

**BOROUGH OF LAKE COMO
1740 MAIN STREET, P.O. BOX 569
LAKE COMO, NJ 07719**

PLANNING BOARD AGENDA

**DECEMBER 14, 2020
REGULAR MEETING**

**7:00 PM
LAKE COMO**

I. CALL TO ORDER

II. SUNSHINE LAW:

THE NOTICE REQUIREMENTS OF R.S. 10:4-18 OPEN PUBLIC MEETINGS ACT HAVE BEEN SATISFIED BY THE PUBLICATION OF THE REQUIRED ADVERTISEMENT IN THE COAST STAR ON JANUARY 23, 2020, AND BY POSTING IT ON THE BULLETIN BOARD IN BOROUGH HALL. A COPY OF THE SAID NOTICE HAS BEEN FILED WITH THE BOROUGH CLERK AND SENT TO THE COAST STAR. NOTICE OF THE VIRTUAL MEETING WILL ALSO BE POSTED ON THE FRONT DOOR OF BOROUGH HALL AND POSTED ON THE WEBSITE. ALL MEETINGS ARE OPEN TO THE PUBLIC.

**** SEE ATTACHED
INFORMATION FOR THE
ZOOM INVITATION**

**** FLAG SALUTE ****

III. ROLL CALL

**IV. COMMUNICATIONS
NONE**

**V. FORMAL APPLICATION
SLICNER, ELAINE & RONALD
1808 LAUREL TERRACE**

BLK - 17 LOT - 34

**VI. DISCUSSION ON ORDINANCE CHANGES CHAIRMAN CAVALUZZI
FOR RE-EXAMINATION REPORT/MASTER PLAN**

**VII. PLANNING & ZONING DISCUSSION
REDEVELOPMENT COMMITTEE JOE CAVALUZZI/ALAN HILLA
(WILL GIVE UPDATE AS NEEDED)**

**VIII. UPDATES
NONE**

IX. FUTURE MEETING DISCUSSIONS
STONES IN DRIVEWAYS, GRADING PLAN

X. MINUTES TO BE APPROVED
MINUTES TO BE APPROVED AS TYPEWRITTEN AND/OR E-MAILED.

XI. MOTION TO ADJOURN

**THE NEXT REORGANIZATION & REGULAR MEETING OF THE LAKE COMO
PLANNING BOARD WILL BE HELD VIRTUALLY ON MONDAY, JANUARY 11, 2021
AT 7:00 PM ALL MEETINGS ARE OPEN TO THE PUBLIC.**

**The Planning Board Meeting for Monday, December 14, 2020, will be held at 7:00 pm via
Zoom:**

Join Zoom Meeting

**[https://zoom.us/j/93696585552?pwd=L2VCMjFhYk9aZTIKUC8vOFI5dXNk
QT09](https://zoom.us/j/93696585552?pwd=L2VCMjFhYk9aZTIKUC8vOFI5dXNkQT09)**

Meeting ID: 936 9658 5552

Passcode: 183118

One tap mobile

+13017158592,,93696585552#,,,,,0#,,183118# US (Washington D.C)

+13126266799,,93696585552#,,,,,0#,,183118# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington D.C)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 936 9658 5552

Passcode: 183118

Find your local number: <https://zoom.us/u/acJ7h84AKz>

Clk# 7318 \$ 70 Rec'd by VHK Date 8/27/20 Permit # 2036

* A NON-REFUNDABLE \$70.00 FEE MUST BE SUBMITTED WITH THIS APPLICATION *

Borough of Lake Como

Zoning Application for Residential and Commercial Properties

1. **Address of Property:** 1808 LAUREL TEE.

Block: 17 **Lot:** 34 **Zone:** _____

2. **Property Designation:** Single Family ☒ Multi Family _____ Commercial _____

3. **Applicant's Name*:** RONALD & ELAINE SLICNER

Address: 66 LABAW DR, CRANBURY, N.J. 08512

Phone Number: 609-860-1370 - *C-732-983-2771

***Applicant is:** Owner ☒ Contractor _____ Other _____
(If other, please describe) _____

4. **Owner's Name:** SAHE

Address: _____

Phone Number: _____

5. **Type of Proposal: (please check)**

<input type="checkbox"/> New Home	<input checked="" type="checkbox"/> Alteration to Existing Home: 1 - 1 1/2 Story	<input type="checkbox"/> 2 - 2 1/2 Story
<input type="checkbox"/> Pool: Above Ground	<input type="checkbox"/> In-Ground	
<input type="checkbox"/> Shed	<input type="checkbox"/> Fence	<input checked="" type="checkbox"/> Deck
		<input checked="" type="checkbox"/> Other *If other, please describe: <u>REPAIR AND EXPAND FRONT PORCH.</u>
Water Line: Existing	<input type="checkbox"/> New	<input type="checkbox"/> Upgraded
Sewer Line: Existing	<input type="checkbox"/> New	<input type="checkbox"/> Upgraded

Dimension of New Building/Addition: FRONT PORCH. 16' x 6' **Height of New Building/Addition:** _____
Area of New Building/Addition: _____ **sq. ft.** **Number and Types of Rooms:** 0

* If multiple additions are being applied for, itemize the additions and provide all pertinent information for each addition as requested above. * If addition is a pool, please indicate type and height of fencing.

Additional Information:
CURRENT FRONT PORCH IS 6'W X 4'D - WOULD LIKE TO
EXPAND TO 16'W X 6'DEEP
18'W X 5'D.

6. *** Must Submit Two (2) Copies of Plot Plan/Survey Indicating Proposed Structures with Dimensions and Setbacks from Property Lines ***

7. Applicant certifies that all statements and information made and provided as part of this application are true to the best of their knowledge, information and belief. Applicant further states that all pertinent municipal ordinances, and all conditions, regulations and requirements of site plan approvals, variances, and other permits granted with respect to said property shall be complied with.

Signature of Applicant

Date

Ronald Slicer

Aug 27, 2020

APPLICATION REVISED 10/20/2020

Office Use Only

Zoning Reviewer:

MARK FESSLER

Date: 8/27/2020

Application Complete:

Yes ☒

No ☐

Approved:

Rejected:

* AS NOTED

Planning/Variance Board action needed:

Yes ☒

No ☐

Proposed Work Needs Construction Permits:

Yes ☒

No ☐

Mercantile License Needed?

Yes ☐

No ☒

Notes:

- * CURRENT FRONT STOOP/DECK IS 6 FT. WIDE & 4 FT. DEEP.
- * CURRENT FRONT YARD SETBACK TO HOUSE IS 13'1" TO THE PROPERTY LINE & 12'-0" TO THE SIDEWALK.
- * EXISTING FRONT YARD AREA IS THEREFORE 360 S.F. (12'x30') AND WOULD REQUIRE A MINIMUM OF 180 S.F. (50%) TO BE LEFT "OPEN" FOR "LANDSCAPING" AREA.
- * THE PRESENT FRONT YARD "HARDSCAPING" IS 140 S.F. (24' STOOP + 32' WALK + STEP + 84' DRIVEWAY) LEAVING 220 S.F. (61.1%) LEFT FOR "LANDSCAPING AREA" & THE EXISTING FRONT SETBACK TO THE PORCH STOOP IS 9.1' (WHERE 10'-0" IS REQUIRED) BUT
- THE PROPOSED FRONT YARD "HARDSCAPING" IS 204 S.F. (96' DECK + 24' WALK + STEP + 84' DRIVEWAY) LEAVING 156 S.F. (43.3%) LEFT FOR "LANDSCAPING AREA" WHERE 50% IS REQ'D. AND THE PROPOSED FRONT YARD SETBACK TO THE DECK IS 7 FT (10'-0" MIN. REQ'D.)
- * NOTE: A MINIMUM OF 2'-0" IS REQUIRED AS A SETBACK FOR THE BOTTOM STEP TO THE SIDEWALK (WHICH SHOULD NOT BE A PROBLEM IN THIS CASE BECAUSE THERE IS 6'-0" FROM THE DECK TO THE SIDEWALK).

Mark Fessler
10/21/2020

NOTE: THIS CERTIFICATION IS MADE ONLY TO HEREON NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF HEREIN DELINEATED PROPERTY BY THE NAME PURCHASER, NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING BUT NOT LIMITED TO USE OF SURVEY FOR SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION EITHER DIRECTLY OR INDIRECTLY

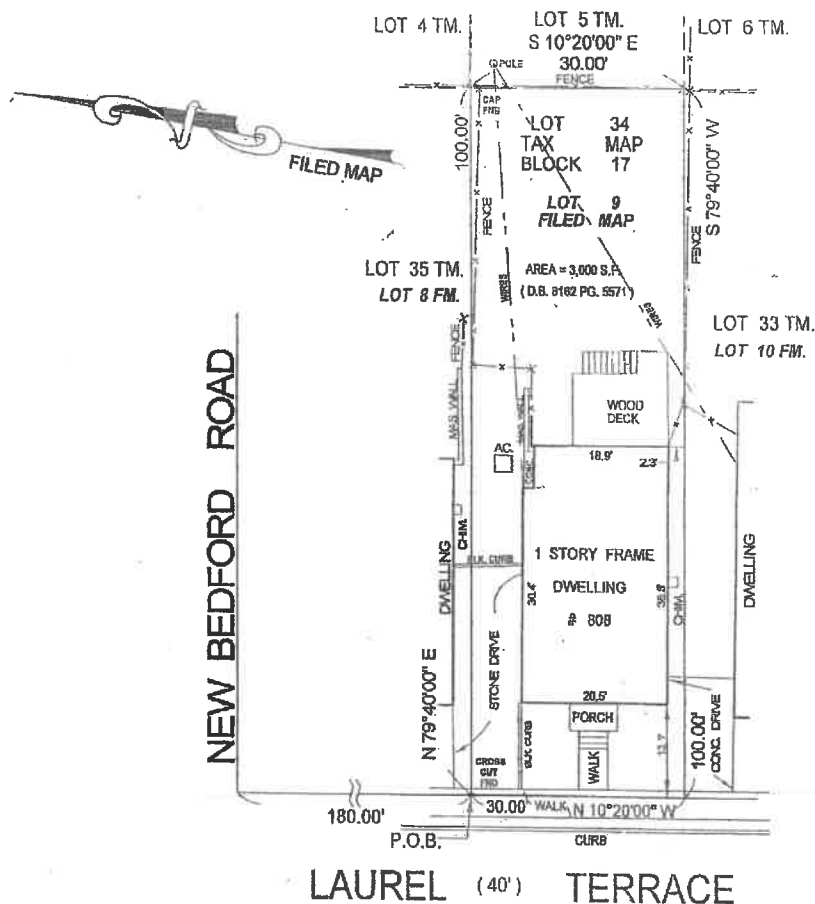
NOTE: THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF ANY TITLE REPORT AND/OR SEARCH. THE PROPERTY SHOWN HEREON, MAY BE SUBJECT TO VARIOUS EASEMENTS AND/OR "RIGHTS OF OTHERS". THIS SURVEY IS SUBJECT TO REVISIONS AS SUCH A REPORT AND/OR SEARCH MAY REVEAL.

THIS SURVEY DOES NOT DETERMINE THE EXISTENCE, NONEXISTENCE OR LOCATION OF FRESHWATER WETLANDS OR OTHER ENVIRONMENTAL CONDITIONS.

NOTE: UNDERGROUND UTILITIES, IF ANY, HAVE NOT BEEN LOCATED.

"A WRITTEN 'WAIVER AND DIRECTION NOT TO SET CORNER MARKERS' HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L.2003, c.14(C45:8-36.3) and N.J.A.C. 13:40-5.1 (d).

NOTE: SURVEY SUBJECT TO EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.



