipal agency shall also have the right to waive certain details if a specific request is made by the applicant and agreed to by the agency. Surveys, the general plan, grading and utility plans, landscaping plans, architectural plans and elevations may be indicated on separate drawings and documents. The required items and details are primarily for the use of the municipal agency to establish criteria required to make decisions and recommendations. The following shall be required:

21-56.1 Items required for all development applications:

The requirements herein shall not apply to applications for minor site plan that are presented to the Minor Site Plan Committee.

- a. Title, key map location of development and the name and address of the owner of record and the applicant.
- b. Certification from the tax collector that all taxes and assessments are paid to date.
- c. The proposed use or uses of the land and buildings.
- d. Scale and graphic scale shall be indicated on every sheet.
- e. North arrow, in same direction on all sheets.
- f. A list of all variances and waivers being requested by the applicant.
- g. Payment in full of all required application fees and establishment of any required escrow account.
- h. A list of any required permits or applications required by any other governmental agency.
- i. An affidavit of ownership of the subject property.
- j. Proper completion of the appropriate application forms required by the municipal agency.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article V - Submission Requirements**

**21-56.2 Items and details required for Preliminary Site Plan approval for Minor or Major Site Plans.**

The requirements herein shall not apply to applications for minor site plan that are presented to the Minor Site Plan Committee.

- a. Site plans shall be drawn by a N.J. licensed surveyor, civil engineer, architect, landscape architect or municipal planner. Surveys can only be done by a N.J. licensed land surveyor, and improvements to or adjacent to the site can only be done by a N.J. licensed engineer or architect. Each professional shall sign the site plan and seal it.
- b. Site plans should be presented at a scale no smaller than one inch equals 50 feet. All site plans shall be prepared using a conventional "engineer's scale." Architectural plans may be prepared utilizing an "architect's scale". The size of sheets should not exceed 36 inches x 24 inches
- c. Initial submission shall consist of a total of 3 copies of all plans and application forms. Once an application is deemed complete, in compliance with the Municipal Land Use Law, an additional 13 copies of all plans and application forms shall be submitted prior to 21 days before the public hearing on the application. All plans shall be folded to a size not to exceed 10" by 14".
- d. A survey of the property prepared by a licensed surveyor of New Jersey, showing boundaries of properties, line of all existing streets and roads, easements, rights-of-way and areas dedicated to public use on or directly adjacent to the site. Also indicate on this sheet the north arrow, scale in feet and graphic scale, name and address and professional license number and seal of the person who prepared the survey.
- e. Names of all owners of record of all adjacent properties with lot and block numbers, and parcel number, within 200 feet of the property.
- f. A schedule of Zone requirements as well as what the application correspondingly proposes. Said schedule shall include, but not be limited to: total lot area, buildable lot area, lot width, lot frontage, lot depth, principal and accessory building setbacks, lot coverage, parking space size and numbers, and % landscaped area.
- g. Show existing and proposed buildings with dimensions, show the first floor elevations, and present and finished grade elevations at all corners and entrances. Existing buildings and structures to be removed are to be indicated.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article V - Submission Requirements**

- h. Submit topographic map to delineate existing contours at two foot intervals, up to ten feet beyond property lines, as well as proposed grading and contours, flood plains, ponds, streams and drainage ditches, etc.
- i. Show all wooded areas which are to be retained, as well as the location of all trees six inches or greater in diameter which are located within areas to be disturbed and within 30' of any area proposed to be disturbed. All 6" or greater diameter trees so indicated shall be identified as to diameter and species.
- j. Indicate the location of all existing and proposed structures, i.e., walls, culverts, bridges, roadways, parking areas, etc., with grade elevations for each structure. Dimensions shall be shown on the plans for the size and location of each structure.
- k. Indicate existing zones of the development site and of any different zones within 200 feet of the property.
- l. The distance of the property line (measured along the centerline of existing street abutting the property) to the nearest driveway and nearest intersection.
- m. The boundaries of the property, building and setback lines, lines of existing streets, lots, reservations, easements and areas dedicated to public use. Dimensions shall be indicated on the plans for all of these items, where appropriate.
- n. Indicate locations of all utility structures and lines, including telephone, power and light, water, sewer, gas, etc., whether privately or publicly owned, with manholes, pipe sizes, grades, inverts and directions of flow. The location of fire prevention facilities including service lines, hydrants, siamese connections, automatic sprinkler systems, fire zones, "no parking" fire zones and pavement and wall signs shall be shown.
- o. Indicate existing and proposed storm water drainage facilities with manholes, pipe sizes, grades, inverts and directions of flow.
- p. A sedimentation and erosion control plan as required by the Freehold Soil Conservation District.
- q. Show, on a key map, contiguous lots owned by the applicant or owner of record, or in which the applicant has a direct interest.
- r. Indicate all means of vehicular ingress and egress to and from the site onto public streets, showing the size and location of driveways, curb cuts and curbing, sight lines and radii. All items shall be dimensioned.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article V - Submission Requirements**

- s. Show the design of off-street parking areas. All parking spaces, setbacks of parking areas, and aisle widths shall be dimensioned.
- t. Show and dimension any truck loading and unloading zones, platforms and docks.
- u. Indicate and dimension trash disposal and recyclable materials storage areas.
- v. Show provisions for screening of equipment and storage areas, attached or separate from buildings.
- w. Indicate all existing or proposed exterior lighting (free-standing and/or on building) for size, nature of construction, lumens, heights, area and direction of illumination, foot candles produced, as well as the time controls proposed for outdoor lighting and display.
- x. Note all existing and proposed signs. Architectural drawings of all signs are required. The location of all signs shall be dimensioned on the plans.
- y. Indicate locations, dimensions and construction of all pedestrian walkways and sidewalks on or directly adjacent to the site.
- z. A landscape plan.
- aa. Improvements to adjoining streets and roads, and traffic control devices necessary in streets or highways,. Acceleration and deceleration lanes, paving, land dedication or acquisition for roads should be shown.
- bb. Copies of any easements, covenants and deed restrictions intended to cover any of the development site should be submitted.
- cc. Preliminary architectural drawings, including floor plans, basement plans, and elevations of any new or altered (including facade alterations) buildings or structures.
- dd. Appropriate places for signatures and date of approval of the Township Engineer, Chairman and Secretary of the municipal agency.
- ee. A minimum of one soil boring shall be taken on all sites up to one acre in area with one additional boring for each additional acre or portion thereof. The borings shall be taken at representative locations on site to the satisfaction of the municipal engineer. If storm water recharge or detention facilities are proposed, a boring shall be taken at the location of the proposed facility, said borings being included in the total count of required borings. Representative borings shall be made to a minimum depth of ten feet. Borings in recharge or detention areas shall be to a minimum

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article V - Submission Requirements**

depth of 20 feet below finished surface grade or five feet below the bottom of the proposed facility, whichever is deeper. Boring logs shall be submitted as part of the site plan.

- ff. A written description of the proposed operations in the buildings including the number of employees or members; the number of square feet of enclosed building space, the proposed number of shifts to be worked and the maximum number of employees on each shift; expected truck and tractor-trailer traffic; emission of noise, glare, air and water pollution; safety hazards; and anticipated expansion plans incorporated in the building design.

21-56.3 Items and Details required for all Final Site Plans. Final site plan details are primarily a refinement of the preliminary details by providing final engineering and architectural information which will be classified as site plan construction details.

- a. All items and details required on the preliminary site plan with complete accuracy.
- b. Evidence that all taxes and assessments against the site have been paid.
- c. If any changes from the preliminary site plan have been made, submit an approved preliminary site plan showing those changes highlighted.
- d. Initial submission shall consist of a total of 3 copies of all plans and application forms. Once an application is deemed complete, in compliance with the Municipal Land Use Law, an additional 13 copies of all plans and application forms shall be submitted prior to 21 days before the public hearing on the application. All plans shall be folded to a size not to exceed 10" by 14".

21-56.4 Items and Details required for Amended Site Plans.

- a. A marked up copy of the previously approved plan showing all proposed changes shall be submitted. Upon approval of the amended site plan by the municipal agency, the applicant shall submit a final revised site plan properly signed and sealed.
- b. Site plans should be presented at a scale no smaller than one inch equals 50 feet. All site plans shall be prepared using a conventional "engineer's scale." Architectural plans may be prepared utilizing an "architect's scale". The size of sheets should not exceed 36 inches x 24 inches.
- c. Initial submission shall consist of a total of 3 copies of all plans and application forms. Once an application is deemed complete, in compliance with the Municipal Land Use Law, an additional 5 copies of all plans and application forms shall be

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article V - Submission Requirements**

submitted prior to 21 days before the public hearing on the application. All plans shall be folded to a size not to exceed 10" by 14".

- d. All taxes and assessments on the property shall be paid.

21-56.5 Reserved for future use

21-56.6 Items and Details required for all minor subdivisions and preliminary major subdivision applications shall include:

- a. Initial submission shall consist of a total of 3 copies of all plans and application forms. Once an application is deemed complete, in compliance with the Municipal Land Use Law, an additional 13 copies of all plans and application forms shall be submitted prior to 21 days before the public hearing on the application. All plans shall be folded to a size not to exceed 10" by 14".
- b. All plans should be presented at a scale no smaller than one inch equals 50 feet. All site plans shall be prepared using a conventional "engineer's scale." Architectural plans may be prepared utilizing an "architect's scale". The size of sheets should not exceed 36 inches x 24 inches.
- c. The general location of facilities, site improvements, and lot layouts prepared, signed and sealed by a licensed professional engineer, surveyor, planner or architect.
- d. The design and construction details of any public improvements including street pavements, curbs, sidewalks, sanitary sewage and storm drainage facilities. This plan shall be prepared by a licensed professional engineer only.
- e. The location of the proposed site and approximate area of the subdivision in relation to the entire Township.
- f. A Title block, including:
  - 1. Name and location of the project.
  - 2. Name of firm who prepared the plan.
  - 3. Full name of professional engineer, surveyor, architect or planner.
  - 4. The title Professional Engineer, Land Surveyor, Architect or Professional Planner.
  - 5. License or certificate number, handwritten signature, seal, and date signed and sealed.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article V - Submission Requirements**

6. If the project includes the work of any other licensed professional, not under the immediate supervision of the principal engineering firm, a subtitle block of that professional firm or individual must appear on all plans involving that profession.
- g. Name, address, block and lot of all property owners within 200 feet of the extreme limits of the subdivision.
- h. Acreage of tract to be subdivided to the nearest tenth of an acre. For sites less than one acre, the square footage of the tract to be subdivided to the nearest square foot.
- i. Proposed number of lots or dwelling units and type.
- j. Sufficient elevations or contours to determine the general slope and natural drainage of the land to points extending 50 feet beyond the subdivision boundary.
- k. Subdivision boundary line or lines (heavy solid line).
- l. The location of all wooded areas which are to be retained, as well as the location of all trees six inches or greater in diameter which are located within areas to be disturbed and within 30' of any area proposed to be disturbed. All 6" or greater diameter trees so indicated shall be identified as to diameter and species.
- m. Street rights-of-way of the subdivision and within 200 feet of its boundaries, including:
  1. Name of each street.
  2. Location, right-of-way and pavement widths.
  3. Centerline elevation at intersections and other critical points.
  4. Typical cross-sections and centerline profiles for all proposed new streets.
- n. All other rights-of-way, easements, covenants and deed restrictions in the subdivision and directly adjacent to its boundaries, including:
  1. Identification and description of the right-of-way, easement, covenant, or deed restriction.
  2. Location and width.
  3. Restrictions of use, if any.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article V - Submission Requirements**

- o. Drainage structures in the subdivision and within 200 feet of its boundaries.
  - 1. Type of structure.
  - 2. Location invert, elevations, gradients and sizes of all pipe and of all other structures where applicable.
- p. The location of all other utility structures including but not limited to, water lines and sanitary sewers on the subdivision and within 200 feet of its boundaries.
- q. Marshes, ponds, streams, wetlands and land subject to periodic flooding in the subdivision and within 50 feet of its boundaries, showing the location and area covered and indicating apparent high water level.
- r. The location of existing exceptional natural features such as, but not limited to, rock formations, and slopes exceeding 12% to the proper scales both within and adjacent to the proposed site.
- s. Lot layout, including:
  - 1. Lot lines and dimensions of each lot to the nearest foot.
  - 2. Front building setback lines (dashed) and their dimensions from the street.
  - 3. Existing zoning and boundaries thereof. If the entire subdivision and lands within 200 feet of its boundaries are totally contained within one zone, this information may be shown in the key map.
  - 4. Identification of lots or parcels of land to be reserved or dedicated to public use, if any.
  - 5. Easements and restricted areas with notation as to purpose of restrictions.
- t. Buildings and other structures located on/or within the parcel to be subdivided and 50 feet of its boundaries. Setbacks of all principal and accessory buildings and structures shall be dimensioned on the plat.
- u. Soil boring information which shall contain the following data and be certified by a professional engineer.
  - 1. Date, location and soil profile of all soil borings, including ground water elevation. One boring shall be required for each acre to be subdivided.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article V - Submission Requirements**

2. Locations shall include critical conditions and areas where drainage structures requiring seepage are to be constructed.
3. Soil borings are to be taken to a minimum of ten feet below existing or proposed grade, whichever is deeper. A minimum of one additional soil boring shall be taken for each storm water retention or detention basin proposed within the subdivision, said boring being taken to a minimum depth of ten feet below the proposed bottom elevation of the basin.

