

ORDINANCE #2163

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 21 OF THE COMPREHENSIVE LAND
DEVELOPMENT ORDINANCE OF THE
TOWNSHIP OF OCEAN**

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

1. Chapter 21, The Comprehensive Land Development Ordinance of the Township of Ocean is hereby amended and supplemented to read as follows:
2. Article IV, Subsection 21-18 Official Zoning Map is hereby amended to create an "Alternative Single-Family Overlay Residential Option" in the R-3 Zone on the following lots:

Block 25.15 Lots 37, 38, 42, 44 & 45

3. ARTICLE IV Subsection 21-25 shall be amended to add:

21-25.25 Alternative Single-Family Overlay Residential Option. The purpose of the R-3 Alternative Single-Family Overlay Residential Option is to provide for an alternative single family residential infill development on minimum 5 acre tracts with a gross density of not more than 3.4 units/acre and lots of no less than 7,000 sq. ft.

a. 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:

1. Principal permitted uses and structures.
 - (a) Detached one-family dwelling.
 - (b) Family day care home
2. Accessory buildings and structures:
 - (a) Accessory structures including, but not limited to decks, sheds, pools, play courts, basketball nets, and play equipment, are prohibited unless specifically permitted below.
 - (b) One project identification sign, limited to a height of 5' and a sign area of 32 sq. ft., is permitted. The sign shall be located on commonly owned property a minimum of 15' from any street right-of-way or any street pavement, whichever is greater.
 - (c) Fences and hedges shall be subject to the special conditions of this chapter.
 - (1) Permitted fencing is limited to open fencing around the perimeter of any subdivision, on residential property lines that are coincident with common lands under Homeowner Association ownership, or along common rear property lines of abutting residences. Such fencing shall not exceed 6' in height, except that any fencing within 30' of a street right-of-way or pavement shall not exceed 4' in height. For the purpose of this requirement, open fencing is defined as estate style ornamental fencing that has no more than 1/4 of the area of its face in any 8' section, as measured from the highest point of the fence to the ground, consisting of fencing materials. Plantings shall be provided along the fence to soften the appearance of the fence where the rear property line of a residential lot that is created by any subdivision within the overlay zone abuts a property line of any existing adjacent residential lot. Such plantings shall be a mix of evergreen and deciduous materials and shall not form a screen. For the purpose of Section 21-25.5, a privacy screen is a grouping of plants exceeding 3'

in height that form a visual barrier for a distance of 8' or longer. All such fencing and landscaping on residential lots shall be located within an easement granted to the Homeowners Association for the purpose of control and maintenance of the fencing and landscaping. Individual lots or yards may not be fenced-in with an enclosure.

- (2) Privacy screens and fences may be planted around patios and may not exceed 5' in height. Privacy screens and fences around patios shall not exceed 30 linear feet in total length for each individual dwelling unit.
- (3) Privacy screens and fences around patios and open perimeter fencing shall comply with all other requirements and restrictions for fencing within Chapter 21.
- (d) One (1) patio per dwelling, not exceeding 325 sq. ft. in area shall be permitted. Front porches shall be permitted provided they are covered by a roof and meet the front and side setback requirements of the principal dwelling.

b. Development Standards. The Alternative Single-Family Overlay Residential Option Zone specified herewith shall be occupied only as indicated in this chapter and shall only be located on a contiguous tract of 5 acres or greater.

1. Principal buildings.

- (a) Maximum gross density - 3.4 units per acre
- (b) Minimum lot area - 7,000 sq. ft.
- (c) Minimum lot width - 60 feet
- (d) Minimum lot depth - 100 feet
- (d) Minimum front yard setback
(measured from the homeward edge of the sidewalk or curb in the event there is no sidewalk) - 20 feet to the residential portion of the building
- 22 feet to any garage
- (e) Minimum side yard setback - 7.5 feet
- (f) Minimum rear yard setback - 15' feet to the first story above grade
- 25' for all other stories above grade
- (g) 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.
- (h) Maximum lot coverage
 - building - 45% of buildable lot area
 - impervious - 67% of buildable lot area

- (i) Maximum building height - 30 feet
- (j) Maximum stories - 2 stories above grade

2. Other Provisions and Requirements.

- (a) Off-street parking is required subject to the following:

- 2 Bedroom 1.5 spaces
- 3 Bedroom 2.0 spaces
- 4 Bedroom 2.5 spaces
- 5 Bedroom 3.0 spaces

Note: A 2 car garage with a minimum 20' long driveway shall count as 3.5 parking spaces.

- (b) To allow adequate room for on-street parking, street pavement width shall be 30', and driveways shall be located so as to allow for the maximum amount of on-street parking.
- (c) A landscaped buffer shall be placed along all public street frontages except for residential lots that have driveway access to a public street. This buffer shall be a minimum of 25' wide on common land, 15' wide on residential lots, and include a berm of varying heights, but a minimum of 2' high. The buffer area shall include a substantial planting of evergreen trees, shrubs and deciduous trees, and may also include fencing as permitted in this section. 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.
- (d) 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.
- (e) No portion of any garage shall be converted to living space.
- (f) Street trees shall be located a minimum of 30' on centers, and no fewer than 2 street trees shall be provided per lot.
- (g) The applicant shall be required to provide affordable or workforce housing, or a donation to a fund established to construct affordable or workforce housing if such housing is required by State regulation or law. The decision as to whether the applicant shall provide a donation or construct such housing shall be at the sole discretion of the Township, unless otherwise dictated by State regulation or law. Such housing construction or donation shall be in accordance with the requirements or regulations of the New Jersey Council on Affordable Housing or its successor agency or, in absence of such agency, in accordance with the applicable State regulations governing the provision of affordable or workforce housing that are in effect at the time of final subdivision approval. The housing or donation shall be provided at the time of the issuance of the first building permit or prior to the sale of the first lot if the subdivision is not to be built by one developer.
- (h) A Homeowners Association shall be required to be established by a Master Deed. The homeowners association shall be, at a minimum, responsible for control and maintenance of all drainage structures, fencing, and common open space within the development.
- (i) No street or driveway access shall be permitted to Monmouth Rd.

- (j) 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. Architectural plans shall include floor plans and elevations indicating the number of bedrooms, styles, materials and colors of all proposed buildings. Building styles, materials and colors shall maintain a consistent theme throughout the development, 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.

4. All other ordinances or parts of ordinances inconsistent thereof are hereby repealed to the extent of such inconsistencies.

5. 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.

6. 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.

| Record of Vote | Deputy Mayor Hiers | Councilman Garofalo | Councilwoman Schepiga | Councilman Siciliano | Mayor Larkin |
|-------------------|-----------------------|------------------------|--------------------------|-------------------------|-----------------|
| Motion To Approve | | | | | |
| Motion to Second | | | | | |
| Approved | | | | | |
| Opposed | | | | | |
| Not Voting/Recuse | | | | | |
| Absent/Excused | | | | | |

CERTIFICATION

*I hereby certify that this is a true copy of an Ordinance introduced by the Township of Ocean Governing Body at their meeting held on **January 10, 2011**.*

 Vincent Buttiglieri, RMC/CMC
 Township Clerk