PROPERTY ALSO KNOWN AS LOT 9 AS SHOWN ON MAP OF BELMAR PINES, WALL TOWNSHIP, MONMOUTH COUNTY, N.J., FILED : JUNE 28, 1921, CASE # 21 - 18

SURVEY OF PROPERTY FOR: RONALD SLICNER and ELAINE SLICNER
SITUATED IN: BOROUGH OF LAKE COMO, MONMOUTH COUNTY, N.J.
PREPARED BY: THOMAS M. ERNST & ASSOCIATES, PROFESSIONAL LAND SURVEYORS, INC.
457 SPOTSWOOD-ENGLISHTOWN ROAD P.O. BOX 221 JAMESBURG, N.J. 08831
CERTIFICATE NUMBER 24GA27967000 PHONE (732) 251 - 1001 FAX (732) 251 - 9470
DATE: APRIL 18, 2012 SCALE: 1" = 20'

CERTIFIED TO: RONALD SLICNER and ELAINE SLICNER;
LIVE WELL FINANCIAL, INC., ISAOA;
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY;
EAST COAST TITLE AGENCY;
PETER A. VIGNUOLO, ESQUIRE

01250934

MICHAEL S. LYNCH
PROFESSIONAL LAND SURVEYOR
NEW JERSEY LIC. # 35382

Exhibit "A"

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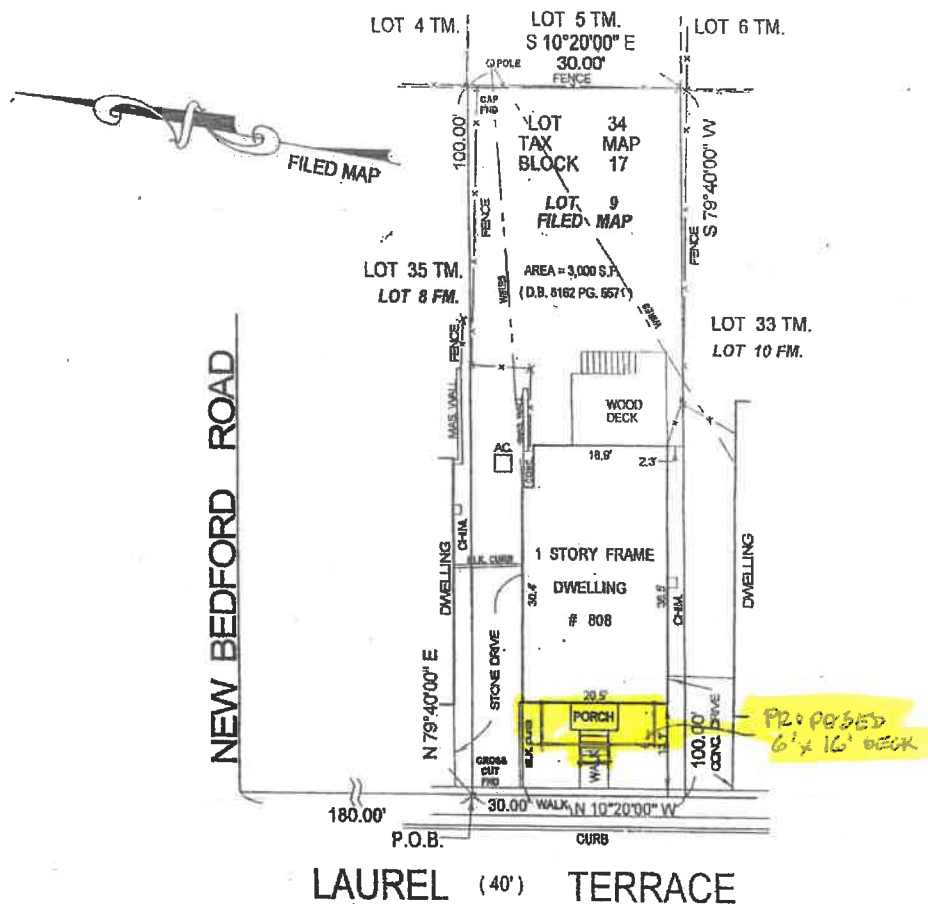
NOTE: THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF ANY TITLE REPORT AND/OR SEARCH. THE PROPERTY SHOWN HEREON, MAY BE SUBJECT TO VARIOUS EASEMENTS AND/OR "RIGHTS OF OTHERS". THIS SURVEY IS SUBJECT TO REVISIONS AS SUCH A REPORT AND/OR SEARCH MAY REVEAL.

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LIVE WELL FINANCIAL, INC., ISAOA;
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY;
EAST COAST TITLE AGENCY;
PETER A. VIGNUOLO, ESQUIRE

01250934

MICHAEL S. LYNCH
PROFESSIONAL LAND SURVEYOR
NEW JERSEY LIC. # 35382

Exhibit "A"



Borough of Lake Como

1740 Main Street, [REDACTED] • Lake Como, New Jersey 07719- [REDACTED]
(732) 681-3232 • FAX (732) 681-8981

Kevin G. Higgins
Mayor

FORMAL
PLANNING BOARD APPLICATION

Louise A. McKosh
Borough Clerk/Administrator

For Municipal Use Only

Application No. 20-
Received by Clerk: 10-5-20
Fees Collected: 15300.00 App ESL @
Hearing Date: 10-19-20 12/14/20
Resolution Adopted by Board: _____
() Granted () Denied

=====

If something is not applicable to application being submitted, please specify with N/A.

1. Applicant(s) Name RONALD + ELAINE SLICNER
& Address 1808 LAUREL TERRACE
LAKE COMO NJ 07719
Telephone No. _____
2. If the applicant is being represented by an attorney, please state name, address, and telephone no. NO
3. Applicant is:
Corporation _____
Partnership HUSBAND + WIFE
Individual _____
Other _____

NOTE: If applicant is a corporation or a partnership, please attach a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership.

4. The relationship of applicant to the property in question is: X Owner _____ Lessee

1.

1740 Main Street, [REDACTED] • Lake Como, New Jersey 07719- [REDACTED]
(732) 681-3232 • FAX (732) 681-8981

5. If applicant is not Owner, please state name and address and telephone number of Owner:

NOT APPLICABLE

6. Application is a request for the following:

- () Preliminary Site Plan
() Final Site Plan
() Joint Preliminary and Final Site Plan
() Minor Subdivision (3 or less lots)
() Preliminary Subdivision
() Final Subdivision
() Joint Preliminary and Final Subdivision
(X) Variance requests - please specify _____
including Bulk or Use Variances _____

() Informal Hearing

7. Give brief description of application: REPLACE
EXISTING FRONT PORCH WITH NEW PORCH

8. Street Address of Property: 1808 LAUREL TERRACE
Block: 17 Lot(s): 34 ****Must be Current Blk/Lot**

9. Use of Property: Existing FRONT PORCH 4-6
Zone RESIDENTIAL Proposed 6 x 16

Lot Area: 30 x 100 Building Area: FRONT OF HOUSE

10. Map Information: Map Dated _____
Prepared by _____
Map Entitled _____

11. Additional comments by applicant which may be relevant to hearing: CURRENT PORCH IN NEED OF
REPAIR/REPLACEMENT WE WOULD LIKE TO
MAKE IT LARGER

I certify that the statements and information contained in this application are true.

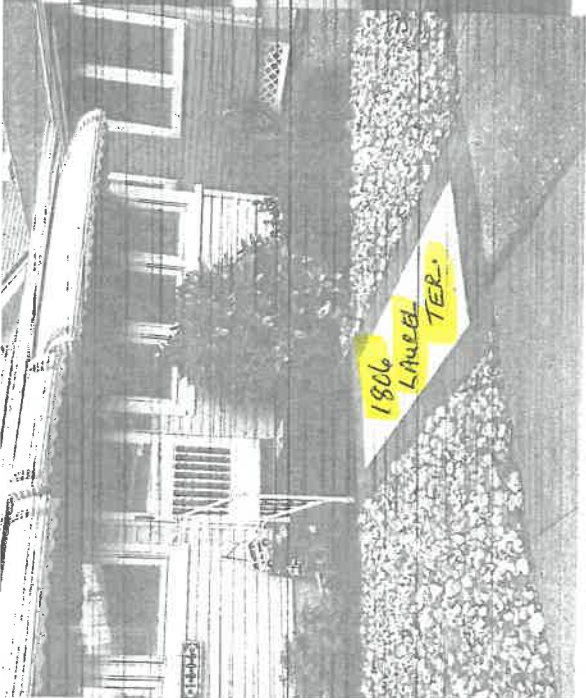
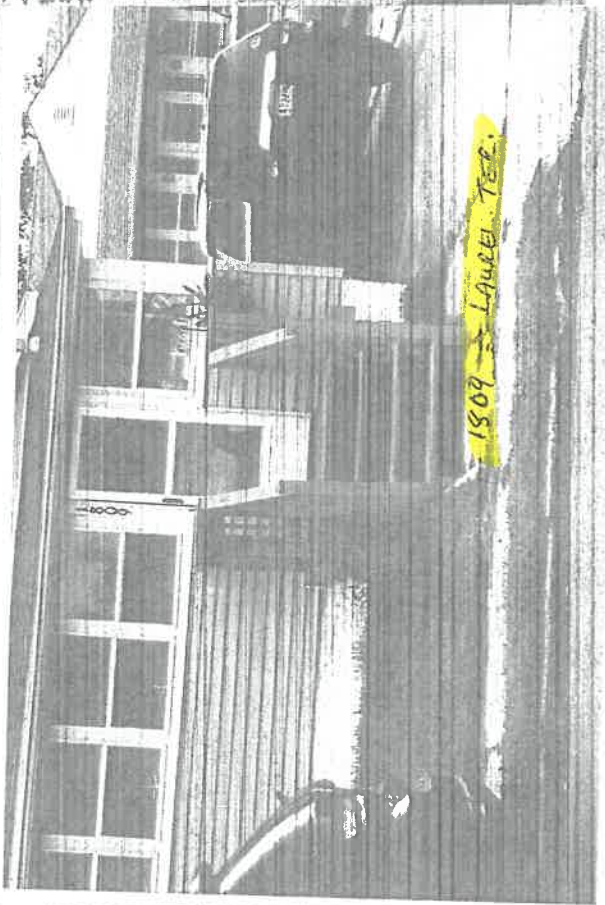
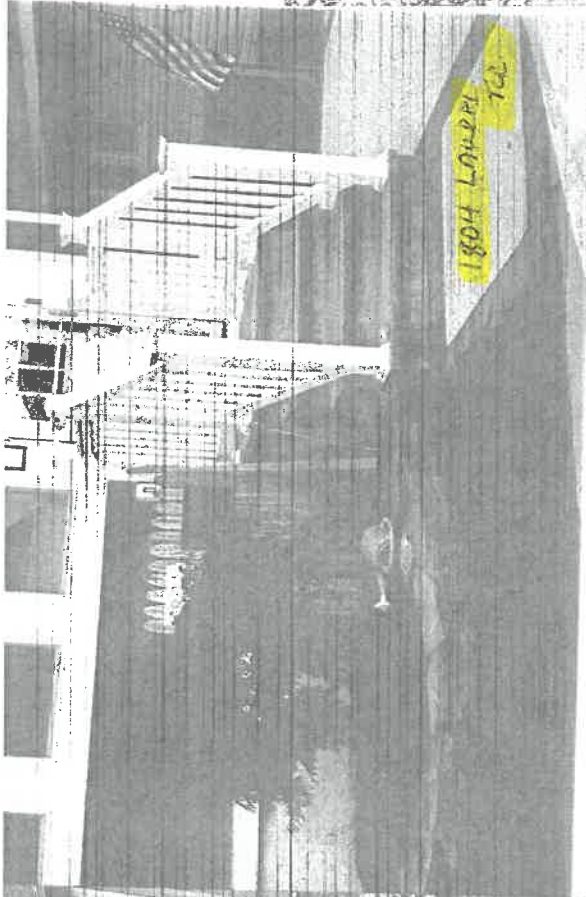
10-5-20
Date