21.56.7 Items and Details required for the Submission of Final Subdivision Applications shall include all requirements for applications for preliminary approval as well as the following:

- a. A final subdivision map, showing metes and bounds of the subdivision and all lots and parcels within the subdivision, prepared, signed, and sealed by a licensed land surveyor. The final plat shall be drawn in ink on mylar at a scale not smaller than one inch equals 50 feet and in compliance with all the requirements of the New Jersey Map Filing Law and for filing a map with the county recording officer and shall be designed in compliance with the provisions of this chapter. The final plat shall be accompanied by the same information required for preliminary approval in addition to the following:
  1. Each block and lot shall be numbered in conformity to existing tax map procedures.
  2. The building address number for each proposed building lot of the subdivision in accordance with existing Township building address numbering requirements and regulations based on the width of lots of the subdivision as required by the Zoning Ordinance of the Township.
  3. Bearings and distances of all lot lines, and radii, are distances and central angles of all curves. All distances shall be calculated and shown to the nearest one hundredth of a foot.
  4. Proposed final contours at two foot intervals extending to 25 feet beyond the boundary of the subdivision. Existing contours at five foot intervals must be shown extending 25 feet beyond the boundary of the subdivision.
  5. Certification that the applicant is agent or owner of the land, or that the owner has given consent under an option agreement for the dedication of streets, alleys, easements and other rights-of-way and any lands for public use.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article V - Submission Requirements**

6. At least one corner shall be tied into a U.S.G.S. benchmark. The reference meridian (north arrow) shall be identified as true or magnetic. Monuments, lot corners and other survey points shall be located and described.
  7. When approval of plat is required by an officer or body of the County or State, approval shall be certified on the plat.
- b. Final engineering plans and utility plans, prepared by a licensed professional engineer, at the same scale and as required on the preliminary plat.
  - c. Initial submission shall consist of a total of 3 copies of all plans and application forms. Once an application is deemed complete, in compliance with the Municipal Land Use Law, an additional 13 copies of all plans and application forms shall be submitted prior to 21 days before the public hearing on the application. All plans shall be folded to a size not to exceed 10" by 14".

**21-56.8 Extensions for Site Plan or Subdivision Approval.**

- a. Initial submission shall consist of a total of 3 copies of all plans and application forms. Once an application is deemed complete, in compliance with the Municipal Land Use Law, an additional 8 copies of all plans and application forms shall be submitted prior to 21 days before the public hearing on the application. All plans shall be folded to a size not to exceed 10" by 14".
- b. Certification from the tax collector that all taxes and assessments are paid to date.

**21-56.9 Checklist for Minor Site Plan Subcommittee Review.**

- a. Original and six (6) copies of the application forms, signed and notarized;
- b. Owners consent for the application to be made if the applicant is not the owner of the subject site;
- c. Application and escrow fees, if required, paid;
- d. Certification from the Tax Collector that all taxes are paid to date;
- e. Seven copies of a survey of the property or a previously approved site plan showing the following:
  1. Boundaries of the property;
  2. Lines of all currently existing buildings, streets, roads, drives, parking areas, reservations, easements, right-of-ways, and areas dedicated to public use;

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article V - Submission Requirements**

3. Location of all proposed buildings, structures, and/or improvements with spot elevations as necessary;
4. Architectural elevations for any changes to the building facade, roof line or extension;
5. Name, address, professional license number, and seal of the preparer of the plan or survey if, in the opinion of the Planning Administrator, a sealed plan is required.

All plans must be collated, stapled, and folded to a dimension not to exceed 10" x 12".

- f. Written description of the proposed operation of the site; and
- g. Evidence of submittal to the Monmouth County Planning Board of required.

## **21-57 Performance and Maintenance Guarantee, Inspections, and Liability Insurance**

21-57.1 Performance Guarantee Estimate. [A] An Itemized Performance Guarantee Estimate shall be prepared by the Township Engineer setting forth all requirements for improvements as fixed by the Municipal Agency and their estimated cost in connection with those site plans, subdivisions, and single lot development requiring public improvements. The governing body shall pass a resolution either approving or adjusting this performance guarantee estimate. The Township shall provide a copy of the performance guarantee estimate and resolution to the applicant for use in obtaining and posting said guarantee.

21-57.2 Approval by the Township Attorney. The developer shall present two copies of the performance guarantee for approval as to form and substance by the Township Attorney for which the owner or developer shall pay the Township such an amount as to cover the costs of preparation of the developer's agreement and review of the performance guarantee. A copy of the Itemized Performance Guarantee Estimate shall be appended to each performance guarantee posted by the obligor.

21-57.3 Guarantees Required; Surety; Release.

- a. The performance guarantee and subsequent maintenance guarantee shall be in such form and amounts as authorized by [Section 40:55D-53, of] the Municipal Land Use Law. Ten percent of the amount of the approved performance guarantee estimate shall be deposited by the developer in cash with the Township of Ocean. The remaining 90 percent shall be in the form of a performance bond, cash or letter of credit, in which the subdivider shall be principal. If a bond is posted, the bond must be provided by an acceptable surety company licensed to do business in the State of New Jersey. Any security as may be permitted by the Municipal Land Use Law and accepted by the Township of Ocean must be approved by the Township Attorney.

The amount of performance guarantee, the amount of the maintenance guarantee, time extensions, and courses of action of the Township either upon completion of the subdivision or upon failure to complete the subdivision shall be in accordance with [Section 40:55D-53 of] the provisions of the Municipal Land Use Law.b.

Performance guarantees relative to any and all sanitary sewer construction shall be posted separately with the Township of Ocean Sewerage Authority.

- b. In situations where a development only creates one buildable residential lot, the performance guarantee to be submitted to the Township need only be thirty percent of the full amount of the performance guarantee requirements set forth by the Municipal Land Use Law and applicable Township ordinances providing said performance guarantee is in the form of cash for the full thirty percent (30%).

**Land Development Ordinance**

**Township of Ocean**

**January 8, 1992**

**As Amended thru: December 31, 2010 - Ordinance 2140**

**Article V - Performance and Maintenance Guarantees, Inspections, and Liability Insurance**

- c. Performance guarantees relative to any and all sanitary sewer construction shall be posted separately with the Township of Ocean Sewerage Authority.

21-57.4 Inspections and Tests. All improvements and utility installation shall be inspected during the time of their installations under the supervision of the Township engineer to insure satisfactory completion. The cost of said inspection shall be the sole responsibility of the developer and the fees in connection therewith are set forth under this chapter.

- a. In no case shall any paving work including seal coats be done without permission from the Township engineer prior to any such construction so that a representative of the Township engineer's office may be present at the time the work is to be done.
- b. The Township engineer's office shall be notified prior to each of the following phases of work having been completed so that he or a qualified representative may inspect the work:
  - 1. Road subgrade.
  - 2. Storm drainage facilities.
  - 3. Curb and gutter forms.
  - 4. Curb and gutters.
  - 5. Driveways.
  - 6. Road paving prior to each course of pavement and seal coat.
  - 7. Sidewalk forms.
  - 8. Sidewalks.
  - 9. Drainage pipes and other drainage structures before back filling.
  - 10. Shade trees and planting strips.
  - 11. Street name signs.
  - 12. Street lighting.
  - 13. Monuments.

**Land Development Ordinance**

**Township of Ocean**

**January 8, 1992**

**As Amended thru: December 31, 2010 - Ordinance 2140**

**Article V - Performance and Maintenance Guarantees, Inspections, and Liability Insurance**

The Township of Ocean Sewerage Authority shall be notified prior to the construction of any portion of the sanitary sewer system so that an authorized representative of the Sewerage Authority engineer may inspect the work.

- c. A final inspection of all improvements and utilities will be made to determine whether the work is satisfactory and in agreement with the approved final plat drawings and the Township specifications. The general condition of the site shall also be considered. Upon a satisfactory final inspection report, action will be taken to release the performance guarantee covering such improvements and utilities.
- d. Inspection by the Township of Ocean of the installation of improvements and utilities by the developer shall not operate to subject the Township of ocean to liability for claims, suits or liability of any kind that may at any time arise because of defects or negligence, during construction, or at any time thereafter; it being recognized that the responsibility to maintain safe conditions at all times during construction and to provide proper utilities and improvements is upon the developer and his contractors, if any.
- e. After completing the construction of the public improvements covered by the performance guarantee, the developer shall prepare a set of the approved public improvement and utility plans and the profiles amended to read "as constructed". The developer shall send a certified letter to the Township Clerk as required under the Municipal Land Use Law [40:55D-53] requesting a release of the performance guarantee. The Township Clerk shall forward this request to the Township Engineer. The Township Engineer shall report to the governing body on the condition of the work and recommend that the performance guarantee be released, reduced, extended or declared in default.

**21-58 Maintenance Guarantee.** After completing the construction of the improvements as required under this chapter, and prior to the acceptance of any streets by the Township of Ocean for maintenance, the developer owner shall file with the municipality a maintenance guarantee in the form of a surety bond, letter of credit, or such other security as may be permitted by the Municipal Land Use Law and accepted by the Township of Ocean, that all improvements will remain in a satisfactory condition for a period of two years. The amount of such guarantee shall be established by the governing body acting on the advice of the Township Engineer and the form thereof shall be approved by the Township Attorney, but shall not exceed 15 percent of the total performance guarantee estimate, including amendments thereto.

**21-59 Comprehensive General Liability Insurance.**

- a. Procedure. The developer shall file with the governing body a comprehensive general liability insurance policy at the same time as he files his performance guarantee. The Township attorney shall approve the policy for form. The policy

**Land Development Ordinance**

**Township of Ocean**

**January 8, 1992**

**As Amended thru: December 31, 2010 - Ordinance 2140**

**Article V - Performance and Maintenance Guarantees, Inspections, and Liability Insurance**

shall be of the same term as the performance guarantee and shall be extended in conformance with any extension of the performance guarantee.

- b. Coverage. The policy shall insure the Township of Ocean and the developer and shall cover all operations in the development involving existence and maintenance of property and buildings and contracting operations of every nature including all public improvements. Said policy shall have limits of liability of five hundred thousand (\$500,000.00) dollars for bodily injury to each person and one million (\$1,000,000.00) dollars liability on the aggregate, for each accident, and property liability of fifty thousand (\$50,000.00) dollars for each accident and one hundred thousand (\$100,000.00) dollars aggregate property damage liability.

## ARTICLE VI - Administration and Enforcement

**21-60 Permit Required.** It shall be unlawful for any persons, corporation or agent to construct, move, alter or change the use of any building or portion of a building or use any land without first applying for a permit.

The provisions of this chapter shall be administered and enforced by the zoning officer of the municipality. In no case shall a permit be granted for the construction or alteration of any building where the proposed construction, alteration or use thereof would be in violation of any provision of this chapter. It shall be the duty of the zoning officer or his duly authorized assistants to cause any building, plans or premises to be inspected or examined and to order, in writing, the remedying of any conditions found to exist in violation of any provision of this chapter and he shall have the right to enter any building or premises during the daytime in the course of his duties.

**21-61 Filing Plans.** Applications for building permits shall be made in the manner prescribed in the Building Code.

**21-62 Certificate of Occupancy.** No building shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Construction Code Official stating that the building, or the proposed use thereof, complies with the provisions of this chapter.

21-62.1 Application. A Certificate of Occupancy, either for the whole or part of a building, shall be applied for by the owner or his authorized agent at the time when final inspections are requested and shall be issued within ten days after the erection or structural alteration of such building, or part, shall have been completed in conformity with the provisions of this chapter.

21-62.2 Requirements for a Certificate of Occupancy for a lot within an improved site plan, subdivision, or single lot residential construction.

