

ORDINANCE #2164

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

WHEREAS, the Township Committee of the Township of Ocean, Monmouth County, entered into a settlement of a Mount Laurel law suit known as Martelli at Wayside, LLC v. Township of Ocean, et al., Docket No. MON-L-5221-09 (“Litigation”),

WHEREAS, as part of the settlement, the Township and developer agreed to create an overlay zone for the property known and designated as Lots 33, 33.01, 34, 35, and 36 in Block 37.16 (“Tract”),

WHEREAS, the overlay zone would permit single-family development in the R-2 Zone on smaller lots at a higher density than presently what is permitted in the R-2 Zone,

WHEREAS, in furtherance of the settlement agreement in connection with the Litigation, the Township Committee proposes the following overlay zone for the above referenced Tract.

BE IT ORDAINED, by the Council as follows:

SECTION 1.

Chapter 21 of the Code known as the Land Development Ordinance is hereby amended by adding the following section:

§21-24A R-2 High Density Single-Family Residential Overlay Zone (“R-2HD”)

The purpose of the R-2HD Zone is to create an overlay zone for certain properties within the R-2 Zone known and designated as Lots 33, 33.01, 34, 35, and 36 in Block 37.16 pursuant to a settlement agreement in litigation known as Martelli at Wayside, LLC v. Township of Ocean, et al., Docket No. MON-L-5221- 09. The provisions set forth herein encourage future development of smaller, single-family homes at a higher density.

§21-24A.1 Permitted Uses.

- a. Principal permitted uses and structures
 1. Single-family residential dwellings.
- b. Accessory buildings not to exceed 10 ft. in height, structures and uses including:
 1. Fences in accordance with Chapter 21-48.
 2. Private Decks.
 3. Private Patios, Pools and Sheds.
 4. Development Identification Sign. Two (2) permitted and located at least 2 feet beyond any proposed right-of-way line. If the identification sign is located on property not owned by a homeowner’s association, easements must be provided for sign locations. The identification sign shall have a maximum area of 20 sq. ft. and a height of 5 ft.
 5. Development Gate House, not to exceed 150 sq. ft., provided that the road servicing the development is a private road. If the road servicing the development is a public right-of-way, no gate house is permitted. A height of 15 ft. is permitted for the Gate House.

§21-24A.2 Development Standards.

The R-2HD zone specified herewith shall be occupied only as indicated in this chapter.

a. Single Family Homes

1. Principal Buildings

- (a) Minimum Gross Tract Area – 14 acres
- (b) Minimum Lot Size – 9,750 sq. ft. *(for lots along Bowne Road, the minimum lot size shall be 9,000 sq. ft. and the minimum lot depth shall be 120 ft.)*
- (c) Minimum Lot Width – 75 feet
- (d) Minimum Lot Depth – 130 feet *(for lots along Bowne Road, the minimum lot size shall be 9,000 sq. ft. and the minimum lot depth shall be 120 ft.)*
- (e) Minimum Front Yard Setback – 25 feet
- (f) Minimum Rear Yard Setback – 40 feet
- (g) Minimum Side Yard Setback – 10 feet
- (h) Maximum Building Height – 35 feet from the highest point of finished grade at the front of the building or 2 stories, which ever is less
- (i) Maximum Building Coverage – 38% of the buildable lot area
- (j) Maximum Lot Coverage – 70% of the buildable lot area
- (k) Maximum Permitted Density – 2.1 units/acre

2. Accessory Structures

- (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. No such accessory structures, however, shall be located within the perimeter buffer required by §21-24A.3.

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.

§21-24A.3 Other Provisions and Requirements.

- a. A perimeter buffer consisting of existing and/or proposed plantings of at least 25 feet in width shall be provided. The perimeter buffer may be located within required rear yard setback area and shall be subject to a landscape buffer easement to prevent its removal. The perimeter buffer does not apply to lots accessing Bowne Road.
- b. §21-20.16 concerning soil removal shall not apply to this overlay zone in connection with the initial construction of residential dwellings as part of any subdivision approval. However, upon issuance of certificate of occupancy for a residential dwelling on a lot created as part of a subdivision within this overlay zone, all future development on that lot must comply with §21-20.16 related to soil removal.
- c. The finished grade at the front of each house shall be no more than 36” below the finished floor elevation.
- d. The finished grade at the rear of each house shall be no more than 54” below the finished floor elevation.
- e. For the lots that have frontage on Bowne Road but the driveways access the interior road, there shall be the creation of an open space lot, 10 ft. in width along the rear property line along the Bowne Road right of way. The 10 ft. wide open space lot shall consist of plantings and / or a berm, existing or proposed, at the discretion of the Planning Board. The 10 ft. wide open space lot can count towards any buffer or setback requirement for an adjoining lot.
- f. Any open space lots as part of the development do not have to comply with the development standards contained herein.
- g. Any open space lots or private roads have to be owned and managed by a homeowner’s association.

SECTION 2

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall be unaffected thereby.

SECTION 3.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict.

SECTION 4.

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Clerk.

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 adopted by the Township of Ocean Governing Body at their meeting held on **January 10, 2011.***

Vincent Buttiglieri, RMC/CMC
Township Clerk