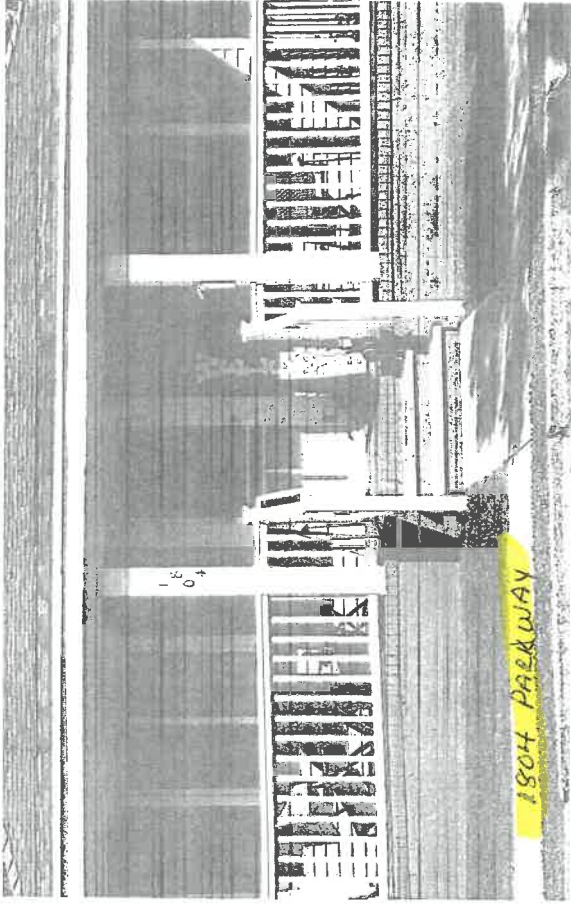
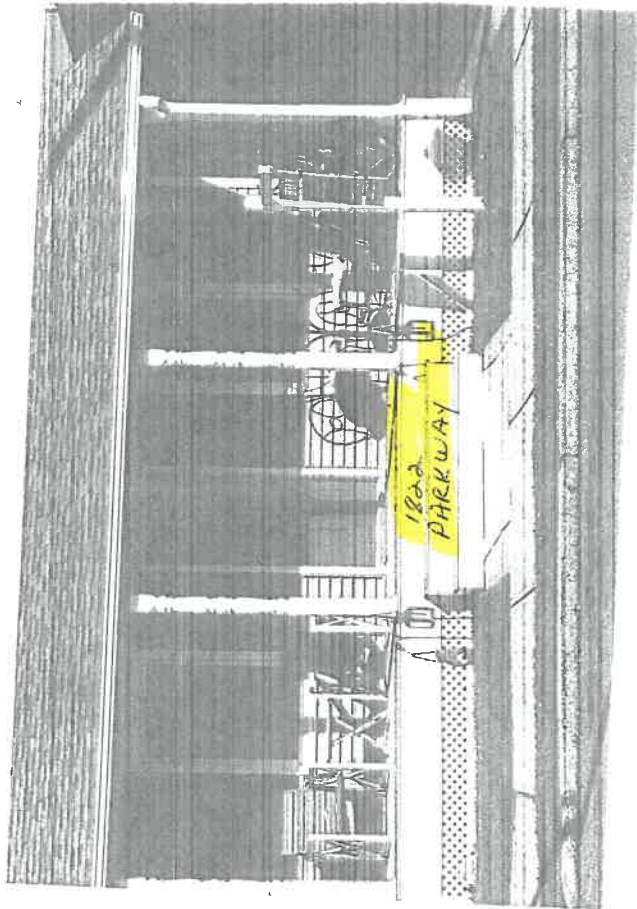
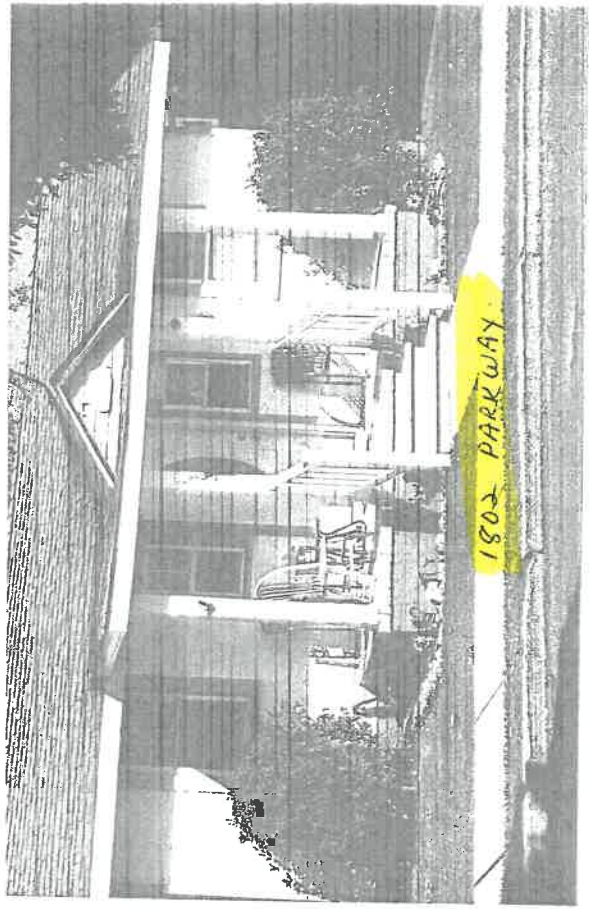
Ronald Alvar
Applicant/Agent

I authorize the applicant to submit this application and process for approval.



1808 LAUREL







5.0 SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN AND DEVELOPMENT REGULATIONS

Since the adoption of the 2009 Master Plan Update, the Planning Board, and the Administration have identified some inconsistencies and issues with the current land use regulations. Accordingly, the following suggested discussion topics and ordinance changes would help eliminate those inconsistencies.

- a. **Specifically list Radio Towers as a non-conforming use** – This recommendation became self-evident through the course of and aftermath of the Greater Media hearings and legal proceedings. By convention, any use not specifically listed as permitted is considered non-conforming. Unfortunately, even this convention was challenged through the Greater Media processes. A specific prohibition within the ordinance would forever obviate the intent and desires of the Borough with regard to radio towers.
- b. **Consider the future of marijuana dispensaries along Main Street** – Given the central location of the Academy Charter High School along Main Street, the bulk of the commercial district along Main Street is within 1,000 feet of the school. While marijuana usage may be legalized at some point, crafting prohibitions with respect to proximity to the school may be warranted.
- c. **Consider strengthening the maximum allowable number of stories through creation of Floor Area Ratio (FAR) limits** – As it stands currently, any request for an increase of stories is technically a bulk variance. The introduction of a FAR limit would force applicants in most cases to seek a use criteria variance (d(4)) when desirous of a structure with more than 2-1/2 stories.
- d. **Create definitions and criteria for ordinary accessories and features** – This recommendation would include patios, decks, mechanical equipment, arbors, pergolas, and other structures that may have a common connotation but no precise codified definition.
- e. **Prohibition of sumps and limitations of basements to 1-2 feet above Seasonal High Ground Water Table** – This item stems from the problem of sump pumps discharging to Borough streets, causing either standing water or icing problems, or illicit connections to the sanitary sewer.
- f. **Consider the openness of “offices and office buildings” as permitted uses** – This item relates to the non-specific identification of these structures as permitted uses. The Board should consider if there are any undesirable offices or uses to determine if the openness is warranted, or if specific uses, such as professional offices, medical offices, and the like (with definitions) should be interjected into the ordinance.
- g. **Consider making utility grade telecommunications installations a conditional use Borough-wide** – This item relates to evolving technology that can be building top mounted and provide additional capacity for wireless telecommunications between dedicated cell tower sites.
- h. **Develop a completeness checklist for Planning Board Applications** – As no checklist currently exists, application completeness is left solely to the quantitative and qualitative review of submissions by the Board Engineer. The codification of an official checklist would allow the Board’s administrative staff the ability to nearly determine quantitative completeness before ever involving the Board Engineer and the other professionals.
- i. **Require Grading Plans for all development exceeding some set amount of disturbance** – This item has been at issue Borough-wide for some time, and has become standard in most local municipalities. Although the ordinance currently prohibits the passage of stormwater from one property to another, the grading plans would require applicants to consider these items prior to building, and demonstrate to Borough officials that controls are possible and reasonable.



- j. **Consider defining and developing criteria for partial destruction of principal structures** – This item recently became a consideration following a tragic fire at high profile residential structure along the lake. It was realized post-fire that the ordinance provides essentially no guidance on reconstruction of significantly damaged properties, and this lack of guidance slowed the recovery process available to the owners.
- k. **Consider modifying parking regulations to more align with flex uses within the Business Zone** – This item is seen as a positive step toward helping ensure that available commercial space would have flexibility to allow a wider range of permitted uses through Zoning Permit issuance.

6.0 REDEVELOPMENT RECOMMENDATION

The Borough continues to not have any specific redevelopment areas; however, early discussions of the Main Street Committee have mentioned the possibility for some parts of Main Street. This issue will be considered more thoroughly with the Committee and the Borough as the work of the committee becomes more refined.

CHAIRMAN JOE C.'S COMMENTS



Graham, Viveca <vgraham@boro.lake-como.nj.us>

Joe's notes on reexamination report discussion from November meeting

1 message

Joe Cavaluzzi <joecavaluzzi1@gmail.com>

Wed, Dec 9, 2020 at 11:38 AM

To: "Alan P. Hilla" <AHilla@h2m.com>, Pat Schneider <aschneiderlawoffice@comcast.net>, Mark Fessler <markfesslerarchitect@gmail.com>, Kevin Higgins <khiggins@boro.lake-como.nj.us>, Viveca <vgraham@boro.lake-como.nj.us>

Hi All,

Here are my notes with the suggestions we discussed during the Master Plan Reexamination discussion at the last meeting. Please let me know if there are any inaccuracies or if there is something else we should include.

After I hear back from you we will send them to the board members Friday.

Also, please note the ACTION items for followup so each of you can address progress on them at the meeting.

Thanks

Joe

--

Joe Cavaluzzi
732.859.1938



MP Reexamination DISCUSSION Ord Recommendatins 11.09.2020.docx

17K

December 8, 2020

TO: Adan, Al, Vivica, Mayor Higgins, Mark Fessler

FROM: Joe Cavaluzzi

RE: Notes Nov. 9, 2020 Planning Board discussion of Master Plan
Reexamination zoning ordinances

Please refer to "Specific Changes Recommended" Sect. 5.0,
Reexamination Report (ATTACHED)

(a.) **Radio Towers:**

*ACTION: Adam will look over Section 17-9.3 "General Business"
"Prohibited Principal Uses" and Section 17-5 "Prohibited Uses" to see
where it should go.*

(b.) **Pot Dispensaries:** Up to Borough Council, which is waiting for state
guidelines to come out (DOUG).

(c.) **Strengthening maximum allowable stories:**
SUGGESTIONS: Require D4 use variance for more than 2.5 stories;
Currently only need bulk variance. Could be addressed in Section
17.7, "Definitions and Descriptions – Building Height".

(d.) **Create definitions and criteria for ordinary accessories and
features:**
SUGGESTION: Does the council want to add a section that defines
outdoor items such as tents, pergolas? Wording could be added
Section 17.7 "Accessory Building or Use" or specified in Section 17-
10.1 "Accessory Buildings."

***AL: IS THERE AN EXAMPLE FROM ANOTHER TOWN THAT YOU
CAN SUGGESTS?***

(e.) **Limitation of basements to 1-2 feet above Seasonal High Ground
Water Table:**
SUGGESTION: Send to Council as is but they may want to consider
going with 2 feet, which board engineer Hilla is more comfortable with.

- (f.) **Consider the openness “office and office buildings” as permitted uses:**

SUGGESTION: The Council may want to consider whether the language in the ordinances should offices uses more specifically; also consider whether there are undesirable uses they want to include. Engineer Hilla suggests the Council may want to look at Manasquan’s zoning ordinance for ideas.

- (g.) **Consider making utility grade telecommunications installations a conditional use borough-wide:**

SUGGESTION: No real need to change existing ordinance. If the zoning officer thinks an application proposes a significant change, he refers it the Planning Board.

- (h.) **Develop completeness checklist for Planning Board applications:**

ACTION: AL, ADAM, MARK, AND VIV TO COME UP WITH ITEMS TO INCLUDE.

- (i.) **Require grading plan: HELD FOR DECEMBER 14 MEETING**

- (j.) **Criteria for partial destruction of principal structure: HELD FOR DECEMBER 14 MEETING.**

ACTION: ADAM WILL LOOK AT COX ON LAND USE.

- (k.) **Modify Parking Regulations for Flex Uses in Business Zone: HELD FOR DECEMBER 14 MEETING.**

AL WILL LOOK AT THE ORDINANCE AND REPORT.

VIV WILL TALK TO MARK FESSLER FOR SUGGESTIONS.

ENG. ALAN P. HILLA'S COMMENTS



Graham, Viveca <vgraham@boro.lake-como.nj.us>

Re: Joe's notes on reexamination report discussion from November meeting

1 message

Kevin Higgins <khiggins@boro.lake-como.nj.us>

Wed, Dec 9, 2020 at 6:42 PM

To: "Alan P. Hilla" <AHilla@h2m.com>

Cc: Joe Cavaluzzi <jocavaluzzi1@gmail.com>, Pat Schneider <aschneiderlawoffice@comcast.net>, Mark Fessler <markfesslerarchitect@gmail.com>, Viveca <vgraham@boro.lake-como.nj.us>

Thank you Al.

Sent from my iPhone. Please excuse any typos or unintended autocorrections.

Thank you

On Dec 9, 2020, at 6:02 PM, Alan P. Hilla <AHilla@h2m.com> wrote:

All,

I have attached a workshop package addressing the items assigned to me for use next week. I hope it will spark discussion and that it is not too confusing. Please call with any questions. Thanks.

Al

Alan P. Hilla, Jr., PE, PP, CME
Central Jersey Office Director

<image001.png>

H2M Associates, Inc.