- a. No building or dwelling shall be deemed habitable nor shall a Certificate of Occupancy for any lot within an approved site plan, subdivision, or single lot residential construction, be issued until the Township Engineer certifies that the following improvements are installed, as shown on the approved final site plan, final plat, or final plot plan, and accompanying supplementary documentation and specifications, in that section for which final approval has been granted as said improvements relate to the health, welfare, and safety of the occupants of the site, structure or building for which the certificate is sought. The following improvements are deemed minimal for the purpose of granting a Certificate of Occupancy:

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article VI - Administration and Enforcement**

1. Grading. All grading, as indicated on the approved site plan or subdivision plan and all appropriate street right-of-ways shall be graded and maintained, including required plantings.
  2. Utilities. All utilities, including but not limited to water, gas, storm drains, sanitary sewers, electric lines and telephone lines shall be installed and approved.
  3. Curbing. Curbing along all streets and as indicated on any approved site plan shall be installed as approved.
  4. Sidewalks. Sidewalks shall be installed as approved.
  5. Street base. Bituminous concrete stabilized base course for all streets shall be installed.
  6. Roadway obstructions. All exposed obstructions in the roadway such as manhole castings, water and gas boxes, and the like shall be protected by building to the top of the obstruction with bituminous concrete as approved by the Township Engineer.
  7. With regard to site plans, all site improvements as indicated on the approved plan and in the approving resolution must be completed.
  8. All conditions of any approving resolutions must be complied with.
- b. The owner or developer shall have the right to make application, in writing to the Township Engineer for issuance of a Certificate of Occupancy if one or more of the aforesaid items is incomplete. The Township Engineer shall, within five (5) days of receipt of the request, report his findings in respect to the request of the owner or developer for a Certificate of Occupancy.

In the event the Township Engineer approves the issuance of a Certificate of Occupancy without the installation of all required improvements, pursuant to the application of the owner or developer, the Construction Code Official shall be so notified. This procedure shall be applicable only to improvements required to the site or property in accordance with the plans approved by the Municipal Agency and shall not apply to conditions which are required by the Uniform Construction Code. No Certificate of Occupancy shall be authorized for a structure which is not in compliance with the Uniform Construction Code.

- c. All lots and parcels of land within a subdivision, site plan, or single lot residential development, whether to be conveyed to private ownership or to the Township as park, open space, or right-of-way, shall be stabilized to prevent erosion and Silting of

streams in accordance with the Land Disturbance and Soil Erosion Ordinance of the Township of Ocean prior to the issuance of a Certificate of Occupancy.

- d. No Certificate of Occupancy shall be issued until the land, use, buildings, structure or premises fully comply with all the provisions of this section, all other Township and State requirements and, if involved, with such conditions as have been required for any site plan approval. When issued, the Certificate of Occupancy shall state such compliance.

21-62.3 Denial of Certificate. In case the Construction Code Official shall decline to issue a Certificate of Occupancy, his reasons for doing so shall be stated on a copy of the application and that copy returned to the applicant.

21-62.4 Responsibility for Violation; Record of Certificates. Even though a Certificate of Occupancy shall have been issued to any owner or authorized agent, he shall be held responsible for any violation of this chapter on the subject premises. A record of all certificates shall be kept on file by the Construction Code Official and copies shall be furnished to any person having an ownership interest in the building affected or to the authorized agent of such owner.

21-62.5 Exception to Requirement. No Certificate of Occupancy shall be required for any building legally existing at the time of the enactment of this chapter, except where the character or use of occupancy is changed.

21-62.6 Temporary Certificate. A temporary Certificate of Occupancy may be issued if the Construction Code Official and Township Engineer determine that the building and site work is sufficiently completed to insure the safety and health of the occupants. A temporary Certificate of Occupancy shall not be in force for more than six months and cannot be renewed.

21-62.7 Revocation. On the serving of notice of any violation of any of the provisions or requirements with respect to any building or use thereof or of land, as specified in this chapter, the Certificate of Occupancy for such use shall thereupon, without further action, be null and void, and shall be reinstated upon satisfactory compliance with this chapter.

## ARTICLE VII - Adoption, Conflict, Violations

**21-63 Interpretation.** In the interpretation and application of the provisions of this chapter, such provisions shall be minimum standards, adopted for promoting the health, safety and general welfare of the municipality.

**21-64 Conflict With Other Laws.** Whenever the requirements of this chapter are in conflict with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or those imposing the higher standards shall govern.

**21-65 Violations and Penalties.** Any owner or agent, and any person or corporation, who shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof, or who shall erect, structurally alter, enlarge, rebuild, or move any building or buildings or any structure, or who shall put into use any lot or land in violation of any detailed statement or plan submitted and approved hereunder, or who shall refuse reasonable opportunity to inspect any premises and who shall fail to abate such violation or refusal within five days after written notice has been served upon him, either by mail, or by personal service, shall upon conviction be liable to one or more of the following: a fine of not more than one thousand two hundred fifty (\$1,250.00) dollars; imprisonment for any term not exceeding ninety (90) days from the violation thereof. Each and every day such violation continues shall be deemed a separate and distinct violation.

The five day notice provision shall not be applicable to a second or subsequent offense within a three year period involving the same property and the same or similar subject matter as the first offense. Such second or subsequent violation will be considered to be a repeat offense. For such repeat offenses a violation may be cited without prior notice.

**21-66 Validity.** If any section, subsection, paragraph, clause, phrase or provision of this Ordinance or the location of any zone boundary shown on the zoning map that forms a part hereof shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this chapter as a whole or any part of the provisions hereof other than the part so adjudged to be invalid or unconstitutional.

**21-67 Effective Date.** This chapter shall take effect upon enactment and publication in the manner provided by law.

**21-68 Prior Approvals and Pending Applications.** Notwithstanding anything to the contrary contained in this chapter any variance granted prior to the effective date of this chapter in connection with which either minor subdivision approval, preliminary or final subdivision approval and/or preliminary or final site plan approval was obtained shall remain in full force and effect to the extent and for the time periods set forth in N.J.S. 40:55D-47, N.J.S. 40-55D-49 and N.J.S. 40:55D-52.

**Land Development Ordinance  
Township of Ocean  
January 8, 1992  
As Amended thru: December 31, 2010 - Ordinance 2140  
Article VII - Adoption, Conflict, Violations**

However, notwithstanding the foregoing, any variance approval granted prior to the effective date of this chapter shall remain in full force and effect for a minimum of the greater of two years from the date said variance was granted or one year from the effective date of this chapter providing construction or use is commenced within said period of time.

Any application for subdivision, site plan or variance approvals which were deemed complete prior to the effective date of this chapter and which was or is thereafter approved shall be fully valid and fully effective and shall be governed by the terms and provisions of the ordinance in effect as of the time said application was deemed complete.

Additionally, nothing contained in this chapter shall prevent a single-family residence from being erected on a lot within a recorded subdivision approved by the appropriate Municipal Agency the Township of Ocean prior to the effective date of this chapter or affect the placement of the structure on said lot providing said lot meets the lot area requirements of the ordinance in effect at the time of said subdivision approval and further, providing that the structure itself does not encroach on any front, rear or side yard setback requirements of the ordinance in effect at the time of said subdivision approval, and further providing that the subdivision approval has not lapsed either by way of statute, ordinance, or action of the Township.

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
<b>1585</b>	<b>6/18/92</b>	21-18	Amend Map
		21-24.2	Amend Lot Coverage in R-2 Zone
		21-26	Delete Family Day Care Centers as Conditional Use in R-4 Zone
		21-28.2	Amend Lot Coverage in R-5 Zone
		21-36.1	Add Movie Theater as Conditional Use in C-2 Zone
		21-44.3	Amend Canopy Signs
		21-48.1	Clarify Fence Height
		21-51.57	Add Conditional Use Requirements for Movie Theaters
<b>1588</b>	<b>6/18/92</b>	21-45.17	Amend Movie Theater Parking Requirements
		21-51.57	Amend Conditional Use Requirements for Movie Theaters
<b>1608</b>	<b>11/16/92</b>	21-42.1.c	Add Rehabilitation and Vocational Training Centers as a Conditional Use in O-1/80 Zone
		21-51.28	Add Conditional Use Standards for Rehabilitation and Vocational Training Centers as a Conditional Use in O-1/80 Zone
<b>1610</b>	<b>12/02/92</b>	21-6	Add definition of Minor Site Plan Committee of Planning Board
		21-9.a	Add Application fee for Minor Site Plan Committee Review

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-9.h	Add Escrow fee for Minor Site Plan Committee Review
		21-9.l	Amend fee for preparation of developer's agreement by Township Attorney
		21-11	Amend to except Minor Site Plans submitted to Minor Site Plan Committee from notice requirement
		21-14	Add Minor Site Plan Committee
		21-56.1	Except applications submitted to Minor Site Plan Committee
		21-56.2	Except applications submitted to Minor Site Plan Committee
		21-56.9	Add new section detailing checklist requirements for Minor Site Plan Committee review
<b>1629</b>	<b>04/21/93</b>	21-20.31	Extend time to April 30,1994
		21-44.7	Add paragraph "c." - temporary job signs
<b>1657</b>	<b>01/05/94</b>	21-22.2.b.1	Clarify requirements for dedication of common area in cluster subdivision
		21-22.2.b.2	Amend maximum density for R-1 cluster subdivision
		21-23.2.b.2	Amend maximum density for R-1T cluster subdivision
		21-24.2.b.2	Amend maximum density for R-2 cluster subdivision
		21-25.2.b.2	Amend bulk and density requirements for R-3 cluster subdivision
		21-42.1.c	Add certain uses permitted in I-1 Zone as Conditional Uses in O-1/80 Zone

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-51	Add section 29 - Industrial uses as conditional uses in an O-1/80 Zone
<b>1679</b>	<b>09/21/94</b>	21-6	Add definition of Planned Adult Community
		21-18	Amend Map
		21-22	Add section 21-22.4, Planned Adult Community Option
<b>1680</b>	<b>09/21/94</b>	21-18	Amend Map
		21-25.2.b.1	Amend to refer to proper section 21-22.2.b.1
		21-38(a)	Add new section 21-38(a) creating C-5 Zone
<b>1696</b>	<b>03/15/95</b>	21-18	Amend Map
<b>1707</b>	<b>8/2/95</b>	21-48.8	Exclude Township from restrictions provided for in that section
<b>1716</b>	<b>11/20/95</b>	21-9.h	Add fee for review of Minor Site Plan
		21-56.9	Add Minor Site Plan Checklist
<b>1720</b>	<b>12/20/95</b>	21-6	Amend definitions of Fast food restaurant; garage, private; and parking space
		21-18	Amend Map
		21-26.1.c	Amend to delete Home Professional Offices
		21-37.1.a	Add Landscaping, nurseries and garden supply sales as a permitted use
		21-37.1.c	Amend to delete landscaping, nurseries and garden supply sales
		21-38.1.c.3	Delete Bakery Store
<b>1723</b>	<b>3/27/96</b>	21-6	Add definition for public utility

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
<b>1726</b>	<b>4/17/96</b>	21-39.1.a	Add Mail order Distribution Facility
		21-45.17.b.5	Amended to add Mail order Distribution Facility
		21-6	Add definition for personal trainer
		21-35.1.a	Amended to add personal trainers as a permitted use
		21-36.1.a	Amended to add personal trainers as a permitted use
		21-37.1.a	Amended to add personal trainers as a permitted use
		21-38.1.a	Amended to add personal trainers as a permitted use
<b>1733</b>	<b>6/5/96</b>	21-25.2.b.2	Amend minimum front yard setback requirements
<b>1746</b>	<b>8/21/96</b>	21-6	Amend Definitions on Automotive Sales and Service, Fast Food Restaurant, Garage, private, Lot coverage building, parking space, sign, and use, quasi-public to clarify
		21-9.a	Amended to add application fee for Recyclable storage area
		21-18	Amend map
		21-20.23	Amend to clarify exceptions
		21-22.1.a	Add Family Day Care as a permitted use
		21-22.1.c	Delete outdoor recreational uses and renumber
		21-23.1.c	Clarify size specifications for satellite dishes
		21-24.1.a	Add Family Day Care as a permitted use

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-24.1.c	Clarify size specifications for satellite dishes
		21-25.1.a	Add Family Day Care as a permitted use
		21-25.1.c	Clarify size specifications for satellite dishes
		21-26.1.a	Add Family Day Care as a permitted use
		21-26.1.c	Clarify size specifications for satellite dishes
		21-27.1.a	Add Family Day Care as a permitted use.
		21-27.1.c	Delete Family Day Care as a conditional use, renumber and amend to clarify size specifications for satellite dishes
		21-28.1.a	Add Family Day Care as a permitted use
		21-28.1.c	Clarify size specifications for satellite dishes
		21-29.1.a	Add Family Day Care as a permitted use
		21-29.1.c	Clarify size specifications for satellite dishes
		21-30.1.a	Add Family Day Care as a permitted use
		21-30.1.c	Clarify size specifications for satellite dishes
		21-31.1.a	Add Family Day Care as a permitted use
		21-32.1.a	Add Family Day Care as a permitted use
		21-34.1.a	Add Family Day Care as a permitted use
		21-34.1.c	Clarify size specifications for satellite dishes
		21-35.1.a	Add Rug/Flooring store as a permitted use
		21-35.1.c	Clarify size specifications for satellite dishes
		21-36.1.c14	Clarify size specifications for satellite dishes

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-37.1.a	Add Landscaping, nurseries, and garden supply sales as permitted uses
		21-37.1.c	Clarify size specifications for satellite dishes
		21-38.1.c.3	Delete Bakery store from permitted uses
		21-38.1.c.5	Clarify size specifications for satellite dishes
		21-39.1.c.8	Clarify size specifications for satellite dishes
		21-40.1.c.2	Clarify size specifications for satellite dishes
		21-41.1.c.2	Clarify size specifications for satellite dishes
		21-42.1.c.4	Clarify size specifications for satellite dishes
		21-43.1.c.2	Clarify size specifications for satellite dishes
		21-43A	Create SRI - Recreation Activities Zone
		21-43A.1	Permitted uses for SRI Zone
		21-44.5.b	Amended to revise temporary signs for special events
		21-45.5.c	Amended to include ADA standards
		21-45.17.b.18	Add section c
		21-46.3	Amend to permit loading zones in side yards in industrial zones
		21-47.1.d 21-47.1.e-h	Delete Renumber as 21-47.1.d-g
		21-48.3	Amend to include commercial, office and industrial district standards
		21-51.2.a	Add Maximum Building Height
		21-51.21	Reserve for future use

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-52.1	Amend to clarify satellite antenna restrictions
		21-55.2.a.3	Amended to exempt C-1 Zone
<b>1748</b>	<b>9/18/96</b>	21-6	Add definitions for Automotive Rentals and Leasing, Community Recreation Center, and Recreation Establishments
		21-9	Reletter and amend
		21-18	Amend Map
		21-22.1.b.	Amend to clarify
		21-23.1.b	Amend to clarify
		21-23.1.c.5	Amend to clarify satellite antenna restrictions
		21-24.1.b.	Amend to clarify
		24.1.c	Add Community Recreation Center as a conditional use in a R-2 Zone
		21-25.1.b	Amend to clarify
		21-25.1.c	Add Community Recreation Center as a conditional use in a R-3 Zone
		21-26.1.b	Amend to clarify
		21-26.1.c	Add Community Recreation Center as a conditional use in a R-4 Zone
		21-27.1.b	Amend to clarify
		21-28.1.b	Amend to clarify
		21-29.1.b	Amend to clarify
		21-30.1.b	Amend to clarify

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-31.1.c	Amended to included structures and uses for one family dwellings as permitted in the R-2 zone
		21-31.1.d	Amended to included service townhouse units with recreational facilities
		21-32.1.b	Amended to include structures and uses for one family dwellings as permitted in R-3 zone and senior citizen housing and townhouse units with recreational facilities
		21-34.1.b	Amend to clarify
		21-36.1.c.7	Amended to included plant nurseries, nursery stock supply and sales, garden landscape supplies as permitted uses
		21-36.1.c.8	Amended to included and government buildings and services as permitted uses
		21-36.1.c	Amended to add Automotive rentals and leasing as a conditional use
		21-37.1.c	Amended to add Automotive rentals and leasing as a conditional use
		21-45.13.a	Amend to clarify
		21-45.17.b	Add requirements for community recreation centers.
		21-45.17.b.1	Amend to clarify
		21-45.17.b.18	Add section c
		21-48.3	Amend to clarify
		21-51.21	Amend to give requirements for Community Recreation Centers
		21-57.4.a	Amended to clarify
		21-57.4.b	Amended to add storm drainage facilities and driveways

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-62.2.a	Renumbered
<b>1751</b>	<b>10/16/96</b>	21-57.1	Amend to clarify
		21-57.2	Amend to clarify
		21-57.3	Amend to clarify
		21-57.4.e	Amend to clarify
		21-58	Amend to clarify
		21-62	Amend to clarify
		21-62.1	Amend to clarify
		21-62.2	Amend to clarify
		21-62.3	Amend to clarify
		21-62.4	Amend to clarify
		21-62.6	Amend to clarify
<b>1754</b>	<b>12/4/96</b>	21-9.i	Amend fee structure.
		21-9.n	Amend to reduce fees.
		21-38a.1.c.4	Amend to clarify
		21-44.7	Add section d
		21-48.3	Amend to clarify
		21-51.2	Add section c. - Re: Caretaker Dwelling
<b>1764</b>	<b>02/19/97</b>	21-18	Amend PAC boundary - Block 142 Lot 7
		21-22.2.b.1(a)	Include regulations for incorporation of additional properties into a cluster residential development

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-22.4.b.3.b	Increase permitted pool size to 3000 sq. ft. in a PAC
		21-22.4.b.3.c	Restricts use of PAC recreational areas to residents of the PAC and their guests
		21-22.4.b.5	Permits access to PAC from West Park Avenue
		21-22.4.b.8(a)	Add additional PAC setback requirements for various types of properties
		21-22.4.b.8(h)(1)b	Amend to clarify
		21-22.4.b.8(h)(3)	Amend to clarify and specify buffer widths
		21.38.1.c.3	Amend to add "Furniture Store"
		21-47.1.d.3	Amend to give buffer regulations between R-3 and I-1 zones
<b>1770</b>	<b>03/19/97</b>	21-6	Amend definition of site plan- minor
		21-8	Amend to clarify
		21-9	Amend to reduce fee for trash and recyclable materials storage area application
		21-20.31	Delete section in its entirety
		21-33	Change section title
		21-33.5	Amend section to provide requirements for trash and recyclable materials storage area
		21-34.2.a.1(j)	Amend to clarify
		21-36.1.a	Amend to include video stores as a permitted use
		21-37.1.a	Amend to include video stores as a permitted use

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-54.1	Amend to clarify
<b>1773</b>	<b>06/18/97</b>	21-6	Add definition for "School, boarding"
		21-26.1.c.4	Amended to add boarding schools as a conditional use
		21-51.2	Amend requirements for religious uses
		21-51.30	Add section giving requirements for boarding schools
<b>1774</b>	<b>06/18/97</b>	21-6	Amend definitions for "Height, building" and "Story above grade"
		21-22.2.a.1(j)	Amend maximum building height
		21-22.2.a.1(k)	Add maximum stories
		21-22.2.a.2(b)	Amend to clarify
		21-22.2.b.2(k)	Amend maximum building height
		21-22.2.b.2.(l)	Add maximum stories
		21-22.3	Add regulations for concrete of masonry block walls
		21-23.2.a.1(j)	Amend maximum building height
		21-23.2.a.1(k)	Add maximum stories
		21-23.2.a.2(b)	Amend to clarify
		21-23.2.b.2(k)	Amend maximum building height
		21-23.2.b.2.(l)	Add maximum stories
		21-23.3	Add regulations for concrete of masonry block walls
		21-24.2.a.1(j)	Amend maximum building height
		21-24.2.a.1(k)	Add maximum stories

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b><u>ORD.#</u></b>	<b><u>DATE</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
		21-24.2.a.2(b)	Amend to clarify
		21-24.2.b.2(k)	Amend maximum building height
		21-24.2.b.2.(l)	Add maximum stories
		21-24.3	Add regulations for concrete of masonry block walls
		21-25.2.a.1(j)	Amend maximum building height
		21-25.2.a.1(k)	Add maximum stories
		21-25.2.a.2(b)	Amend to clarify
		21-25.2.b.2(k)	Amend maximum building height
		21-25.2.b.2.(l)	Add maximum stories
		21-25.3	Add regulations for concrete of masonry block walls
		21-26.2.a.1(j)	Amend maximum building height
		21-26.2.a.1(k)	Add maximum stories
		21-26.2.a.2(b)	Amend to clarify
		21-26.3	Add regulations for concrete of masonry block walls
		21-27.2.a.1(j)	Amend maximum building height
		21-27.2.a.1(k)	Add maximum stories
		21-27.2.a.2(b)	Amend to clarify
		21-27.3	Add regulations for concrete of masonry block walls
		21-28.2.a.1(j)	Amend maximum building height
		21-28.2.a.1(k)	Add maximum stories

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-28.2.a.2(b)	Amend to clarify
		21-28.3	Add regulations for concrete of masonry block walls
		21-29.2.a.1(j)	Amend maximum building height
		21-29.2.a.1(k)	Add maximum stories
		21-29.2.a.2(b)	Amend to clarify
		21-29.3	Add regulations for concrete of masonry block walls
		21-34.2.a.1(j)	Amend maximum building height
		21-34.2.a.1(k)	Add maximum stories
		21-34.2.a.2(b)	Amend to clarify
		21-34.3	Add regulations for concrete of masonry block walls
<b>1775</b>	<b>07/02/97</b>	21-38a.1.c	Add Paragraph 5, permitting accessory warehouses
		21-38a.2	Amend bulk standards
		21-38a.3	Amend to clarify
		21-51.31	Add new section giving regulations for accessory warehouses in C-5 Zone
<b>1776</b>	<b>08/02/97</b>	21-6	Amend definition of "Height, building"
		21-22.2.a.2(b)	Amend to clarify
		21-22.3 .c	Amend to clarify
		21-23.2.a.2(b)	Amend to clarify
		21-23.3 .c	Amend to clarify

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-24.2.a.2(b)	Amend to clarify
		21-24.3 .c	Amend to clarify
		21-25.2.a.2(b)	Amend to clarify
		21-25.3 .c	Amend to clarify
		21-26.2.a.2(b)	Amend to clarify
		21-26.3 .c	Amend to clarify
		21-27.2.a.2(b)	Amend to clarify
		21-27.3 .c	Amend to clarify
		21-28.2.a.2(b)	Amend to clarify
		21-28.3 .c	Amend to clarify
		21-29.2.a.2(b)	Amend to clarify
		21-29.3 .c	Amend to clarify
		21-34.2.a.2(b)	Amend to clarify
		21-34.3 .c	Amend to clarify
		21-51.30.c	Amend to clarify
<b>1779</b>	<b>09/03/97</b>	21-6	Amend definition of "Height, building" and add definition for "Automotive gasoline station/C-store"
		21-36.1.c	Add Automotive gasoline station/C-store as a conditional use
		21-37.1.c	Add Automotive gasoline station/C-store as a conditional use
		21-38.1.c	Add Automotive gasoline station/C-store as a conditional use

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-45.17.b.13	Add parking requirements for an Automotive gasoline station/C-store
		21-51.11	Amend to give regulations for an Automotive gasoline station/C-store
<b>1781</b>	<b>10/08/97</b>	21-18	Amend Zoning Map to move Block 1.02 Lot 55 from I-1 to AR-3/PRD
		21-47.1.d.	Amend buffer requirements by inserting new Para. 4 and changing old Paragraphs 4 & 5 to 6 & 6
		21-51	Add new Section 32 - Indoor Recreational Facilities
<b>1786</b>	<b>12/03/97</b>	21-22.4.b.3.a.	Amend size of clubhouse.
		21-22.4.b.7.	Delete room requirements.
		21-22.4.b.8(d)	Change required lot depth to 100'
		21-22.4.b.8(e)	Amend front and rear yard setback requirements
		21-22.4.b.8(f)	Increase permitted lot coverage to 40%
		21-22.4.b.8(g)	Amend building height of 1 story building to 25'
<b>1793</b>	<b>4/4/98</b>	21-18	Amend Map - Rezone portion of Block 140 Lot 65
<b>1799</b>	<b>06/17/98</b>	21-6	Add definitions for "Alternative tower structure", "Antenna", "Height, Wireless telecommunications tower", "Tower", and "Wireless Telecommunications Tower"
		21-36.1.c.	Amended to add 21-36.1.c.18
		21-37.1.c.	Amended to add 21-37.1.c.16
		21-38.1.c.	Amended to add 21-38.1.c.7

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-38a.1.c.	Amended to add 21-38a.1.c.6
		21-39.1.c.	Amended to add 21-39.1.c.9
		21-41.1.c.	Amended to add 21-41.1.c.3
		21-42.1.c.	Amended to add 21-42.1.c.7
		21-43.1.c.	Amended to add 21-43.1.c.4
		21-51	Amended to add 21-51.33
<b>1809</b>	<b>7/29/98</b>	21-38.1.a.	Add Electronics and Computer sales and service
		21-39.1.a.	Add 12 - Taxi and/or package delivery service
		21-45.17.b.	Add 21 - Parking for Taxi and Package Delivery
		21-51.33	Add 21-51.33.p.
<b>1810</b>	<b>9/16/98</b>	21-51.32	Amend Section c - bulk requirements
		21-51.33	Amend to correct section number from Ord. 1799
<b>1814</b>	<b>11/4/98</b>	21-24.1.c.4.	Amend in its entirety.
		21-43.1.c.	Add 5 - Indoor and outdoor recreational facilities
		21-51.32	Amend in its entirety
		21-51	Add 34 - Indoor and outdoor recreational facilities
<b>1831</b>	<b>06/02/99</b>	21-6	Amend definition of "Height, Building" to change front elevation above finished grade to 54 inches and exclude garage elevation.
		21-9.c.	Add Escrow fee for Certification of Use