4810 Belmar Boulevard, Suite 201, Wall Township, NJ 07753

tel 732.414.2661 x2108 | direct 732-348-7009 | fax 732.414.2662

h2m.com

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Lake Como PB Items for discussion per Joe Cavaluzzi's notes dated December 8, 2020

- a. Adam
- b. Doug
- c. This goes to strengthening the ordinance to make it more difficult to develop a three story home vs 2.5 story home. Technique involves setting a maximum floor area ratio (FAR) so any exceedances would necessitate a D(4) use variance as opposed to a C variance. Given the allowable building coverage by ordinance, an FAR of 1.0 would replicate what is currently allowable by ordinance.
 - a. Brielle definition of FAR (see highlighted portion of attached)
 - b. Lake Como definition of Floor Area (see highlighted portion of attached)
 - c. Brielle development standards (R-4) for listing (see highlighted portion of attached)
- d. First, the Board or Council has to buy in that all structures (including sidewalks, decks, patios, driveways and other seemingly innocuous accessories that are not defined) should not be built to the property line and observe some minimum setback. If there is no agreement on this, then there is no reason to take a deep dive into definitions and such. If there is, then one of two things should probably take place: (1) rework ordinance with a "structure" definition and insert "structure" terminology throughout (see highlighted portion of attached); or (2) further define specific structures and impose specific setbacks for each.
- e. Spring Lake ordinance specifically addresses basements and drywells and their location above the SHGWT (Seasonal High Ground Water table) (see highlighted portion of attached). This effort is intended to limit the creation of new situations that would be solved by sump pumps and discharges.
- f. So Manasquan must have changed their ordinance since I was there because their B zones look much like Lake Como's, though there may be some room for improvement upon review ((see highlighted portion of attached). However, the Manasquan O zone regulations looks more like what I remember and could be incorporated in the LC ordinance. My apologies for the orientation of the attachment.
- g. No change per Mark?
- h. I think this one should be approached in a stepwise fashion. Right now there is no checklist, etc. Take a look at the attachment. I found a useful one posted on the Oceanport website that could be the basis of the first cut for Lake Como.
- i. As for Grading and Drainage plans, I have attached a copy of the Spring Lake ordinance and highlighted the salient parts for consideration. Skip the mumbo-jumbo x'ed out in the middle. I have been trying to get that purged for the last 10 years. Or alternatively, I have also attached Brielle's Grading Plan requirements, which is much more succinct (because I wrote it).
- j. Regarding partial destruction, Spring Lake has some requirements and limitations revolving around 50% destruction (see highlighted portion of attached). Think of the old HollyCroft property and how this may have applied.
- k. As for flex parking, I have attached a copy of our ordinance for you information, and highlighted the two most germane, non-restaurant/bar parking requirements applied in town. Retail calls for 1 per 100sf and office calls for 1 per 200sf. Technically, if a property was traditionally used or approved by the Board for office use, and a retail use wishes to occupy that space, unless

there is excess parking available to make up the difference, a Zoning Permit should not be issued for that change of use. However, if the Board were to adopt a hybrid parking requirement, particularly where there are multiple units available, this would afford "flex" to allow use changes without chasing applicants to the Board. Think of some of the development since 2000 and the fact that the make-up of the uses in the commercial spaces are not exactly what was proposed.

Attachments

CURB GRADE — shall mean the elevation of the street grade as established by law; referring to a building height, it means the greatest vertical measurement of the building as computed by the curb grade at the lot centerline of the lot front.

DINERS, LUNCH CARS, PULLMAN DINERS (and similarly named structures) — shall mean any prefabricated structure brought in complete form to, or assembled on the site, designed for the serving of meals.

DRIVEWAY — shall mean the use of land for ingress and egress by vehicles of any description.

DWELLING — shall mean a building designed for and used exclusively for residential purposes.

DWELLING, MULTIPLE-FAMILY — shall mean a building designed for or containing three or more dwelling units. This definition shall not include hotel or motel.

DWELLING, SINGLE-FAMILY — shall mean a detached building designed for and used exclusively as one dwelling unit.

DWELLING, TWO-FAMILY — shall mean a detached building containing not more than two dwelling units which are entirely separated by horizontal floor or vertical wall, unpierced, except for access to the outside or to a common cellar or basement.

DWELLING UNIT — shall mean a unit of a minimum of one room and bath providing complete living facilities for one family including facilities or provisions for facilities required in the storage, preparation, serving and clearing of food.

EFFICIENCY APARTMENTS — shall mean a dwelling unit consisting of one unit and bath or one and one-half (1 1/2) rooms and bath and in which there is no separate bedroom and which has a minimum of four hundred fifty (450) square feet of overall floor space within the defining walls of the unit without regard to interior partitions, closets or dividers.

FAMILY — shall mean one or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit exclusive of household servants. A number of persons, but not exceeding two living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall also be deemed to constitute a family.

The families defined above may also include domestic servants, companion, housekeeper and occasional non-paying guests. However, the definition, in either case, shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie or organization, nor shall it include a group of individuals whose association is temporary and resort seasonal in character or nature.

FENCE — shall mean a structure of any material, built, erected or interposed along any lot line, or within the required yard areas of any lot or tract of land and shall include gates, walls, trestles or any frame of wood, iron or other material.

FLOOR AREA — shall mean the total enclosed floor area of a structure: (1) for residential uses such area shall not include garages, breezeways, unheated porches and the like; (2) For businesses and commercial uses such area shall include customer facilities, showcase facilities, storage and sale facilities. Headroom therein shall be at least seven (7) feet. (See also "Building area.")

FLOOR AREA RATIO — Shall mean the sum of the area of all floors of buildings or structures compared to the total area of the site.

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 privately owned motor vehicles, boats and trailers and personal belongings of the family or families resident in the principal residential use on the lot.

GARDEN APARTMENT — Shall mean a building, not more than 2-1/2 stories and 35 feet in height, as measured from the average level of the ground immediately adjacent to the base of the structure to its highest point exclusive of chimney or tower, on one lot containing three or more separate dwelling units, and sharing joint utility services or facilities or both.

GARDEN APARTMENT DEVELOPMENT — Shall mean two or more garden apartments on a single lot.

GENERAL TERMS AND CONDITIONS — Shall mean the conditions under which preliminary approval is granted including Plat Details, Improvements, Off-Site Improvements, and Design Standards.

GROSS FLOOR AREA — Shall mean the area of all floors of a building intended or proposed for human occupancy including interior balconies and mezzanines, but excluding exterior balconies and decks, except as noted herein. All horizontal dimensions of each floor are to be measured from the exterior faces of walls of each such floor. The gross floor area of buildings on a lot shall include the floor area of accessory buildings on the same lot, measured the same way.

GROSS HABITABLE FLOOR AREA — Shall mean the sum of the gross horizontal areas of the floor or several floors of a dwelling unit measured between the inside face of exterior walls or from the centerline of walls separating two dwelling units, having a clear ceiling height of seven feet, six inches or greater, but not including any unfinished cellar or basement or any garage space, breezeway, interior patios, enclosed porches or accessory building space.

HABITABLE SPACE — Shall mean any combination of building construction, materials, or equipment that would form space suitable for human occupation for dwelling purposes.

HOME OCCUPATION — Shall mean any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and in connection with which there is no display, no stock in trade nor commodities sold upon the premises, unless the commodities sold are clearly secondary to and identified with the permitted occupation. Beauty shops, barber shops, and similar occupations shall not be included as permitted home occupations.

HOSPITAL — Shall mean an institution which maintains and operates organized facilities and services for the diagnosis, treatment or care of persons suffering from

1. Government buildings and services which are necessary to the health, safety, convenience, and general welfare of the inhabitants.
2. Public utility installations.
3. Churches, synagogues, parish houses, and similar religious uses.

§ 21-14.2. Development Standards. [Ord. #255; Ord. #592; 1972 Code 89-14; Ord. #971; Ord. #988]

The R-4 Residential Zone specified herewith shall be occupied only as indicated in the Schedule in Article XV of this Chapter and as follows:

a. Principal buildings.

1. Single-family.

(a) Minimum lot area,

interior	5,000 square feet
corner	7,500 square feet

(b) Minimum lot width,

interior	50 feet
corner	75 feet

(c) Minimum lot depth 100 feet.

(d) Minimum front setback (measured from the proposed street R.O.W.) 25 feet.

(e) Minimum each side setback eight feet.

(f) Minimum rear setback 25 feet.

(g) Minimum gross floor area 1,000 square feet.

(h) Maximum lot coverage 20%.

(i) Maximum building height 2-1/2 stories or 35 feet, whichever is less.

(j) Maximum floor area ratio 0.5.

2. Accessory buildings and uses:

- (a) All accessory structures shall conform to the front setback requirements for the principal structure. Accessory structures 15 feet in height or less shall be set back five feet from the side lot line, and five feet from the rear lot line. Accessory structures greater than 15 feet in height shall be set back 1/3 the height of the proposed structure from the side lot line, and setback 2/3 the height of the proposed structure from the rear lot line. The maximum height of accessory structures shall not exceed 18 feet. The minimum horizontal separation between principal structures and accessory structures

STREET LINE — Shall mean that line determining the limit of the highway rights of the public, either existing or contemplated. Street line and right-of-way line are synonymous.

STREET, RESIDENTIAL — Shall mean a street or portion thereof which is located in a residential zone.

STREETScape THEME — Shall mean a scheme of site improvements similar to those constructed by the Borough along Higgins Avenue. Elements include granite block curbs, clay brick paver walkways, indigenous landscape plantings, and ornamental lighting.

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, trust or any other legal entity, commencing proceedings under this Chapter, subdivision of land hereunder for himself or for another.

SUBDIVISION — Shall mean the division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this act, if no new streets are created:

1. Divisions of land found by the Planning Board or Subdivision Committee thereof, appointed by the Chairman, to be for agricultural purposes where all resulting parcels are five acres or larger in size;
2. Divisions of property by testamentary or intestate provisions;
3. Divisions of property upon court order, including but not limited to judgments of foreclosure;
4. Consolidation of existing lots by deed or any other recorded instrument.
5. The conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term "subdivision" shall also include the term "resubdivision".

SUBDIVISION COMMITTEE — Shall mean a committee of three Municipal Agency members appointed by the Chairman of the Agency for the purpose of classifying subdivisions in accordance with the provisions of this Chapter.

SWIMMING POOL, PRIVATE — Shall mean a swimming pool located as an accessory use on the same lot as the principal use it serves, is utilized only by the owner or his nonpaying guests, and is not operated for profit.

SWIMMING POOL, PUBLIC — Shall mean a swimming pool open to the general public or open to the members only of a club or organization whether operated for profit or not.

are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met.

- B. The application shall not be deemed incomplete for lack of any additional information or any revisions to the accompanying documents so required by the municipal agency. An application shall be certified as complete immediately upon the meeting of all requirements specified in this chapter and in the rules and regulations of the Borough, and shall be deemed complete as of the day it is certified by the Administrative Officer for the purpose of the commencement of the time period for action by the municipal agency.

CONDITIONAL USE — A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as specified in this chapter.

DECK — An open, unroofed structure or platform that is attached to or adjoining the outside of a building and that is 24 inches or more above the adjacent grade of the property at any point along its perimeter. [Added 11-25-2008 by Ord. No. 2008-010]

DEVELOPMENT — 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 other structure, or any mining, excavation or landfill, and any other change in use of any building or structure or extension of use of land, for which permission is required.

DEVELOPMENT FEES — Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted by this chapter and as defined in COAH's rules. [Added 12-7-1998 by Ord. No. 25-1998]

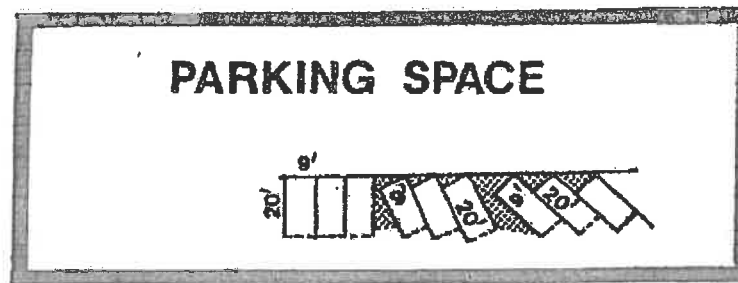
DWELLING UNIT — A room or series of connected rooms containing living, cooking, sleeping and sanitary facilities for one housekeeping unit. The dwelling unit shall be self-contained and shall not require the use of outside stairs, common hallways, passing through another dwelling unit or other indirect route(s) to get to any portion of the dwelling unit, nor shall there be shared facilities with another housekeeping unit. [Amended 10-7-2002 by Ord. No. 26-2002]

- A. **DETACHED SINGLE-FAMILY** — A building physically detached from other buildings or portions of buildings which is occupied or intended to be occupied for residence purposes by one housekeeping unit which has its own sleeping, sanitary and general living facilities.

EASEMENT — A use or burden imposed on real estate or other legal means to permit the use of land by the municipality, the public, a corporation, or particular persons for specific uses.

EQUALIZED ASSESSED VALUE — The value of a property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor. [Added 12-7-1998 by Ord. No. 25-1998]

PARKING SPACE DIAGRAM



PATIO -- An open, unroofed structure, platform or deck that is attached to or adjoining the outside of a building and that is less than 24 inches above the adjacent grade of the property at any point along its perimeter and which does not have a railing or wall extending above its surface along its outside perimeter. [Added 11-25-2008 by Ord. No. 2008-010]

PERFORMANCE GUARANTEE — Any security, in accordance with the requirements of this chapter, which may be accepted in lieu of a requirement that certain improvements be complete prior to final approval of a development application including performance bonds, escrow agreements and other similar collateral or surety agreements.

PERMITTED USE — Any use of land or buildings as permitted by this chapter.

PORCH — An open structure, platform or deck attached to or adjoining the outside of a building, having a roof supported by columns, posts or piers. Where a porch has been enclosed by screens or windows, whether fixed or removable, it shall be considered a screened or sun porch, but shall not be considered habitable floor area. [Added 11-25-2008 by Ord. No. 2008-010]

PRINCIPAL BUILDING, STRUCTURE OR USE — A building, structure or use that is the main or primary building, structure or use on a property. Any accessory building or structure that is attached to the principal building shall be considered part of the principal building. [Added 11-25-2008 by Ord. No. 2008-010]

PRINCIPAL USE — The main purpose for which a lot or building is used.

PROPERTY — A lot, plot or parcel of land including whatever is erected upon or affixed to the land. [Added 3-9-2004 by Ord. No. 7-2004]

PUBLIC PURPOSE USES — The use of land or buildings by the governing body of the Borough or any officially created authority or agency thereof.

RESUBDIVISION — The further division of a lot or the adjustment of a lot line or lot lines.

RETAINING WALL — A structure more than 18 inches in height erected between land of different elevation to protect structures and/or prevent the erosion of earth from the upper slope level. [Added 10-22-2001 by Ord. No. 29-2001]

- A. The existing elevation of any land shall not be altered by more than 18 inches by means of soil removal, fill, grading or retaining wall construction, except as part of an approved development application.
- B. Significant alteration of the topographic features of a lot, pursuant to Subsection A above, shall be prohibited, particularly where existing trees and shrubs are to be removed and/or existing stabilized slopes are to be significantly altered. The utilization of new retaining walls as part of a lot grading plan is prohibited. The significant alteration or penetration of an existing slope in excess of two feet in height for the purpose of driveway construction shall be prohibited.
- C. No alteration of an existing elevation of the land or an approved grading plan shall be permitted without the approval of the Borough Engineer, or Planning Board Engineer in the case of alteration of a grading plan approved by the Planning Board.
- veep* D. The lots shall be graded so that surface runoff is retained on the property. In general lots shall be graded as follows: [Amended 12-16-2003 by Ord. No. 14-2003]
- sw
nd of
all
nd*
- (1) The minimum slope of an unpaved yard surface shall be 1 1/2% except for well-defined swales which shall have a minimum slope of 1%.
 - (2) The minimum slope on a paved yard surface shall be 1%.
 - (3) The maximum slope of an unpaved yard surface shall be 10% within five feet of a structure and 25% elsewhere.
 - (4) The maximum slope of a paved yard surface shall be 5% except for a driveway which shall have a maximum slope of 10%.
- veep* (5) All plans must conform to the most recent stormwater management regulations.¹⁰
- E. Roof leaders and sump pump drains shall not be permitted to spill at or through the curb of any street in the Borough. Roof leaders and sump pump drains for all new structures or additions with a building footprint of 750 square feet or greater shall be piped directly to dry wells or seepage pits to be installed on the lot. The dry wells or seepage pits shall meet the following criteria: [Added 12-16-2003 by Ord. No. 14-2003]
- (1) Each dry well or seepage pit shall provide a minimum of 75 cubic feet of storage volume exclusive of the perimeter stone. A minimum of one cubic foot of storage volume exclusive of the perimeter stone shall be provided for each 12 square feet of roof area tributary to the dry well.
 - (2) The dry wells shall be a minimum of two feet above the groundwater table and have a minimum of one foot of cover. They shall be located a minimum of 10 feet from any structure or property line and shall not be located under an impervious surface.

10. Editor's Note: See Ch. 321, Stormwater Management.

- (3) The dry well shall be placed on, and be surrounded on the sides by, a six-inch layer of stone wrapped with a geotextile material to prevent migration of the backfill material into the stone.
- (4) Overflows to the yard surface shall be provided at each leader pipe in case of back up of the dry well.

F. Basements. [Added 12-16-2003 by Ord. No. 14-2003; amended 1-25-2005 by Ord. No. 4-2005]

- (1) Basement floor slabs shall be a minimum of one foot above the seasonal high groundwater elevation unless the basement is designed to be watertight and suitably anchored and structurally designed to resist the hydrostatic pressure. All applications proposing a basement floor elevation less than one foot above the seasonal high groundwater elevation shall include signed and sealed calculations and structural details prepared by a professional engineer licensed in the State of New Jersey certifying the structural design."

§ 225-29. Swimming pools.

- A. No private residential swimming pool shall be constructed or installed on any lot unless the lot contains a detached dwelling. Pools shall be located in rear yard areas only and shall not be located closer than six feet to any lot line. Further, a pool shall be located no closer than 10 feet to the rear wall of the detached dwelling. [Amended 10-13-1987 by Ord. No. 13-1987]
- B. A swimming pool shall occupy no more than 75% of the rear yard area in which it is located after observing the setbacks as defined in Subsection A hereinabove.
- C. A private residential swimming pool area must be surrounded by a suitable fence with a self-latching gate at least four feet, but no more than six feet in height, and said fence shall be set back from any lot line at least 10 feet if the fence exceeds five feet in height. Such fence shall be suitably landscaped to lessen the visual impact upon adjacent residential uses.

§ 225-30. Yard area.

- A. No open space provided around any principal building for the purposes of complying with the front, side, rear or other yard provisions of this chapter shall be considered as providing the yard provisions for any other principal building.
- B. Any structure located on a corner lot shall be set back from both streets at least the required front yard distance.

11. Editor's Notes: Former Subsection F(2), (3) and (4), regarding review and field investigations by the Borough Engineer, the fees for the costs involved, and the fee to be paid to the Borough Zoning Officer, which immediately followed were repealed 11-25-2008 by Ord. No. 2008-012.

Chapter 35. Zoning

§ 35-5.9. B-1 Business Zone.

[1972 Code § 107-13; Ord. No. 1097; Ord. No. 1139; Ord. No. 1768-98 § 1; Ord. No. 1783-99 § 4; Ord. No. 1840-00 § 1; Ord. No. 2057-09 § 3; Ord. No. 2242-2017]

a. Principal Permitted Uses:

1. Stores and shops for the conduct of any retail trade or business service use.
2. Personal service establishments.
3. Banks and financial institutions.
4. Newspaper offices.
5. Business and professional offices.
6. Taxi stands, bus and railroad passenger stations, and facilities for bicycles.
7. Telephone, telegraph and other communications facilities.
8. Restaurant establishments, but not including fast food drive-in facilities.
9. Indoor theaters for movies and the performing arts, bowling alleys, billiard parlors, gymnasiums, physical culture and health clubs and similar recreational and cultural facilities situated wholly within a structure.
10. Day care centers, child care centers and nursery schools.
11. Apartments over stores. Apartments developed as an upper floor use provided that each apartment has a separate access from the business use; has a gross floor area of not less than 800 square feet; and meets all other applicable municipal and State requirements, including requirements in this chapter for off-street parking.
12. Municipal buildings, parks, playgrounds and other governmental facilities, as necessary and appropriate.

13. Mortuaries and funeral homes:

- (a) Restrictions on Uses in Subsections a1 through a13. In any such establishments, no wholesale merchandising or distributing shall be permitted and no merchandise shall be carried or stored in or about the building, structure, enclosure or land, other than that intended to be sold at retail within such building, structure, enclosure or land. No business or use shall be carried on in connection with any merchandising establishments or permitted in any building, structure or upon any land which is or is likely to be injurious, obnoxious, offensive or dangerous by reason of noise, smoke, odor, gas, dust or other objectionable or hazardous features or which for any reason would hinder, interfere with or detrimentally affect the health, safety, comfort or general welfare of the Borough.

b. Permitted Accessory Uses:

1. Other uses and structures customarily incidental to a principal permitted use. All accessory structures shall be located in side or rear yard areas and set back in accordance with zoning district regulations in Schedule I.^[1] Garages and similar storage buildings shall not exceed 15 feet in height; sheds and similar structures shall not exceed 10 feet in height or exceed 100 square feet in size.
[1] *Editor's Note: Schedule I, referred to herein, may be found as an attachment to this chapter.*

2. Public and private parking.

3. Signs in accordance with the standards of Section 35-25.

c. Conditional Uses:

1. Lodges, fraternal organizations and similar nonprofit organizations in accordance with the standards of subsection 35-14.4.
2. Automobile service stations in accordance with the standards of subsection 35-14.3.
3. Senior Citizen Housing.
4. Bed and Breakfast Guest House.
5. Churches and church related facilities subject to the provisions of subsection 35-14.6.

§ 35-5.10. B-2 Marine Business Zone.

[1972 Code § 107-14; Ord. No. 1097; Ord. No. 1657-95; Ord. No. 1733-97 § 1; Ord. No. 1746-98 § 1; Ord. No. 1783-99 § 5; Ord. No. 2243-2017]

a. Principal Permitted Uses:

1. Marinas.
2. Stores and shops for the conduct of any retail trade or business service use.

3. Personal service establishments.
 4. Business and professional offices.
 5. Restaurant establishment, but not including fast food drive-in facilities.
 6. Apartments over stores. Apartments developed as an upper floor use provided that each apartment has a separate access from the business use; has a gross floor area of not less than 800 square feet; and meets all other applicable municipal and State requirements, including requirements in this chapter for off-street parking.
 7. Boat sales, boat rentals and boat servicing establishments.
 8. Boat storage facilities.
 9. Planned multifamily residential development as permitted in subsection 35-5.8a2, including accessory commercial uses as permitted in subsection 35-5.8b5.
 10. Senior Citizen Housing.
- b. Permitted Accessory Uses:
1. Other uses and structures customarily incidental to a principal permitted use. All accessory structures shall be located in side or rear yard areas and set back in accordance with zoning district regulations in Schedule I.^[1] Garages and similar storage buildings shall not exceed 15 feet in height; sheds and similar structures shall not exceed 10 feet in height or exceed 100 square feet in size.
[1] *Editor's Note: Schedule I, referred to herein, may be found as an attachment to this chapter.*
 2. Public and private parking.
 3. Signs in accordance with the standards of Section 35-25.
- c. Conditional Uses:
1. Churches and church related facilities subject to the provisions of subsection 35-14.6.

§ 35-5.11. B-3 General Business Zone.

[1972 Code § 107-14.1; Ord. No. 1097; Ord. No. 1734-98 § 1; Ord. No. 1768-98 § 2; Ord. No. 1783-99 § 6; Ord. No. 2057-09 § 4; Ord. No. 2244-2017]

- a. Principal Permitted Uses:
1. All permitted B-1 zone uses.

2. Wholesale purchasing and distribution facilities subject to all goods being stored and displayed wholly within structures.
3. (Reserved)
4. Automobile repair and towing facilities in accordance with the standards of subsection 35-14.3.
5. Electrical, plumbing, carpentry, and masonry contractor shops with only incidental outdoor storage restricted to the rear yard area.
- b. Permitted Accessory Uses:
 1. Other uses and structures customarily incidental to a principal permitted use. All accessory structures shall be located in side or rear yard areas and set back in accordance with zoning district regulations in Schedule I.^[1] Garages and similar storage buildings shall not exceed 15 feet in height; sheds and similar structures shall not exceed 10 feet in height or exceed 100 square feet in size.
[1] *Editor's Note: Schedule I, referred to herein, may be found as an attachment to this chapter.*
 2. Public and private parking
 3. Signs in accordance with the standards of Section 35-25.
- c. Conditional Uses:
 1. Conditional uses permitted in the B-1 Zone.
 2. Fast food drive-in establishments in accordance with the requirements of subsection 35-14.7.
 3. Car washing establishments in accordance with the requirements of subsection 35-14.3.
 4. Senior Citizen Housing.
 5. Bed and Breakfast Guest House.
 6. Churches and church related facilities subject to the provisions of subsection 35-14.6.

§ 35-5.12. Office Zone.

[1972 Code § 107-15; Ord. No. 1097; Ord. No. 1657-95; Ord. No. 1768-98 § 3; Ord. No. 1783-99 § 7; Ord. No. 2241-2017]

- a. Principal Permitted Uses:
 1. Single family detached dwellings.
 2. Professional offices of doctors, dentists, lawyers, accountants, licensed professional engineers, licensed land surveyors and architects.

3. Business offices, including banks, fiduciary institutions, brokerage offices and real estate and insurance offices, provided that no office shall be used in whole or in part for the sale of retail goods, nor shall any such office be used for voice instruction to groups, tearooms, beauty parlors, hairdressing and manicuring establishments, barbershops or mortuary establishments.
4. Such municipal buildings, parks, playgrounds or other municipal facilities deemed necessary and appropriate by the Governing Body.
- b. Permitted Accessory Uses:
 1. Other uses and structures customarily incidental to a principal permitted use. All accessory structures shall be located in side or rear yard areas and set back in accordance with zoning district regulations in Schedule I.^[1] Garages and similar storage buildings shall not exceed 15 feet in height; sheds and similar structures shall not exceed 10 feet in height or exceed 100 square feet in size.
[1] Editor's Note: Schedule I, referred to herein, may be found as an attachment to this chapter.
 2. Public and private parking.
 3. Signs in accordance with the standards of Section 35-25.
 - c. Conditional Uses:
 1. Senior Citizen Housing.
 2. Bed and Breakfast Guest House.