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
<b>1832</b>	<b>08/04/99</b>	21-31.1.e.	Amend to add "Office Uses and Banks"
		21-51	Amended to add Section 21-51.35.
<b>1833</b>	<b>09/15/99</b>	21-6	Amend to add definitions of "Automotive Service and Inventory Storage" and "Fence - Solid Architectural"
		21-39.1.c.	Amend to add #10 - Automotive Service and Inventory Storage
		21-51	Amend to add section 36 - Automotive Service and Inventory Storage in an I-1 Zone.
<b>1837</b>	<b>11/04/99</b>	21-6	Amend to add definition of "Senior Independent Living Facility"
		21-32.1.c.	Amend to add #3 - Senior Independent Living Facilities
		21-45.17	Amend to add #5 Senior Independent Living Facilities
		21-51	Amend to add section 37 - Senior Independent Living Facilities in the AR-3/PRD Zone
<b>1839</b>	<b>12/01/99</b>	21-18	Amend map to include various properties in the Planned Adult Community Overlay Zone in R-3 and O-2 Zones
		21-22.4.b.3	Amend "f" to prohibit recreational vehicles
		21-22.4.b.8	Amend "(h)(4)" to prohibit accessory buildings on individual homeowner lots
		21-25	Add section 4 - Planned Adult Community Development Option
		21-43	Add section 4 - Planned Adult Community Development Option
<b>1844</b>	<b>01/05/00</b>	21-45.13	Amend in its entirety

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-51.35(e)	Deleted
<b>1848</b>	<b>02/02/00</b>	21-18	Amend to add various infill lots to O-2 PAC and to correct typographical error in Ordinance 1839
		21-45.13.c.	Amend in its entirety
		21-51.35(d)	Amend in its entirety
<b>1850</b>	<b>03/15/00</b>	21-31.1.e(2)	Amend to read "Office Uses"
		21-51.35	Amend to read "Office Uses in the R3-PRD Zone"
<b>1851</b>	<b>03/15/00</b>	21-21.d	Amend to clarify.
		21-24.2.b.1.	Amend to change "21-21.2.b.1." to "21-22.2.b.1."
		21-28.2.a.2(b)	Amend in entirety
		21-29.2.a.2(b)	Amend in entirety
		21-43.4.a.2	Amend in entirety
		21-45.13.a.	Amend in entirety
		21-51.33	Add paragraph "q"
		21-55.4.g.	Amend wording to measure from top of curb
<b>1855</b>	<b>05/03/00</b>	21-51.37.a.	Amend bulk requirements
<b>1861</b>	<b>06/29/00</b>	21-38	Amend in entirety
		21-51.6	Amend in entirety
<b>1866</b>	<b>10/4/00</b>	21-18	Amend Map
		21-38	Amend in entirety, adding 21-38.3 Regional Shopping Support Facilities Option

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-51.38	Add Limited Truck Rental in a C-4 Zone conditional use.
<b>1873</b>	<b>01/10/01</b>	21-6	Add definition of "Lot, Flag"; Amend definitions of "Lot line, rear" and "Site Plan, Minor"
		21-9	Add fees for Zoning Permits
		21-9.j	Amend to increase Special Meeting fee to \$2000.00
		21-53.6	Add exclusion of canopies under certain conditions from lot coverage requirements.
		21-54.1	Amend to exclude canopies as per 21-53.6 from requiring Site Plans.
<b>1875</b>	<b>01/10/01</b>	21-18	Amend Map to create a Planned Adult Community Overlay in the O-2 and R-3 zones.
		21-22.4.b.3.f.	Amend in entirety
		21-22.4.b.5.(h)(4)	Amend in entirety
		21-25	Add 21-25.4 Planned Adult Community (PAC) Development Option
		21-43	Add 21-43.4 Planned Adult Community (PAC) Development Option
<b>1876</b>	<b>1/10/01</b>	21-18	Amend Zoning Map to add lots to the PLanned Adult Community Overlay in the O-2 Zone
		21-45.13.c	Amend to add 5' setback from property line
		21-51.35.d	Amend in entirety
<b>1877</b>	<b>1/10/01</b>	21-6	Add definition of "Senior Citizen Apartment"

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-18	Amend to create Senior Citizen Apartment Overlay in the O-2 Zone
		21-43	Add Section 5 - Senior Citizen Apartment Overlay Option
<b>1879</b>	<b>1/10/01</b>	21-18	Amend Map to include C-4 Regional Commercial Zone
		21-39.1.c.	Add #11- Retail Uses in Combination with Retail Development in an Adjacent C-3 Zone.
		21-51	Add Section 38- Retail Uses in Combination with Retail Development in an Adjacent C-3 Zone.
<b>1880</b>	<b>1/10/01</b>	21-18	Amend to create Commercial Development Option Overlay in the O-1/80 and R-1T Zones.
		21-23	Amend to add Section 4 - Commercial Development Option.
		21-42	Amend to add Section 4 - Commercial Development Option.
<b>1881</b>	<b>1/10/01</b>	21-21.D	Amend in entirety
		21-24.2.b.1	Amend to change "as described in subsection 21-21.2.b.1" to read "as described in subsection 21-22.2.b.1"
		21-28.2.a.2.(b)	Amend in entirety
		21-29.2.a.2.(b)	Amend in entirety
		21-43.4.a.2.	Amend in entirety
		21-45.13.a.	Amend in entirety
		21-51.33	Amend to add q. - Antennas and Towers Permitted on Township Property.

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-55.4.g.	Amend to replace "measured from the pavement elevation of the fronting street" with "measured from the top of the curb directly opposite the object or planting."
<b>1883</b>	<b>2/14/01</b>	21-6	Amend definitions of "Buffer" and "Fence - Solid Architectural"
		21-20.13	Amend in entirety
		21-41.1.a.2	Amend to clarify
		21-44.3	Amend to clarify
		21-45.13.c.	Amend to clarify
		21-55.1	Add paragraph "i"
		21-56.5	Amend to reserve for future use.
		21-56.6	Amend to clarify
<b>1884</b>	<b>2/28/01</b>	21-6	Amend to add definitions of "Court" and "Internal access drive"
		21-18	Amend Map to create a Single Family Court Cluster Overlay Zone
		21-22	Amend to add section 5 - Single Family Court Cluster Overlay Option.
		21-38.2.j.9.	Amend in entirety
		21-55	Amend to add section 14 - Court Cluster Development
<b>1888</b>	<b>4/25/01</b>	21-38.1.c.1	Add Automotive Gasoline Station
		21-51	Add section 39 - Automotive Gasoline Stations in a Regional Shopping Center
<b>1889</b>	<b>5/23/01</b>	21-20.22	Amend to permit trailers in times of emergency

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
<b>1897</b>	<b>10/24/01</b>	21-6	Amend definitions of "Senior Citizen Apartment" and "Senior Independent Living Facility"
<b>1901</b>	<b>10/24/01</b>	21-33.6	Add section 6 permitting flag poles on commercial sites
		21-9.a.	Add flag pole fee
<b>1902</b>	<b>11/8/01</b>	21-51.35.b	Amend bulk requirements
		21-51.35.d	Amend in its entirety
		21-51.35.e	Amend access requirements
<b>1907</b>	<b>12/26/01</b>	21-6	Add definitions for "Gun Shop" and "Sporting Goods Store"
		21-38.1.a.1.	Add "Gun Shop" to list of permitted uses
<b>1910</b>	<b>2/13/2002</b>	21-45.12	Amend requirements for parking in the front yard of residential uses.
<b>1915</b>	<b>2/27/2002</b>	21-38.1.a.1	Add "Liquor Store" to list of permitted uses
<b>1936</b>	<b>8/14/2002</b>	21-6	Add definition of "Golf Course/Country Club"
		21-22.1.c	Add "Golf Course/Country Club" to list of conditional uses
		21-51.40	Add conditions for "Golf Course/Country Club"
<b>1939</b>	<b>9/25/2002</b>	21-37.2.a.10	Change Maximum Building Height from 35' to 45'
		21-52.1	Amend Height Exceptions to include clock towers.
<b>1943</b>	<b>10/4/2002</b>	21-42.2.b.2.[d]	Amend setback to include proposed jughandle

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-51.39.f.1.	Amend to permit mechanical enclosures and restrooms
<b>1944</b>	<b>11/27/2002</b>	21-6	Delete definitions for "Court" and "Internal Access Drive"
		21-18	Amend Map
		21-22.5	Delete Single Family Court Cluster Overlay Option
		21-55.14	Court Cluster Development Option
<b>1959</b>	<b>6/30/2003</b>	21-42.4.a.2.	Amend to clarify
<b>1961</b>	<b>8/14/2003</b>	21-22.4.b.8.(h)(5)	Amend deck setback abutting Open Space lots
<b>1986</b>	<b>7/14/2004</b>	21-20.22	Amend to remove paragraph permitting trailers in case of emergency
		21-65	Amend to increase maximum fine to \$1250.00
<b>1991</b>	<b>8/25/2004</b>	21-6	Amend definitions of "story", "story above grade"
			Add definition of "Automotive detailing"
		21-39.1.a	Add "12. Automotive Detailing" to permitted uses
		21-43.1.a.	Add 7. and 8. "Indoor Recreation Facilities" and "Career counseling services and activities" to permitted uses
<b>2002</b>	<b>12/22/2004</b>	21-20.16	Amend to add variance for 2' change in elevation
<b>2003</b>	<b>1/26/2005</b>	21-6	Amend definitions of "Senior Citizen Apartment" and "Senior Independent Living Facility"; add definitions for "Discontiguous Cluster Option" "Discontiguous Tract"

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
			"Open Space Trust Fund" and "Principal Tract"
		21-18	Amend Map to change "Cedar Village" zoning to R-3 PAC Overlay; Eliminate O-2 zone and replace with O-1/20 zone, change O-2 SCA to O-1/20 SCA, add lots to O-1/20 SCA, add lots to O-1/20 zone, add lots to O-1/20 PAC
		21-31	Add Discontiguous Cluster Option
		21-25.4	Amend PAC option
		21-40	Amend O-1/20 zone in entirety
		21-43	Delete O-2 Zone
<b>2008</b>	<b>3/6/2005</b>	21-44.7.b	Amend requirements for real estate signs
<b>2013</b>	<b>5/25/2005</b>	21-6	Amend definitions to add: Building Coverage and Plaza
		21-18	Remove Commercial Development Option from Block 33, Lot 19.01
			Change zoning for Block 33, Lot 19.01 from O-180 and R-1T to C-6
		21-38b	Amend C-6 Community Mixed-Use District
<b>2031</b>	<b>9/28/2005</b>	21-6	Amend definitions to change: Story above grade
		21-18	Amend C-2 Highway Commercial Zone
		21-44.7	Amend Sign Requirements
		21-45.5.c	Amend Off-Street Parking Requirements
<b>2034</b>	<b>12/19/2005</b>	21-18	Amend Zoning of Block 3, Lot 16 from O-1/80 to C-3 General Commercial Zone

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
<b>2055</b>	<b>10/25/2006</b>	21-55.11	Amend Article V, Site Plan and Subdivision Design and Submission requirements for stormwater management
		21-55.13.c	Amend Article V, Site Plan and Subdivision Design and Submission requirements for Off-Site and Off-Tract Improvements
		21-55.14	Add: Storm Control Ordinance
<b>2059</b>	<b>12/18/2006</b>	21-9	Amend Site Plan Fees
<b>2063</b>	<b>3/5/2007</b>	21-55.14j	Amend General Maintenance requirements with regard to Stormwater Management Control
		21-55.14k	Amend Escrow Account requirements for Stormwater Management Maintenance and Repair
		21-55.14l	Amend Stormwater Management Maintenance and Repair Penalties
<b>2066</b>	<b>3/19/2007</b>	21-9	Amend to add: fees for inspection and management of stormwater detention and retention systems
<b>2093</b>	<b>3/19/2008</b>	21-6	Amend to add Automotive Sales and Service
		21-36.1.c	Add: Mixed Use Commercial and Self-Storage
		21-41.1.c	Add: Assembly and/or fabrication of light machinery or products
		21-44.5	Amend Temporary Signs (fees)
		21-51.12	Amend Automotive Sales and service and Automotive Rental and Leasing
		21-51.43	Amend Mixed Commercial and Self-Storage in the C-2 Zone

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS  
(SORTED BY DATE OF ORDINANCE)**

<b>ORD.#</b>	<b>DATE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
		21-51.44	Amend Assembly and/or fabrication of light machinery or products in the O-1/40 Zone
<b>2103</b>	<b>6/16/2008</b>	21-6	Amend Definitions to add "Houses of Worship" and to amend "Story Above Grade"
<b>2111</b>	<b>3/16/2009</b>	21-11	Amend Notice of Applications
		21-33.7	Amend Regulations applying to Non-Residential Zones for Flags
<b>2113</b>	<b>1/7/2009</b>	21-55.14	Amend Site Plan and subdivision Design and Submission Requirements
<b>2123</b>	<b>2/11/2009</b>	21-6	Amend Definitions to add: "Administrative Officer" and Affordable Residential Development"
		21-32.1.c	Add: Affordable Apartment Flats
		21-51.45	Add requirements for Affordable Apartment Flats in the AR-3/PRD Zone
<b>2140</b>	<b>11/9/2009</b>	21-9	Amend Fees
		21-44.5a	Amend Temporary sign fees
		21-48.6	Amend fence requirements for swimming pools
		21.51.28	Amend setbacks for Rehabilitation and Vocation Training facilities