**INSTRUCTIONS FOR COMPLETING APPLICATION FOR
SUBDIVISION, SITE PLAN OR VARIANCE**

1. Obtain a letter of denial from the Zoning Officer if necessary (Variances Only).
2. Obtain Planning Board application from the Planning Board Secretary or from the Borough website under FORMS.
3. Obtain list of property owners within 200 feet from Tax Assessor.
4. **Prior to the application being deemed complete and for scheduling on the agenda the items on the attached checklist must be submitted to the Planning Board Secretary.**
5. Once the application is received and deemed complete by the Board Engineer you will be placed on the agenda. **Do not send notice or proceed further without being deemed complete and scheduled for a meeting date by the Secretary of the Planning Board.**
6. **No less than (10) days prior to hearing date the following must be done using the sample notice contained within this package:**
 - a. Publish notice in an official newspaper of the Borough, i.e., The Link News, the Atlanticville, Asbury Park Press, Star Ledger
 - b. Notify, by Certified Mail or personal service, property owners within 200 feet of property. (Please note: return receipt - green cards- are not necessary)
7. Submit the following to the Planning Board Secretary prior to the meeting:
 - a. Affidavit of Publication from the newspaper
 - b. Copy of notice served to those on Certified List of Property Owners.
 - c. Proof of Service to those on Certified List of Property Owners OR
 - d. Postmarked white receipts as proof of certified mailing to those on Certified List of Property Owners.
8. *If your application is granted, a **NOTICE OF DECISION** must be published in an official newspaper of the Borough after the hearing at which the Board's decision is adopted by Resolution. (copy of notice form included in application package).*
9. Notice to the Monmouth County Planning Board and Two Rivers Water Reclamation Authority and any and all authorities or utilities required are the responsibility of the Applicant.

**IF YOU HAVE ANY QUESTIONS PLEASE CALL THE SECRETARY TO THE
PLANNING BOARD AT (732) 222-8221,
MONDAY THRU FRIDAY, 9:00 A.M. TO 3:00 P.M.**

GENERAL INFORMATION

Corporations and Partnerships require representation by a New Jersey Attorney as well as a corporate disclosure statement pursuant to statute.

REVISED 08-29-2014

Borough of Oceanport

Planning Board Checklist

- () 4 copies of the denial letter from Construction Official (variances only)
- () Certificate from Tax Collector as to taxes paid
- () Copy of Deed or Contract Purchaser, Tenant, Lienholder Agreement
- () 4 copies of the ~~completed~~ application
In the case of a Contract Purchaser as the Applicant, the application must be signed by the Property Owner
- () 14 copies of current property survey - one original signed & sealed by a Licensed Surveyor
- () 14 copies of the Site Plan (when applicable)
- () 14 copies of the architectural / engineering plans, reports, etc. (when applicable)
- () Application fee(s): See attached Fee Schedule
- () Escrow Deposit: See attached Fee Schedule
- () Completed ESCROW AGREEMENT
- () Completed W-9 Form for Creation of Escrow Account

Once agenda date has been assigned by Secretary, Applicant must perform the following:

- () Affidavit of Publication in the Newspaper (10 days prior to hearing)
- () Proof of Service of Notices (postmarked 10 days prior to hearing)
- () Tax List (people to notice within 200' of property)
- () Notification to utility companies

- D. Exemption. Because of the narrow width of the street cartways, the following streets within the Borough of Spring Lake shall be exempt from the application of Subsections B and C, as they relate to sidewalks: [Added 10-18-2005 by Ord. No. 43-2005]

- (1) Glenwood Avenue.
- (2) Edgewood Place.
- (3) Valandora Court.

§ 225-27. Public utilities. [Added 6-5-2000 by Ord. No. 20-2000]

All public services shall be connected to approved public utilities systems.

- A. The developer shall arrange with the servicing utility for the underground installation of the utility's distribution supply lines and service connection in accordance with the provisions of the applicable standard term and conditions incorporated as a part of its tariff as the same are then on file with the State of New Jersey Board of Public Utility Commissioners.
- B. The developer shall submit to the approving authority, prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance with the provisions of this section; provided, however, lots which abut existing streets where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening or an extension of service or other such condition occur as a result of the development and necessitate the replacement, relocation or extension of such utilities, such replacement, relocation or extension shall be underground.
- C. In the event of the demolition of a principal use or structure and/or reconstruction, as defined by N.J.A.C. 5:23-6 (Rehabilitation Subcode) or an upgrading of the utility service then all utilities shall be required to be placed underground.
- D. Where natural foliage is not sufficient to provide year-round screening of any utility apparatus appearing above the surface of the ground, other than utility poles, the applicant shall provide sufficient live screening to conceal such apparatus year round.
- E. Any installation under this section to be performed by a servicing utility shall be exempt from the requirement of performance guaranties, but shall be subject to inspection and certification by the Borough Engineer.

§ 225-28. Lot grading and drainage. [Added 10-22-2001 by Ord. No. 29-2001]

The grading and drainage of lots shall be accomplished to secure proper drainage and to prevent the collection of stormwater while minimizing the destruction of existing vegetation and the alteration of the existing topographic features of properties. Towards that end, the following standards shall apply:

A. The existing elevation of any land shall not be altered by more than 18 inches by means of soil removal, fill, grading or retaining wall construction, except as part of an approved development application.

B. Significant alteration of the topographic features of a lot, pursuant to Subsection A above, shall be prohibited, particularly where existing trees and shrubs are to be removed and/or existing stabilized slopes are to be significantly altered. The utilization of new retaining walls as part of a lot grading plan is prohibited. The significant alteration or penetration of an existing slope in excess of two feet in height for the purpose of driveway construction shall be prohibited.

C. No alteration of an existing elevation of the land or an approved grading plan shall be permitted without the approval of the Borough Engineer, or Planning Board Engineer in the case of alteration of a grading plan approved by the Planning Board.

keep D. The lots shall be graded so that surface runoff is retained on the property. In general lots shall be graded as follows: [Amended 12-16-2003 by Ord. No. 14-2003]

*or
not of
a 1/1
d.d*

(1) The minimum slope of an unpaved yard surface shall be 1 1/2% except for well-defined swales which shall have a minimum slope of 1%.

(2) The minimum slope on a paved yard surface shall be 1%.

(3) The maximum slope of an unpaved yard surface shall be 10% within five feet of a structure and 25% elsewhere.

(4) The maximum slope of a paved yard surface shall be 5% except for a driveway which shall have a maximum slope of 10%.

keep (5) All plans must conform to the most recent stormwater management regulations.¹⁰

E. Roof leaders and sump pump drains shall not be permitted to spill at or through the curb of any street in the Borough. Roof leaders and sump pump drains for all new structures or additions with a building footprint of 750 square feet or greater shall be piped directly to dry wells or seepage pits to be installed on the lot. The dry wells or seepage pits shall meet the following criteria: [Added 12-16-2003 by Ord. No. 14-2003]

(1) Each dry well or seepage pit shall provide a minimum of 75 cubic feet of storage volume exclusive of the perimeter stone. A minimum of one cubic foot of storage volume exclusive of the perimeter stone shall be provided for each 12 square feet of roof area tributary to the dry well.

(2) The dry wells shall be a minimum of two feet above the groundwater table and have a minimum of one foot of cover. They shall be located a minimum of 10 feet from any structure or property line and shall not be located under an impervious surface.

10. Editor's Note: See Ch. 321, Stormwater Management.

then and only then requests that the Construction Code Official issue a construction permit.

- c. If the Zoning Officer makes a determination that an application does not meet the provision of Chapter 21 "Zoning" or any other applicable laws, the Zoning Officer shall issue a written denial of the application and inform the applicant of the procedure to apply to the Planning Board or Board of Adjustment for relief of the provisions of Chapter 21 "Zoning".
- d. Prior to the commencement of construction of a new building or structure or the construction of an addition to an existing building or structure an applicant shall provide the following to the Zoning Officer for his review:
 1. Plot Plan. A plot plan based on a survey that is no more than five years old and which shall show all existing and proposed buildings and structures on the property, and all flood elevation levels. After a written determination is made by the Zoning Officer that the new building or structure and/or proposed addition conforms with applicable zoning requirements, the Zoning Officer shall issue a zoning permit to the applicant. The applicant may then request the Construction Official to issue a construction permit.
 2. Grading Plan. A grading plan prepared by a licensed engineer, land surveyor or architect shall be submitted for the construction of any new building or structure or construction of an addition having a foundation area in excess of 500 square feet to an existing building or structure. The plan must demonstrate that surface water does not flow onto neighboring properties and that the proposed grade elevation will not negatively impact neighboring properties. The grading plan shall be subject to the review and approval of the Construction Official and/or the Borough Engineer. The grading plan shall demonstrate compliance with all the provisions of 21-63A.6.
 3. Foundation Location Survey. A foundation location survey prepared by a licensed land surveyor or architect shall be submitted to the Zoning Officer prior to the commencement of any above grade level construction of a new building or structure or the construction of an addition having a foundation area in excess of 500 square feet to an existing building or structure. After a determination is made by the Zoning Officer that the new building or structure or an addition to an existing building conforms with applicable zoning requirements, the applicant may continue construction of all elements above the foundation of the building or structure.
 4. As-Built Survey. An "as-built" survey shall be submitted with an application for the issuance of a certificate of occupancy for new construction of any building or structure or the construction of an addition having a foundation area in excess of 500 square feet to an existing building or structure. The "as-built" survey shall be prepared by a licensed land surveyor or architect and shall show the location of all buildings and structures and the existing finished surface elevations at all lot corners, house corners and all other locations necessary to show conformity with the grading plan.
 5. Fees.

- (1) Contiguous lot ownership. Where two or more lots created by the filing of a map pursuant to the Map Filing Law prior to establishment of the Planning Board have any contiguous lines and are in single ownership and one or more of the lots is nonconforming in any aspect, the lots involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be conveyed or divided except through the filing of an approved subdivision in accordance with the provisions of this chapter.
 - (2) On any nonconforming lot, or for any nonconforming building or structure on a conforming lot, a zoning permit may be granted to allow for additions to the principal structure or for the construction of an accessory building, provided that all of the following criteria are met: [Amended 11-29-2005 by Ord. No. 47-2005 ; 9-5-2006 by Ord. No. 16-2006; 11-25-2008 by Ord. No. 2008-010]
 - (a) The existing use(s) on the lot are conforming to the permitted use(s) stipulated in this chapter for the lot in question;
 - (b) The addition or enlargement is conforming; and
 - (c) The resulting building or structure does not create any new zoning violations.
 - (d) Any renovation does not include conversion of an existing unfinished attic, basement or porch space that encroaches in any required yard into habitable floor area.
 - (3) Restoration of nonconforming structure.
 - (a) If a nonconforming structure is destroyed either unintentionally through fire, wind, water or other method, or through demolition by the owner or an agent of the owner, the nonconforming building or structure may be reconstructed or otherwise restored provided that the Borough Zoning Officer shall determine that such destruction affects less than 50% of the gross floor area of the original structure and the structure is not made more nonconforming than the original structure.
 - (b) If the destruction to a nonconforming structure affects more than 50% of the gross floor area of the original structure, as determined by the Borough Zoning Officer, then the structure shall only be restored in conformance with the applicable zoning standards.
 - (c) Nothing in this section shall prevent the correction of an unsafe condition of any wall, floor or roof that has been declared unsafe by the Building Official of the Borough or his representative.
 - (4) Permits may be issued for new buildings or structures on existing nonconforming lots, provided that the use of the proposed buildings or structures is permitted and that the buildings or structures meet all bulk requirements of the zone in which the lot is located. [Added 11-25-2008 by Ord. No. 2008-012]
- B. Structures and uses. [Amended 9-26-1988 by Ord. No. 23-1988]

- (1) Repairs and maintenance work required to keep a structure in sound condition may be made to a nonconforming structure and to a structure containing a nonconforming use.
- (2) Any existing nonconforming hotel, hotel condominium, guesthouse, boardinghouse and rooming house may be operated during the time period commencing on May 1 and terminating on November 15 of each calendar year and for such other time periods as any one or more of the above had been operated at the time that the use or structure became nonconforming.
- (3) Any nonconforming structure or use which has been changed to a conforming structure or use shall not be changed back again into a nonconforming structure or use.
- (4) No nonconforming use and no structure containing a nonconforming use shall be enlarged or extended without obtaining a variance. [Amended 8-13-1987 by Ord. No. 8-1987; 9-5-2006 by Ord. No. 16-2006]
- (5) Restoration of a nonconforming use. When a structure containing a nonconforming use is destroyed or damaged by any reason or cause so that such destruction affects less than 50% of the gross floor area of such structure, as determined by the Borough Zoning Officer, the nonconforming use may be restored and resumed, but not expanded or enlarged, and the nonconforming use shall not be deemed terminated. [Added 1-28-2002 by Ord. No. 4-2002]

§ 225-21. Off-street parking.