**21-6**

1610	12/02/92	Add definition of Minor Site Plan Committee of Planning Board
1610	12/02/92	Add definition of Minor Site Plan Committee of Planning Board
1679	09/21/94	Add definition of Planned Adult Community
1720	12/20/95	Amend definitions of Fast food restaurant, garage, private, and parking space, to clarify
1723	3/27/96	Add definition for public utility
1726	4/17/96	Add definition for personal trainer
1746	8/21/96	Amend Definitions on Automotive Sales and Service, Fast Food Restaurant, Garage, private, Lot coverage - building, parking space, sign, and use, quasi-public to clarify
1748	9/18/96	Add definitions for Automotive Rentals and Leasing, Community Recreation Center, and Recreation Establishments
1770	03/19/97	Amend definition of site plan- minor
1773	06/18/97	Add definition for "School, boarding"
1774	06/18/97	Amend definitions for "Height, building" and "Story above grade"
1776	08/02/97	Amend definition of "Height, building"
1779	09/03/97	Amend definition of "Height, building" and add definition for "Automotive gasoline station/C-store"
1799	06/17/98	Add definitions for "Alternative tower structure", "Antenna", "Height, Wireless telecommunications tower", "Tower", and "Wireless Telecommunications Tower"

1831	06/02/99	Amend definition of "Height, Building" to change front elevation above finished grade to 54 inches and exclude garage elevation.
1833	09/15/99	Amend to add definitions of "Automotive Service and Inventory Storage" and "Fence - Solid Architectural"
1837	11/03/99	Amend to add definition of "Senior Independent Living Facility"
1873	01/10/01	Add definition of "Lot, Flag"; Amend definitions of "Lot line, rear" and "Site Plan, Minor"
1877	1/10/01	Add definition of "Senior Citizen Apartment"
1883	2/14/01	Amend definitions of "Buffer" and "Fence - Solid Architectural"
1884	2/28/01	Amend to add definitions of "Court" and "Internal access drive"
1897	10/24/01	Amend definitions of "Senior Citizen Apartment" and "Senior Independent Living Facility"
1907	12/26/01	Add definitions for "Gun Shop" and "Sporting Goods Store"
1936	8/14/02	Add definition for "Golf Course/Country Club"
1944	11/27/02	Delete definitions for "Court" and "Internal Access Drive"
1991	8/24/2004	Amend definitions of "story", "story above grade"  Add definition of "Automotive detailing"
2003	1/26/2006	Amend definitions of "Senior Citizen Apartment" and "Senior Independent Living Facility"; add definitions for "Discontiguous Cluster Option" "Discontiguous Tract"

			"Open Space Trust Fund" and "Principal Tract"
	2013	5/25/05	"Building Coverage" and "Plaza"
	2031	9/28/05	"Story Above Grade"
	2093	3/19/08	"Automotive Sales and Service"
	2103	6/16/08	"Houses of Worship" and Story Above Grade"
	2123	2/11/09	"Administrative Officer" and "Affordable Residential Development"
<b>21-8</b>	1770	03/19/97	Amend to clarify
<b>21-9</b>	1748	9/18/96	Reletter and amend
	1770	9/19/97	Amend to reduce fee for trash and recyclable materials storage area application
	1873	01/10/01	Add fees for Zoning Permits
	2059	12/18/06	Site Plan Fees
	2066	3/19/07	Add fees for stormwater retention and detention
<b>21-9.a</b>	1610	12/02/92	Add Application fee for Minor Site Plan Committee Review
	1746	8/21/96	Amended to add application fee for Recyclable storage area
	1901	10/24/01	Amend to add fee for flag pole application
	2140		
<b>21-9.c</b>	1831	06/02/99	Add Escrow fee for Certification of Use
<b>21-9.h</b>	1610	12/01/92	Add Escrow fee for Minor Site Plan Committee Review
	1716	11/20/95	Add fee for review of Minor Site Plan

<b>21-9.i</b>	1754	12/04/96	Amend fee structure.
<b>21-9.j</b>	1873	01/10/01	Amend Special Meeting fee
<b>21-9.l</b>	1610	12/02/92	Amend fee for preparation of developer's agreement by Township Attorney
<b>21-9.n</b>	1754	12/04/96	Amend to reduce fees.
<b>21-11</b>	1610	12/02/92	Amend to except Minor Site Plans submitted to Minor Site Plan Committee from notice requirement
	<b>2111</b>	3/16/09	Amend Notice of Applications
<b>21-14</b>	1610	12/02/92	Add Minor Site Plan Committee
<b>21-18</b>	1585	06/18/92	Amend Reference to Map
	1608	11/16/92	Amend Map
	1679	09/21/94	Amend Map
	1680	09/21/94	Amend Map
	1696	03/15/95	Amend Map
	1720	12/20/95	Amend Map
	1746	8/21/96	Amend Map
	1748	9/18/96	Amend Map
	1764	2/19/97	Amend PAC boundary - Block 142 Lot 7
	1781	10/8/97	Amend Map
	1793	4/4/98	Amend Map - Rezone portion of Block 140 Lot 65
	1839	12/1/99	Amend Map to include various properties in the Planned Adult Community Overlay Zone in R-3 and O-2 Zones

1848	02/02/00	Amend to add infill lots in O-2 PAC Overlay and to correct typographical error in Ordinance 1830	
1866	10/4/00	Amend Map	
1875	01/10/01	Amend Map to create a Planned Adult Community Overlay in the O-2 and R-3 zones.	
1876	1/10/01	Amend Zoning Map to add lots to the Planned Adult Community Overlay in the O-2 Zone	
1877	1/10/01	Amend to create Senior Citizen Apartment Overlay in the O-2 Zone	
1879	1/10/01	Amend Map to include C-4 Regional Commercial Zone	
1880	1/10/01	Amend to create Commercial Development Option Overlay in the O-1/80 and R-1T Zones.	
1884	2/28/01	Amend Map to create a Single Family Court Cluster Overlay Zone	
1944	11/27/2002	Amend Map to remove Single Family Court Cluster Overlay Zone	
2003	1/26/2005	Amend Map to change "Cedar Village" zoning to R-3 PAC Overlay; Eliminate O-2 zone and replace with O-1/20 zone, change O-2 SCA to O-1/20 SCA, add lots to O-1/20 SCA, add lots to O-1/20 zone, add lots to O-1/20 PAC	
2013	5/25/05	Remove Commercial Development Option from Block 33, Lot 19.01 and change zoning from O-180 and R-1T to C-6 Amend C-2 Highway Commercial Zone	
2034	12/19/05	Amend zone for Block 3, Lot 16 from O-1/80 to C-3 General Commercial Zone	
<b>21-20.13</b>	1883	2/14/01	Amend in entirety

<b>21-20.16</b>	2002	12/22/2004	Amend to add variance for 2' change in elevation
<b>21-20.22</b>	1889	5/23/01	Amend to permit trailers in times of emergency
	1986	7/14/2004	Amend to remove paragraph permitting trailers in case of emergency
<b>21-20.23</b>	1746	8/21/96	Amend to clarify exceptions
<b>21-20.31</b>	1629	04/21/93	Extend time to April 30, 1994
	1770	04/19/97	Delete section in its entirety
	2003	1/26/2005	Add Discontiguous Cluster Option
<b>21-21.d.</b>	1851	03/15/00	Amend to clarify.
	1881	1/10/01	Amend in entirety
<b>21-22</b>	1679	09/21/94	Add section 21-22.4, Planned Adult Community Option
	1884	2/28/01	Amend to add section 5 - Single Family Court Cluster Overlay Option.
	1944	11/27/02	Amend to Delete section 5 - Single Family Court Cluster Overlay Option
<b>21-22.1.a</b>	1746	8/21/96	Add Family Day Care as a permitted use
<b>21-22.1.b.</b>	1748	9/18/96	Amend to clarify
<b>21-22.1.c</b>	1746	8/21/96	Delete outdoor recreational uses and renumber
	1936	8/14/02	Amend conditional uses to include "Golf Course/Country Club"
<b>21-22.2.a.1(j)</b>	1774	06/18/97	Amend maximum building height
<b>21-22.2.a.1(k)</b>	1774	06/18/97	Add maximum stories
<b>21-22.2.a.2(b)</b>	1774	06/18/97	Amend to clarify

	1776	08/06/97	Amend to clarify
<b>21-22.2.b.1</b>	1657	01/05/94	Clarify requirements for dedication of common area in cluster subdivision
<b>21-22.2.b.1(a)</b>	1764	02/19/97	Include regulations for incorporation of additional properties into a cluster residential development
<b>21.22.2.b.2</b>	1657	01/05/94	Amend maximum density for R-1 cluster subdivision
<b>21-22.2.b.2(k)</b>	1774	06/18/97	Amend maximum building height
<b>21-22.2.b.2.(l)</b>	1774	06/18/97	Add maximum stories
<b>21-22.3</b>	1774	06/19/97	Add regulations for concrete of masonry block walls
	1776	08/06/97	Amend to clarify
<b>21-22.4.b.3.a</b>	1786	12/03/97	Amend size of clubhouse.
<b>21-22.4.b.3.b</b>	1764	02/19/97	Increase permitted pool size to 3000 sq. ft. in a PAC
<b>21-22.4.b.3.c</b>	1764	02/19/97	Restricts use of PAC recreational areas to residents of the PAC and their guests
<b>21-22.4.b.3.f</b>	1839	12/1/99	Amend to prohibit recreational vehicles
	1875	01/10/01	Amend in entirety
<b>21-22.4.b.5</b>	1764	02/19/97	Permits access to PAC from West Park Avenue
<b>21-22.4.b.5.(h)(4)</b>	1875	01/10/01	Amend in entirety
<b>21-22.4.b.7</b>	1786	12/03/97	Delete room requirements.
<b>21-22.4.b.8(a)</b>	1764	02/19/97	Add additional PAC setback requirements for various types of properties
<b>21-22.4.b.8(d)</b>	1786	12/03/97	Change required lot depth to 100'

<b>21-22.4.b.8(e)</b>	1786	12/03/97	Amend front and rear yard setback requirements
<b>21-22.4.b.8(f)</b>	1786	12/03/98	Increase permitted lot coverage to 40%
<b>21-22.4.b.8(g)</b>	1786	12/03/97	Amend building height of 1 story building to 25'
<b>21-22.4.b.8(h)(1)b</b>	1764	02/19/97	Amend to clarify
<b>21-22.4.b.8(h)(3)</b>	1764	02/19/97	Amend to clarify and specify buffer widths
<b>21-22.4.b.8(h)(4)</b>	1839	12/1/99	Amend to prohibit accessory buildings on individual homeowner lots
<b>21-22.4.b.8(h)(5)</b>	1961	8/13/03	Amend deck setback abutting Open Space lots
<b>21-23</b>	1880	1/10/01	Amend to add Section 4 - Commercial Development Option.
<b>21-23.1.b</b>	1748	9/18/96	Amend to clarify
<b>21-23.1.c</b>	1746	8/21/96	Clarify size specifications for satellite dishes
<b>21-23.1.c.5.</b>	1748	9/18/96	Amend to clarify satellite antenna restrictions
<b>21-23.2.a.1(j)</b>	1774	06/18/97	Amend maximum building height
<b>21-23.2.a.1(k)</b>	1774	06/18/97	Add maximum stories
<b>21-23.2.a.2(b)</b>	1774	06/18/97	Amend to clarify
	1776	08/06/97	Amend to clarify
<b>21-23.2.b.2</b>	1657	01/05/94	Amend maximum density for R-1T cluster subdivision
<b>21-23.2.b.2(k)</b>	1774	06/18/97	Amend maximum building height
<b>21-23.2.b.2.(l)</b>	1774	06/18/97	Add maximum stories
<b>21-23.3</b>	1774	06/18/97	Add regulations for concrete of masonry block walls

	1776	08/06/97	Amend to clarify
<b>21-24.1.a</b>	1746	8/21/96	Add Family Day Care as a permitted use
<b>21-24.1.b.</b>	1748	9/18/96	Amend to clarify
<b>21-24.1.c</b>	1746	8/21/96	Clarify size specifications for satellite dishes
	1748	9/18/96	Add Community Recreation Center as a conditional use in an R-2 Zone
	1814	11/04/98	Amend paragraph 4 in its entirety
<b>21-24.2</b>	1585	6/18/92	Amend Lot Coverage in R-2 Zone
<b>21-24.2.a.1(j)</b>	1774	06/18/97	Amend maximum building height
<b>21-24.2.a.1(k)</b>	1774	06/18/97	Add maximum stories
<b>21-24.2.a.2(b)</b>	1774	06/18/97	Amend to clarify
	1776	08/06/97	Amend to clarify
<b>21-24.2.b.1.</b>	1881	1/10/01	Amend to change "as described in subsection 21-21.2.b.1" to read "as described in subsection 21-22.2.b.1"
<b>21-24.2.b.2</b>	1657	01/05/94	Amend maximum density for R-2 cluster subdivision
<b>21-24.2.b.2(k)</b>	1774	06/18/97	Amend maximum building height
<b>21-24.2.b.2.(l)</b>	1774	06/18/97	Add maximum stories
	1851	03/15/00	Amend to change "21-21.2.b.1." to "21-22.2.b.1."
<b>21-24.3</b>	1774	06/18/97	Add regulations for concrete of masonry block walls
	1776	08/06/97	Amend to clarify
<b>21-25</b>	1839	12/17/99	Add section 4 - Planned Adult Community Development Option

	1875	01/10/01	Add 21-25.4 Planned Adult Community (PAC) Development Option
<b>21-25.1.a</b>	1746	8/21/96	Add Family Day Care as a permitted use
<b>21-25.1.b</b>	1748	9/18/96	Amend to clarify
<b>21-25.1.c</b>	1746	8/21/96	Clarify size specifications for satellite dishes
	1748	9/18/96	Add Community Recreation Center as a conditional use in a R-3 Zone
<b>21-25.2.a.1(j)</b>	1774	06/18/97	Amend maximum building height
<b>21-25.2.a.1(k)</b>	1774	06/18/97	Add maximum stories
<b>21-25.2.a.2(b)</b>	1774	06/18/97	Amend to clarify
	1776	08/06/97	Amend to clarify
<b>21-25.2.b.1</b>	1680	09/21/94	Amend to refer to proper section 21-22.2.b.1
<b>21-25.2.b.2</b>	1657	01/05/94	Amend bulk and density requirements for R3 cluster subdivision
	1733	6/5/96	Amend minimum front yard setback requirements
<b>21-25.2.b.2(k)</b>	1774	06/18/97	Amend maximum building height
<b>21-25.2.b.2(l)</b>	1774	06/18/97	Add maximum stories
<b>21-25.3</b>	1774	06/18/97	Add regulations for concrete of masonry block walls
	1776	08/06/97	Amend to clarify
<b>21-25.4</b>	2003	1/26/2005	Amend PAC option
<b>21-26</b>	1585	6/18/92	Delete Family Day Care Centers as Conditional Use in R-4 Zone
<b>21-26.1.a</b>	1746	8/21/96	Add Family Day Care as a permitted use
<b>21-26.1.b</b>	1748	9/18/96	Amend to clarify

<b>21-26.1.c</b>	1720	12/20/95	Amend to delete home professional offices
	1746	8/21/96	Clarify size specifications for satellite dishes
	1748	9/18/96	Add Community Recreation Center as a conditional use in a R-4 Zone
<b>21-26.1.c.4</b>	1773	06/18/97	Amended to add boarding schools as a conditional use
<b>21-26.2.a.1(j)</b>	1774	06/18/97	Amend maximum building height
<b>21-26.2.a.1(k)</b>	1774	06/18/97	Add maximum stories
<b>21-26.2.a.2(b)</b>	1774	06/18/97	Amend to clarify
	1776	08/06/97	Amend to clarify
<b>21-26.3</b>	1774	06/18/97	Add regulations for concrete of masonry block walls
	1776	08/06/97	Amend to clarify
<b>21-27.1.a</b>	1746	8/21/96	Add Family Day Care as a permitted use
<b>21-27.1.b</b>	1748	9/18/96	Amend to clarify
<b>21-27.1.c</b>	1746	8/21/96	Delete Family Day Care as a conditional use, renumber and amend to clarify size specifications for satellite dishes
<b>21-27.2.a.1(j)</b>	1774	06/18/97	Amend maximum building height
<b>21-27.2.a.1(k)</b>	1774	06/18/97	Add maximum stories
<b>21-27.2.a.2(b)</b>	1774	06/18/97	Amend to clarify
	1776	08/06/97	Amend to clarify
<b>21-27.3</b>	1774	06/18/97	Add regulations for concrete of masonry block walls
	1776	08/06/97	Amend to clarify
<b>21-28.1.a</b>	1746	8/21/96	Add Family Day Care as a permitted use

<b>21-28.1.b</b>	1748	9/18/96	Amend to clarify
<b>21-28.1.c</b>	1746	8/21/96	Clarify size specifications for satellite dishes
<b>21-28.2</b>	1585	6/18/92	Amend Lot Coverage in R-5 Zone
<b>21-28.2.a.1(j)</b>	1774	06/18/97	Amend maximum building height
<b>21-28.2.a.1(k)</b>	1774	06/18/97	Add maximum stories
<b>21-28.2.a.2(b)</b>	1774	06/18/97	Amend to clarify
	1776	08/06/97	Amend to clarify
	1851	03/15/00	Amend in entirety
	1881	1/10/01	Amend in entirety
<b>21-28.3</b>	1774	06/18/97	Add regulations for concrete of masonry block walls
	1776	08/06/97	Amend to clarify
<b>21-29.1.a</b>	1746	8/21/96	Add Family Day Care as a permitted use
<b>21-29.1.b</b>	1748	9/18/96	Amend to clarify
<b>21-29.1.c</b>	1746	8/21/96	Clarify size specifications for satellite dishes
<b>21-29.2.a.1(j)</b>	1774	06/18/97	Amend maximum building height
<b>21-29.2.a.1(k)</b>	1774	06/18/97	Add maximum stories
<b>21-29.2.a.2(b)</b>	1774	06/18/97	Amend to clarify
	1776	08/06/97	Amend to clarify
	1851	03/15/00	Amend in entirety
	1881	1/10/01	Amend in entirety
<b>21-29.3</b>	1774	06/18/97	Add regulations for concrete of masonry block walls
	1776	08/06/97	Amend to clarify

<b>21-30.1.a</b>	1746	8/21/96	Add Family Day Care as a permitted use
<b>21-30.1.b</b>	1748	9/18/96	Amend to clarify
<b>21-30.1.c</b>	1746	8/21/96	Clarify size specifications for satellite dishes
<b>21-31.1.a</b>	1746	8/21/96	Add Family Day Care as a permitted use
<b>21-31.1.c</b>	1748	9/18/96	Amended to included structures and uses for one family dwellings as permitted in the R-2 zone
<b>21-31.1.d</b>	1748	9/18/96	Amended to included service townhouse units with recreational facilities
<b>21-31.1.e</b>	1832	8/4/99	Amend to add "Office Uses and Banks"
	1850	3/15/00	Amend to read "Office Uses"
<b>21-32.1.a</b>	1746	8/21/96	Add Family Day Care as a permitted use
<b>21-32.1.b</b>	1748	9/18/96	Amended to include structures and uses for one family dwellings as permitted in R-3 zone and senior citizen housing and townhouse units with recreational facilities
<b>21-32.1.c.</b>	1837	11/03/99	Amend to add #3 - Senior Independent Living Facilities
	2123	2/11/09	Add Affordable Residential Development
<b>21-33</b>	1770	03/19/97	Change section title
<b>21-33.5</b>	1770	03/19/97	Amend section to provide requirements for trash and recyclable materials storage area
<b>21-33.6</b>	1901	10/24/01	Add section 6 permitting flag poles on commercial sites
<b>21-33.7</b>	2111	3/16/09	Amend Regulations applying to non-residential zones for Flags
<b>21-34.1.a</b>	1746	8/21/96	Add Family Day Care as a permitted use
<b>21-34.1.b</b>	1748	9/18/96	Amend to clarify

<b>21-34.1.c</b>	1746	8/21/96	Clarify size specifications for satellite dishes
<b>21-34.2.a.1(j)</b>	1770	03/19/97	Amend to clarify
	1774	06/18/97	Amend maximum building height
<b>21-34.2.a.1(k)</b>	1774	06/18/97	Add maximum stories
<b>21-34.2.a.2(b)</b>	1774	06/18/97	Amend to clarify
	1776	06/18/97	Amend to clarify
<b>21-34.3</b>	1774	06/18/97	Add regulations for concrete of masonry block walls
	1776	08/06/97	Amend to clarify
<b>21-35.1.a</b>	1726	4/17/96	Amended to add personal trainers as a permitted use
	1746	8/21/96	Add Rug/Flooring store as a permitted use
<b>21-35.1.c</b>	1746	8/21/96	Clarify size specifications for satellite dishes
<b>21-36.1</b>	1585	6/18/92	Add Movie Theater as Conditional Use in C-2 Zone
<b>21-36.1.a</b>	1726	4/17/96	Amended to add personal trainers as a permitted use
	1770	03/19/97	Amend to include video stores as a permitted use
<b>21-36.1.c.</b>	1799	06/17/98	Amended to add 21-36.1.c.18.
<b>21-36.1.c.7</b>	1748	9/18/96	Amended to included plant nurseries, nursery stock supply and sales, and garden landscape supplies as permitted uses
<b>21-36.1.c.8</b>	1748	9/18/96	Amended to included government buildings and services as permitted uses
<b>21-36.1.c.14</b>	1746	8/21/96	Clarify size specifications for satellite dishes

<b>21-36.1.c</b>	1748	9/18/96	Amended to add Automotive rentals and leasing as a conditional use
	1779	09/03/97	Add Automotive gasoline station/C-store as a conditional use
	2093	3/19/08	Add Mixed Use Commercial and Self-Storage; add assembly and/or fabrication of light machinery or products
<b>21-37.1.a</b>	1720	12/20/95	Add Landscaping, nurseries and garden supply sales as a permitted use
	1726	4/17/96	Amended to add personal trainers as a permitted use
	1746	8/21/96	Add Landscaping, nurseries, and garden supply sales as permitted uses
	1770	03/19/97	Amend to include video stores as a permitted use
<b>21-37.1.c</b>	1720	12/20/95	Amend to delete landscaping, nurseries and garden supply sales
	1746	8/21/96	Clarify size specifications for satellite dishes
	1748	9/18/96	Amended to add Automotive rentals and leasing as a conditional use
	1779	09/03/97	Add Automotive gasoline station/C-store as a conditional use
	1799	06/17/98	Amended to add 21-37.1.c.16.
<b>21-37.2.a.10</b>	1939	9/25/02	Change Maximum Building Height from 35' to 45'
<b>21-38</b>	1861	06/29/00	Amend in entirety
	1866	10/4/00	Amend in entirety, adding 21-38.3 Regional Shopping Support Facilities Option

<b>21-38.1.a</b>	1726	4/17/96	Amended to add personal trainers as a permitted use
	1809	7/29/98	Amended to add Electronics and Computer equipment
	1915	2/27/2002	Add "Liquor Store" to list of permitted uses
<b>21-38.1.c.</b>	1799	06/17/98	Amended to add 21-38.1.c.7.
<b>21-38.1.c.1</b>	1888	4/25/01	Add Automotive Gasoline Station
<b>21-38.1.c.3</b>	1720	12/20/95	Delete Bakery Store
	1746	8/21/96	Delete Bakery store from permitted uses
	1764	02/19/97	Amend to add "Furniture Store"
<b>21-38.1.c.5</b>	1746	8/21/96	Clarify size specifications for satellite dishes
<b>21-38.2.j.9.</b>	1884	2/28/01	Amend in entirety
<b>21-38a.</b>	1680	09/21/94	Add new section 21-38(a) creating C-5 Zone
<b>21-38a.1.c</b>	1775	07/02/97	Add Paragraph 5, permitting accessory warehouses
	1799	06/17/98	Amended to add 21-38a.1.c.6.
<b>21-38a.1.c.4</b>	1754	12/04/97	Amend to clarify
<b>21-38a.2</b>	1775	07/02/97	Amend bulk standards
<b>21-38a.3</b>	1775	07/02/97	Amend to clarify
<b>21-38.1.a.1.</b>	1907	12/26/01	Add "Gun Shop" to list of permitted uses
<b>21-38b</b>	2013	5/25/05	Add C-6 Zone – Community Mixed-Use District
<b>21-39.1.a</b>	1726	4/17/96	Add 21-39.1.a.11. Mail order Distribution Facility
	1809	7/29/98	Add 21-39.1.a.12. Taxi and/or package delivery service