A. General provisions.

- (1) Lighting. All parking areas providing five or more parking spaces shall be lighted in accordance with the provisions specified in § 225-19 of this chapter.
- (2) Surface and curbing. All on-site off-street parking and loading areas and access driveways shall be paved and curbed as determined by the Borough Engineer and approved by the Borough.
- (3) Location of parking spaces. All required off-street parking spaces shall be located on the same lot or premises as the use served, except that in cases when it is determined that the requirements for on-site off-street parking cannot be met because of existing conditions, the location and adequacy of off-street parking spaces to service the use shall be specified on a site plan for approval by the Planning Board. In the case of uses other than detached dwellings, no parking facility shall have an access to or from Ocean Avenue or extend within 150 feet of the westerly right-of-way line of Ocean Avenue.
- (4) Type of facility.
 - (a) Parking spaces may be on, above or below the surface of the ground. When parking spaces are provided within a garage or other structure, said structure

3—4 bedrooms: Two (2) spaces

5—6 bedrooms: Three (3) spaces

Each additional bedroom thereafter will require an additional space.

- (2) Multiple-family dwellings — to comply with Residential Site Improvement Standards (RSIS).
- (3) Rooming or boarding house — one space for each rental unit plus one space for each resident family.
- (4) Hotels and motels — one and one-quarter (1 1/4) space for each guest room plus one additional space for each employee on duty.
- (5) Auditoriums, places of worship, theatres, courts of law, gymnasiums and similar places of public assembly — one space for every six (6) seats, based on a maximum seating capacity.
- (6) Hospitals, nursing homes and convalescent homes and buildings for philanthropic or eleemosynary uses — one space for every three beds.
- (7) Funeral homes — one space for every seventy-five (75) square feet of floor area devoted to assembly rooms for service.
- (8) Manufacturing and industrial uses, research and experimental laboratories — one space for every four employees.
- (9) Schools — one space for each staff member plus the required spaces for assembly areas.
- (10) Service station — sufficient spaces for all vehicles of patrons and employees with a minimum of five (5) spaces.
- (11) Club, lodge or service organization — one space for every six (6) members.
- (12) Business and professional offices, banks and fiduciary establishments — one space for every two hundred (200) square feet of area.
- (13) Retail business personal service establishments — one space for every one hundred (100) square feet of floor area to which the public has access.
- (14) Restaurants, taverns or other public eating and drinking establishments — one space for every one hundred (100) square feet of interior gross floor area, plus one space for every one hundred fifty (150) square feet of exterior area licensed for the consumption of alcoholic beverages, including, but not limited to patios, decks, groves, outside bars and picnic areas.

In determining the square footage of an establishment there shall be excluded kitchen, storage, office and other non-public areas not accessible to the public. However, all areas occupied by bars, tables,

§ 21-17.10. Principal Building or Structure Required. [Ord. #255; Ord. #592; Ord. #668; 1972 Code § 89-16]

No use shall be established, maintained or conducted on property in any commercial zone without the existence of a principal building and the use shall only be permitted in conjunction with the use conducted in the principal building or structure.

§ 21-18. C-1 CENTRAL COMMERCIAL ZONE. [Ord. 255; Ord. #592; 1972 Code § 89-17]

The purpose of the C-1 Central Commercial Zone is to provide a retail center in which will be found the convenience shopping goods and services required to meet the daily needs of residents and to provide an area for central government. It is specifically for retail sales and services and municipal government functions. Every encouragement is given to have appropriate architecture to enhance a marine-oriented community.

§ 21-18.1. Permitted Uses. [Ord. #255; Ord. #592; 1972 Code § 89-17]

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

Antique shops.

Apparel.

Appliance store.

Artist's supply.

Bakery shop.

Bank and trust company.

Barber shop.

Beauty and cosmetic shop.

Bicycle shop.

Books, periodicals, newspaper sales.

Business offices.

Butcher shop or meat market (no slaughtering permitted).

Candy shop.

Card shop.

Ceramic shop.

Cigars and tobacco.

Cleaner pick-up or laundry pick-up only.

Coin dealer.

Dairy products.

Delicatessen.

Drug store.

Feed store and mill.

Finance companies.

Florists.

Fruit stores and vegetable markets.

Gift shop.

Grocery stores.

Hardware stores.

Hobby shop.

Ice cream shop.

Jewelry shop.

Library.

Liquor store.

Locksmith.

Luncheonette (non-drive-in).

Medical clinic and offices (out-patient).

Municipal uses.

Musical instrument store.

Newsstand.

Notaries.

Paint, glass and wallpaper stores.

Pet shop.

Pharmacy.

Photography studios.

Police and fire stations.

Professional offices.

Public utilities office.

- Post office.
- Real estate and insurance.
- Record shop.
- Restaurant (non-drive-in, non-fast food).
- Sandwich shop (non-drive-in).
- Savings and loan associations.
- Seafood store.
- Shoe or hat repair shop.
- Snack bar (non-drive-in).
- Specialty food stores (i.e., herbs, spices etc.)
- Sporting goods store.
- Stationery store.
- Tailors.
- Tavern.
- Television, radio, electronics, sales and service.
- Travel agencies.
- 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.
 - 2. Signs subject to the provisions of Article V of this Ordinance.
 - 3. Fences and hedges subject to the provisions of Article VII 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.
- c. The following uses are permitted subject to the Planning Board approval and the special conditions of Article X of this Chapter:
 - 1. Government and public buildings and services necessary to the health, safety, convenience and general welfare of the inhabitants of the township.
 - 2. Churches, synagogues, parish houses, and similar religious uses.
 - 3. Public utility installations.
 - 4. Quasi-public uses, including clubs, lodges, and similar uses.

5. Automobile sales and service.
6. Automobile gasoline station.

§ 21-18.2. Development Standards. [Ord. #255; Ord. #592; 1972 Code § 89-17; Ord. #915]

The C-1 Commercial Zone specified herewith shall be occupied only as indicated in the Schedule in Article XV of this Chapter and as follows:

- a. Principal buildings.
 1. Minimum lot size 7,500 square feet.
 2. Minimum lot width 50 feet.
 3. Minimum lot depth 150 feet.
 4. Minimum front setback (measured from the proposed street R.O.W. line) 30 feet.
 5. Minimum each side setback. If the property abuts a residential zone, the building shall be set back a distance of 25 feet 10 feet.
 6. Minimum rear setback. If the property abuts a residential zone, the building shall be set back a distance of 30 feet. 30 feet.
 7. Minimum gross floor area 800 square feet.
 8. Maximum lot coverage 25%.
 9. Maximum building height 2-1/2 stories, or 35 feet, whichever is less.
- 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.

§ 21-18.3. Other Provisions and Requirements. [Ord. #255; Ord. #592; 1972 Code § 89-17]

- a. Off-street parking and loading is required subject to the special conditions as specified in Article VI of this Chapter.
- b. Landscaping is required subject to the special conditions as specified in Article VII of this Chapter.

§ 21-18A. C-1A GATEWAY ZONE. [Ord. #915]

The purpose of the C-1A Gateway Zone is to provide a multi-use overlay zone that dovetails with the "Main Street" theme of the reconstructed Higgins Avenue corridor. It is intended to

promote themed retail/professional use development with conditional residential aspects. Seashore colonial architectural features are recommended for any sort of development.

§ 21-18A.1. Permitted Uses. [Ord. #915]

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

Accountant's offices

Advertising agency

Antique shop

Apparel shop

Art gallery

Artist supply shop

Bank branch

Barber shop

Beauty and cosmetic shop

Bicycle shop

Books, periodicals, newspaper shop

Candy shop

Card shop

Cigar and tobacco shop

Coin and stamp shop

Dance studio

Electronics service and repair shop

Employment agency

Engineer's offices

Financial consultant offices

Florist shop

Gift shop

Health and fitness centers

Hobby shop

Insurance office

Jewelry shop
Legal offices
Liquor store
Locksmith
Museum
Musical instrument shop
Photography studio
Pottery shop
Print shop
Private school
Real estate office
Record shop
Senior citizen activity center
Ship chandlery
Shoe repair shop
Sporting goods store
Stationery store
Tailor shop
Toy shop
Travel agency

b. Accessory structures and uses including:

Signs and entry gate structures.

Other customary accessory uses and structures which are clearly incidental to the principal structure and its uses.

c. Conditional uses subject to Planning Board approval and the special conditions of Article X of this Chapter:

Age restricted townhouse development

Government and public buildings necessary to the health, safety, convenience, and general welfare of the inhabitants of the Borough.

Churches, synagogues, parish houses, and similar religious uses.

Quasi-public uses, including clubs, lodges, and similar uses.

Spring Lake

Detached Dwellings in the

**Maximum
Impervious
Coverage (% of lot
area or square
feet)**

Total cumulative
accessory building
coverage (excluding
detached private
garages (3))

Maximum total
impervious surface
coverage

R-1 District

R-2 District

R-3 District

Churches

100 square feet

100 square feet

100 square feet

40%

55%

45%

35%

Detached Dwellings in the

**Maximum
Building Height**

Principal building

Detached private
garage

All accessory
buildings, excluding
detached private
garage

R-1 District

R-2 District

R-3 District

Churches

2 1/2 stories/
35 feet

2 1/2 stories/
35 feet

2 1/2 stories/
35 feet

1 story/18 feet

1 story/18 feet

1 story/18 feet

1 story/ 15 feet

1 story/ 15 feet

1 story/ 15 feet

1 story/ 25 feet

Notes:

(1) (Reserved)

(2) (Reserved)

(3) Accessory structures include tool and storage sheds, greenhouses, gazebos and pool cabanas.

(4) A detached private garage shall be required for all new construction of a principal residential structure in the R-1 and R-3 Districts in accordance with the provisions of § 225-16.



§ 225-13. RC Retail Commercial and GC General Commercial.

A. Principal permitted uses on the land and in buildings.

- (a) Wireless telecommunications towers and facilities as conditional principal or accessory uses in the G-C Zone subject to the requirements and limitations of § 225-33, Wireless telecommunications towers and facilities.
 - (b) Outdoor cafes as conditional accessory uses in accordance with the provisions of § 225-33.1, Outdoor cafes, of this chapter.
- C. Maximum building height. No building shall exceed 40 feet in height except as allowed in § 225-34.
- D. Area and yard requirements. [Amended 10-10-2000 by Ord. No. 31-2000; 12-18-2000 by Ord. No. 37-2000]

**Principal Building
(minimum)**

	Uses in RC District	Uses in GC District
Lot area	2,500 square feet	7,500 square feet
Lot frontage	25 feet	50 feet
Lot width	25 feet	50 feet
Lot depth	100 feet	150 feet

Side yard

In order to encourage an end product which provides parking, access and architectural continuity even where development occurs piecemeal and with diverse ownership, buildings may be attached and may be built to the interior side line(s) in order to be attached. 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 legal material and plans showing properly located loading spaces and trash receptacles with permitted access across adjacent properties. If structures are not attached, the side yard(s) shall be 10 feet for uses in the RC District and 15 feet for use in the GC District.

Front yard	0 feet	20 feet
Rear yard	30 feet	30 feet

**Accessory Building
(minimum)**

	Uses in RC District	Uses in GC District
Distance to side line	10 feet	15 feet
Distance to rear line	10 feet	15 feet
Distance to other building	15%	15%

*Borough of Belmar, NJ
Friday, December 11, 2020*

Chapter 40. Development Regulations

Article V. Zoning Districts

§ 40-5.1. Zoning Map and Schedule.

[Ord. No. 1992-32 § 5.1; Ord. No. 2000-02; Ord. No. 2001-21 § 3; Ord. No. 2006-23 §§ 2, 3]

a. Establishment, Authentication, Maintenance, and Revision.

1. Zoning Map. The locations and boundaries of the districts of the Borough are hereby established as shown on the Zoning Map of the Borough of Belmar, New Jersey which is attached hereto and is hereby made a part of this chapter, together with all notations, references and designations shown thereon and dated and amended as follows:

2. Schedule of Zoning District Requirements. District regulations for zone districts within the Borough of Belmar are hereby established and are attached hereto and are hereby made a part of this chapter, together with all notations, references and designations shown thereon.^[2]

[2] *Editor's Note: Schedules referred to herein can be found as an attachment to this chapter.*

3. Schedule of Uses. Permitted uses within each zone district in the Borough of Belmar are hereby established and attached hereto and are hereby made a part of this chapter, together with all notations, references and designations shown thereon.

4. Authentication of Zoning Map. Subsequent to the adoption of this chapter, and any revisions to the Zoning Map, three copies of the Zoning Map shall be authenticated by the Mayor's signature, and the seal of the municipality, attested by the Borough Clerk, under the following certificate:

"I certify that this is the Official Zoning Map of the Borough of Belmar, New Jersey, referred to in the Ordinances of the Borough of Belmar, New Jersey."

5. Maintenance of the Zoning Map. Authenticated copies of the Zoning Map shall be maintained in the office of the Borough Clerk and Zoning Officer and shall be made available for public reference. Copies of all or a part of the Zoning Map may be reproduced for public distribution. One authenticated copy shall be forwarded to the Monmouth County Planning Board in accordance with N.J.S.A. 40:55D-16. However, the original copy of the Zoning Map maintained in the office of the Borough Clerk shall be the final authority as to the current status of zoning districts in the Borough of Belmar.