	1991	8/24/2004	Add "12. Automotive Detailing" to permitted uses
<b>21-39.1.c.</b>	1799	06/17/98	Amended to add 21-39.1.c.9.
	1833	09/15/99	Amend to add #10 - Automotive Service and Inventory Storage
	1879	1/10/01	Add #11- Retail Uses in Combination with Retail Development in an Adjacent C-3 Zone.
<b>21-39.1.c.8</b>	1746	8/21/96	Clarify size specifications for satellite dishes
<b>21-40</b>	2003	1/26/2005	Amend O-1/20 zone in entirety
<b>21-40.1.c.2</b>	1746	8/21/96	Clarify size specifications for satellite dishes
<b>21-41.1.a.2</b>	1883	2/14/01	Amend to clarify
<b>21-41.1.c.</b>	1799	06/17/98	Amended to add 21-41.1.c.3.
<b>21-41.1.c.2</b>	1746	8/21/96	Clarify size specifications for satellite dishes
<b>21-42</b>	1880	1/10/01	Amend to add Section 4 - Commercial Development Option.
<b>21-42.1.c</b>	1608	11/16/92	Add Rehabilitation and Vocational Training Centers as a Conditional Use in O-1/80 Zone
	1657	01/05/94	Add certain uses permitted in I-1 Zone as Conditional Uses in O-1/80 Zone
	1799	06/17/98	Amended to add 21-42.1.c.7.
<b>21-42.1.c.4</b>	1746	8/21/96	Clarify size specifications for satellite dishes
<b>21-42..b.2.[d]</b>	1943	10/24/02	Amend setback to include proposed jughandle
<b>21-42.4.a.2.</b>	1959	6/30/03	Amend to clarify
<b>21-43</b>	1839	12/17/99	Add section 4 - Planned Adult Community Development Option

	1875	01/10/01	Add 21-43.4 Planned Adult Community (PAC) Development Option
	1877	01/10/01	Add Section 5 - Senior Citizen Apartment Overlay
	2003	1/26/2005	Delete O-2 Zone
<b>21-43.1.a.</b>	1991	8/24/2004	Add 7. and 8. "Indoor Recreation Facilities" and "Career counseling services and activities" to permitted uses
<b>21-43.1.c.</b>	1799	06/17/98	Amended to add 21-43.1.c.4.
	1814	11/4/98	Add 5 - Indoor and outdoor recreational facilities.
<b>21-43.1.c.2</b>	1746	8/21/96	Clarify size specifications for satellite dishes
<b>21-43A</b>	1746	8/21/96	Create SRI - Recreation Activities Zone
<b>21-43A.1</b>	1746	8/21/96	Permitted uses for SRI Zone
<b>21-43.4.a.2</b>	1851	03/15/00	Amend in entirety
	1881	1/10/01	Amend in entirety
<b>21-44.3</b>	1585	6/18/92	Amend Canopy Signs
	1883	2/14/01	Amend to clarify
<b>21-44.5.a</b>	2093	3/19/08	Amend temporary sign fees
	2140	11/9/09	Amend temporary sign fees
<b>21-44.5.b</b>	1746	8/21/96	Amended to revise temporary signs for special events.
<b>21-44.7</b>	1629	4/21/93	Add paragraph "c." - temporary job signs
	1754	12/04/96	Add section d
	2031	9/28/05	Amend sign sizes
<b>21-45.5.c</b>	1746	8/21/96	Amended to add ADA standards.

	2031	9/28/05	Amend off-street parking requirements to mandate hairpin striping
<b>21-45.12</b>	1910	2/13/2002	Amend front yard parking for residential uses.
<b>21-45.13</b>	1844	1/5/00	Amend in its entirety
<b>21-45.13.a</b>	1748	9/18/96	Amend to clarify
	1837	11/03/99	Amend to add #5 Senior Independent Living Facilities
	1851	03/15/00	Amend in entirety
	1881	1/10/01	Amend in entirety
<b>21-45.13.c</b>	1848	9/18/96	Amend in its entirety
	1876	1/10/01	Amend to add 5' setback from property line
	1883	2/14/01	Amend to clarify
<b>21-45.17.b</b>	1748	9/18/96	Add requirements for community recreation centers.
	1809	7/29/98	Add 21 - requirements for taxi and/or package delivery
<b>21-45.17.b.5</b>	1726	4/17/96	Amended to add Mail order Distribution Facility
<b>21-45.17.b.1</b>	1748	9/18/96	Amended to clarify
<b>21-45.17.b.13</b>	1779	09/03/97	Add parking requirements for an Automotive gasoline station/C-store
<b>21-45.17.b.18</b>	1746	8/21/96	Add paragraph c
	1748	9/18/96	Add section c
<b>21-45.17</b>	1588	6/18/92	Amend Movie Theater Parking Requirements

<b>21-46.3</b>	1746	8/21/96	Amend to permit loading zones in side yards in industrial zones
<b>21-47.1.d</b>	1746	8/21/96	Delete
<b>21-47.1.d</b>	1746	10/8/97	Insert new Para. 4 and change old Para. 4 & 5 to 5 & 6
<b>21-47.1.d.3</b>	1764	02/19/97	Amend to give buffer regulations between R-3 and I-1 zones
<b>21-47.1.e-h</b>	1746	8/21/96	Renumber as 21-47.1.d-g
<b>21-47.7.b</b>	2008	3/9/2005	Amend requirements for real estate signs
<b>21-48.1</b>	1585	6/18/92	Clarify Fence Height
<b>21-48.3</b>	1746	8/21/96	Amend to include commercial, office and industrial district standards
	1748	9/18/96	Amend to clarify
	1754	12/04/96	Amend to clarify
<b>21-48.6</b>	2140	11/9/09	Amend fence requirements for swimming pools
<b>21-48.8</b>	1707	8/2/95	Exclude Township from restrictions provided for in that section
<b>21-51</b>	1657	01/05/94	Add section 29 - Industrial uses as conditional uses in an O-1/80 Zone
	1781	01/05/94	Add section 32 - Recreational Facilities in the AR-3/PRD Zone
	1799	06/17/98	Add section 33 - Wireless Telecommunications tower and antenna
	1814	11/04/98	Add section 34 - Indoor and outdoor recreational uses
	1832	08/04/99	Add section 35 - Office Uses and Banks in the R3-PRD Zone

	1833	09/15/99	Amend to add section 36 - Automotive Service and Inventory Storage in an I-1 Zone.
	1837	11/03/99	Amend to add section 37 - Senior Independent Living Facilities in the AR-3/PRD Zone
	1879	1/10/01	Add Section 38- Retail Uses in Combination with Retail Development in an Adjacent C-3 Zone.
	1888	4/25/01	Add Section 39 - Automotive Gasoline Station in a Regional Shopping Center
<b>21-51.2</b>	1754	12/04/96	Add section c. - Re: Caretaker Dwelling
	1773	06/18/97	Amend requirements for religious uses
<b>21-51.2.a</b>	1746	8/21/96	Add Maximum Building Height
<b>21-51.6</b>	1861	06/29/00	Amend in entirety
<b>21-51.11</b>	1779	09/03/97	Amend to give regulations for an Automotive gasoline station/C-store
<b>21-51.12</b>	2093	3/19/08	Amend automotive sales and service and automotive rental and leasing
<b>21-51.21</b>	1746	8/21/96	Reserve for future use
	1748	9/18/96	Amend to give requirements for Community Recreation Centers
<b>21-51.27</b>	1585	6/18/92	Add Conditional Use Requirements for Movie Theaters
	1588	6/18/92	Amend Conditional Use Requirements for Movie Theaters
<b>21-51.28</b>	1608	11/16/93	Add Conditional Use Standards for Rehabilitation and Vocational Training Centers as a Conditional Use in O-1/80 Zone

	2140	11/9/09	Amend setbacks for Rehabilitation and Vocational Training facilities
<b>21-51.30</b>	1773	06/18/97	Add section giving requirements for boarding schools
	1814	11/04/98	Amend section in its entirety
<b>21-51.30.c</b>	1776	08/06/97	Amend to clarify
<b>21-51.31</b>	1775	07/02/97	Add new section giving regulations for accessory warehouses in C-5 Zone
<b>21-51.32</b>	1810	09/16/98	Amend Section c. - bulk requirements
	1814	11/04/98	Amend in it's entirety
<b>21-51.33</b>	1809	07/29/98	Add paragraph 21-51.33.p.
	1851	03/15/00	Add paragraph "q"
	1881	1/10/01	Add paragraph "q"
<b>21-51.34</b>	1814	11/04/98	Add in it's entirety
<b>21-51.35</b>	1850	03/15/00	Amend to read "Office Uses in the R3-PRD Zone"
<b>21-51.35.b</b>	1902	11/8/01	Amend bulk requirements
<b>21-51.35(d)</b>	1848	02/02/00	Amend in its entirety
	1876	1/10/01	Amend in entirety
	1902	11/8/01	Amend in its entirety
<b>21-51.35(e)</b>	1844	01/05/00	Deleted
	1902	11/8/01	Amend access requirements
<b>21-51.37.a.</b>	1855	05/03/00	Amend bulk requirements
<b>21-51.38</b>	1866	10/4/00	Add Limited Truck Rental in a C-4 Zone conditional use.

<b>21-51.39.f.1</b>	1943	10/24/02	Amend to permit mechanical enclosures and restrooms
<b>21-51.40</b>	1936	8/14/02	Add Golf Course/Country Club in the R-1 Zone conditional use
<b>21-51.43</b>	2093	3/19/08	Amend Mixed Commercial and Self-Storage in the C-2 Zone
<b>21-51.44</b>	2093	3/19/08	Amend assembly and/or fabrication of light machinery or products in the O-1/40 Zone
<b>21-51.45</b>	2123	2/11/09	Add Affordable Apartment Flats in the AR-3/PRD Zone
<b>21-52.1</b>	1746	8/21/96	Amend to clarify satellite antenna restrictions
	1939	9/25/02	Amend Height Exceptions to include clock towers
<b>21-53.6</b>	1873	01/10/01	Add exclusion of canopies under certain conditions from lot coverage requirements.
<b>21-54.1</b>	1770	03/19/97	Amend to clarify
	1873	01/10/01	Amend to exclude canopies as per 21-53.6 from requiring Site Plans.
<b>21-55</b>	1884	2/28/01	Amend to add section 14 - Court Cluster Development
	1944	11/27/02	Amend to delete section 14 - Court Cluster Development
<b>21-55.1</b>	1883	2/14/01	Add paragraph "i"
<b>21-55.2.a.3</b>	1746	8/21/96	Amended to exempt C-1 Zone
<b>21-55.4.g.</b>	1851	03/15/00	Amend wording to measure from top of curb
	1881	1/10/01	Amend wording to measure from top of curb

<b>21-55.11</b>	2055	10/25/06	Amend Article V, Site Plan and Subdivision Design and submission requirements for stormwater management
<b>21-55.12</b>	1585	6/18/92	Add Underground Utilities Requirement
<b>21.55.13.c</b>	2055	10/25/06	Amend Article V, Site Plan and Subdivision Design and submission requirements for Off-Site and Off-Tract Improvements
<b>21-55.14</b>	2055	10/25/06	Add Storm Control
<b>21-55.14j</b>	2063	3/5/07	Amend General Maintenance requirements with regard to stormwater management
<b>21-55.14k</b>	2063	3/5/07	Amend Escrow Account requirements with regard to stormwater management maintenance and repairs
<b>21-55.14l</b>	2063	3/5/07	Amend stormwater management maintenance and repair penalties
<b>21-56.1</b>	1610	12/02/92	Except applications submitted to Minor Site Plan Committee
<b>21-56.2</b>	1610	12/02/92	Except applications submitted to Minor Site Plan Committee
<b>21-56.5</b>	1883	2/14/01	Amend to reserve for future use.
<b>21-56.6</b>	1883	2/14/01	Amend to clarify
<b>21-56.9</b>	1610	12/02/92	Add new section detailing checklist requirements for Minor Site Plan Committee review
	1716	11/20/95	Add Minor Site Plan Checklist
<b>21-57.1</b>	1751	10/16/96	Amended to clarify
<b>21-57.2</b>	1751	10/16/96	Amended to clarify
<b>21-57.3</b>	1751	10/16/96	Amended to clarify
<b>21-57.4.a</b>	1748	9/18/96	Amended to clarify

<b>21-57.4.b</b>	1748	9/18/96	Amended to add storm drainage facilities and driveways
<b>21-57.4.e</b>	1751	10/16/96	Amended to clarify
<b>21-58</b>	1751	10/16/96	Amended to clarify
<b>21-62</b>	1751	10/16/96	Amended to clarify
<b>21-62.2</b>	1751	10/16/96	
<b>21-62.2.a</b>	1748	9/18/96	Renumbered
<b>21-62.3</b>	1751	10/16/96	Amended to clarify
<b>21-62.4</b>	1751	10/16/96	Amended to clarify
<b>21-62.6</b>	1751	10/16/96	Amended to clarify
<b>21-65</b>	1986	7/14/2004	Amend to increase maximum fine to \$1250.00

**LIST OF COMPREHENSIVE LAND USE ORDINANCE AMENDMENTS**  
(SORTED BY SECTION)

<u>SECTION</u>	<u>ORD.</u>	<u>DATE</u>	<u>DESCRIPTION</u>
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