Belmar

6. Revisions to the Zoning Map.

- (a) When, in accordance with the provisions of this chapter and of State law, revisions are made in district boundaries or other matters portrayed in the Zoning Map, the Zoning Map shall be amended with an entry bearing the date of adoption, ordinance number, a brief description of the change(s).
 - (b) No changes of any nature shall be made to the Zoning Map except in conformity with the above procedure. Any unauthorized changes to the Map or its contents by any person or persons shall be considered a violation of this chapter.
- b. Interpretation of District Boundaries.
1. Zone district boundaries are intended to follow street, lot or property lines, or other natural lines such as the center line of water courses, ditches or lagoons, unless such district or zone boundaries are fixed by dimension on the Zoning Map or by description, and shall include contiguous riparian lands subsequently acquired and/or filled, and lands acquired by the accretion or stream diversion by natural causes.
 2. In constructing the Official Zoning Map, the following rules shall apply:
 - (a) Boundaries indicated as following the center lines of streets, highways or alleys or streams, rivers or other bodies of water shall be construed to follow such center lines.
 - (b) Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
 - (c) Boundaries indicated as parallel to or extensions of features indicated in Subsections **40-5.1a** through **40-5.1b** above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the use of the scale appearing thereon.
 - (d) Where a zone boundary fixed by dimensions approximately follows and is not more than 20 feet distant from a lot line, such lot line shall be construed to be the zone boundary.

[1] *Editor's Note: Zoning maps may be purchased in the Belmar Municipal Building, Office of Construction.*

§ 40-5.2. Description of Districts.

[Ord. No. 1992-32 § 5.2; Ord. No. 1994-54; Ord. No. 1996-10 § 1; Ord. No. 2000-15 §§ xii, xiii; Ord. No. 2001-21 § 1; Ord. No. 2004-02; Ord. No. 2004-12 § i]

- a. The Borough of Belmar is hereby divided into districts as follows:

R-100	Single-Family Residential Zone District
R-75	Single-Family Residential Zone District
R-70	Single-Family Residential Zone District

R-50	Single-Family Residential Zone District
R-40	Single-Family Residential Zone District
R-36	Single-Family Residential Zone District
R-1-50	Single-Family Residential Zone District
CBD-1	Central Business District
CBD-2	Central Business District
B-C	Beachfront Commercial District
MC-1	Marine Commercial District
MC-2	Marine Commercial District
PB	Public Use Overlay District
PO-75	Professional Office Zone District
PRD	Planned Residential Development (Age 55 and Older) District

- b. The regulations set forth in this chapter for each district shall be minimum regulations and shall apply uniformly to each class of structure or land within the district, except as hereinafter provided.
- c. No building or structure shall hereafter be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or building or portion of a building or structure to be used, designed, or arranged to be used for any purpose unless in conformity with all of the regulations herein specified for the district in which it is located.
- d. Every principal building shall be located on a lot as defined in this chapter, except for nonresidential development, no more than one principal building and its accessory buildings shall hereafter be erected on any one lot.
- e. Yards or lots created after the effective date of this chapter shall meet the minimum requirements established by this chapter.

§ 40-5.3. Permitted and Prohibited Uses.

[Ord. No. 1992-32 § 5.3; Ord. No. 1994-20 § 5; Ord. No. 1996-34 § 2; Ord. No. 2003-24; Ord. No. 2003-29]

- a. Any use, except for essential services, which is not specifically listed as a permitted use, an accessory use or a conditional use shall be deemed a prohibited use.
- b. Prohibited uses shall include but not be limited to the following:
 - 1. All billboards, signboards, advertising signs and devices not expressly related to the business being conducted on the premises or otherwise specifically permitted by this chapter.
 - 2. Roller coaster, ferris wheels, whirl-a-gig, midways or side shows, and similar outdoor commercial recreation uses.

3. Auction markets.
4. Trailer coach parks.
5. Junk yards, automobile wrecking yards or disassembly yards, or the storing of scrap metal, paper, rags, or other scrap material, except for recycling operations operated by or with the approval of the Borough.
6. Privately operated dumps for the disposal of garbage, trash, refuse, junk, or other such material.
7. Adult book stores.
8. Peep shows.
9. Massage parlors.
10. Explosive storage, except small arms ammunition, or by special permit, where explosives are to be used on the premises.
11. Pylon signs.
12. Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, garbage, or dead animals.
13. Kennels and veterinary hospitals.
14. Manufacturing plants.
15. The open storage in any yard of more than one unlicensed or inoperative motor vehicle; or the open storage in a front yard of any unlicensed or inoperative motor vehicle; or the open storage of new or used parts of any motor vehicle or trailer, or material which has been a part of any motor vehicle or trailer except where permitted as a conditional use in conjunction with a motor vehicle service station pursuant to Article 6, Subsection **40-6.5** of this chapter.
16. The overnight storage of any commercial vehicle in residential zones, except that one such vehicle having a gross weight of not more than 18,000 pounds may be stored in a side or rear yard provided such vehicle is owned by the resident.
17. Radio towers and antennas except as herein permitted.
18. Slaughtering and slaughterhouses.
19. Travel trailer parks, trailer parks, mobile home parks.
20. Any airport, landing field, landing strip, heliport, helistop, off-heliport landing site, sport parachuting center or any other facility used for the landing or take-off of any aircraft, either as a primary use or as a use accessory, auxiliary or incidental to any primary use.
21. The manufacture, transportation, storage or utilization of genetically engineered material.

22. Any use which emits excessive or objectionable amounts of dust, fumes, noise, odor, smoke, vibration, glare or waste products. See Performance Standards for details, Article 7, Subsection 40-7.22 of this chapter.
23. The use of any building or premises in such a manner that the health, morals, safety or welfare of the community may be endangered.
24. New and used car dealerships.
25. Restaurants, drive-in.
26. Tattoo businesses.
27. Gas stations and auto repair shops.
28. Pool and billiard halls.
29. Telemarketing or telesales.
30. Nightclubs.
31. Bars/taverns/pubs, except in the CD-1 Zone.
32. No use involving the sale of alcohol involving the on-premises consumption of alcohol shall be permitted in the Seaport Development Zone except for restaurants with liquor licenses as defined in the Development Regulations.

3.0 RELATIONSHIP TO LOCAL OBJECTIVES AND MUNICIPAL DEVELOPMENT REGULATIONS

Current land use regulations for the Seaport Village Redevelopment Area and Belmar Marina-Maclearie Park Rehabilitation Area rest within the Development Regulations of the Borough of Belmar, adopted December 29, 1992. The Development Regulations zone the Seaport Village Redevelopment Area and Belmar Marina-Maclearie Park Rehabilitation Area in accordance with many land uses that have either become obsolete or which conflict with one or more of the three principal elements of the Seaport Redevelopment Plan described in Section 2.0.

The five zoning districts that currently apply to portions of the Seaport Village Redevelopment Area are Marine Commercial - 2 (MC-2), Central Business District - 1 (CBD-1), Central Business District - 2, Residential - 75 (R-75) and Public Use Overlay (PB). The Belmar Seaport Study Area Map shows the study area boundaries marked on the existing Zoning Map and shows that the portion of the Redevelopment Area north of Fifth Avenue is zoned MC-2; the area between Seventh Avenue and Fifth Avenue west of or fronting on Main Street is zoned CBD-2; portions of the Area fronting on the numbered Avenues east of Main Street, including all of the Saint Rose School, are zoned R-75; the portion between Seventh and Eighth Avenues west of or fronting on F Street are zoned CBD-1; and the portion of the Redevelopment Area west of Route 35 is zoned PB.

The MC-2 and CBD-2 zones permit uses that are not water-dependent and which would not contribute to the goals of the Seaport Redevelopment Plan, as outlined in Section 1.0. For example, new and used car dealerships are permitted in the CBD-2 zone; auto repair shops are permitted in the CBD-2 and MC2 zones; motor vehicle service stations are permitted in the MC-2 zone. In addition, the MC-2 zone prohibits many of the retail support uses that are specifically included in Section 2.0 of this Plan as being needed in a themed district such as the Seaport. Specifically, antique shops, bookstores, camera stores, gift-novelty souvenir shops, florists and clothing shops are not permitted along the riverfront under the current MC-2 zone regulations.

In addition to the incompatibility of the existing use regulations with the goals and objectives of this Plan, the lot regulations are also an impediment to new development of water dependent uses, as half of the existing parcels in the MC-2 zone are smaller than the minimum lot area requirement of 10,000 square feet and are too small to accommodate the water dependent uses likely to use frontage on the Inlet (marinas, boat and watercraft rentals, water transportation services, boat building and repairing, etc.).

Finally, while the CBD-1 allows the public parking of Belmar Plaza to satisfy the off-street parking requirements for uses in that zone, all of the commercial uses north of Seventh Avenue are required to provide on-site off-street parking where the prevailing lot sizes are too small to support both building and parking uses.

For the reasons stated above, the Seaport Redevelopment Plan will replace the Development Regulations for the portion of the Borough of Belmar that is within the designated Seaport Village Redevelopment Area. The land uses and building requirements for the Seaport Village Redevelopment Area, upon the adoption of this Plan by ordinance of the Borough Council, will be as outlined in Section 4.0 to follow.

4.0 OVERVIEW OF PROPOSED LAND USES AND BUILDING REQUIREMENTS

Until such time as individual lots are acquired and assembled in accordance with this Plan, existing buildings and uses thereon may be improved, enlarged, altered or rehabilitated in accordance with the permitted land uses and building requirements set forth in this Redevelopment Plan. Uses and buildings that are nonconforming with the land use and building requirements set forth in this Plan will become legal nonconforming uses and structures subject to the same rights and limitations as pertain to other nonconforming uses and structures under the Municipal Land Use Law and the Belmar Development Regulations.

New development on one or more existing lots which match the minimum lot size requirements established in this Plan shall be governed by the land uses and building requirements of this Plan. The design of redevelopment project shall refer to the Seaport Village Redevelopment Area Design Guide (the "Design Guide") as adopted by resolution of the Mayor & Council on March 22, 2006 and as may be amended by ordinance from time to time. The Design Guide is hereby incorporated into the Seaport Redevelopment Plan as supplemental design standards, but deviations from the Design Guide are not subject to the waiver requirements of this Plan and can be administratively approved by the Technical Design and Review Committee. All new development and redevelopment must be consistent and conforming to this Plan and no Use Variance may be granted by the Zoning Board of Adjustment to permit a use that is prohibited in this Plan. Bulk requirements of this Plan may be varied by the Belmar Planning Board as part of a site plan application in the same manner as applies under the Belmar Development Regulations, except that a copy of the memorializing resolution shall be submitted within ten days to the Borough Administrator for review by the Borough Council. The Borough Council shall have the authority under this Plan to modify or overrule any bulk variance granted by the Planning Board within 30 days of receipt of the memorializing resolution from the Board. The applicant shall be notified in writing by the Board Secretary of any modification or overruling of a bulk variance and include a copy of the amended resolution with the notice. Such amended resolution shall become the final action of the Borough with regard to the site plan application and publication of the decision shall be made as required in the Municipal Land Use Law.

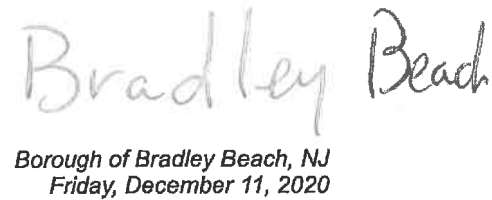
4.1 SEAPORT VILLAGE REDEVELOPMENT AREA

4.1.1 Land Uses

The land uses permitted within the Seaport Village Redevelopment Area are listed below. Any land use that is not specifically included as a permitted use is prohibited unless determined by the Borough Council to be equivalent to a listed permitted use and consistent with the purposes and goals of this Plan.

A. Permitted Uses:

- a. Public Parking Facilities
- b. Public Plazas and Recreation Areas
- c. Restaurants & Brew Pubs, excluding fast food but allowing cocktail lounges & outdoor cafes



Chapter 450. Zoning

Article IV. General Regulations Applicable to All Zones

§ 450-9. Permitted uses in all zones.

The following uses are permitted in any zone in the Borough:

- A. Municipally owned facilities, including but not limited to municipal offices, police stations, fire stations, first aid buildings, libraries, schools and any other such similar facility that serves a public purpose or use.
- B. Public works buildings and yards.
- C. Public recreation facilities, including recreation buildings, beaches, parks, playgrounds and facilities accessory or ancillary to such recreation facilities, including but not limited to parking lots, boardwalks, plazas, gazebos, snack bars, rest room facilities, etc.
- D. Community residences and community shelters, subject to the requirements of the R-1 Residential Single-Family Zone.
- E. Family day-care homes, subject to the requirements of the R-1 Residential Single-Family Zone.
- F. Satellite antenna, subject to the requirements and limitations of § 450-24.

§ 450-10. Prohibited uses in all zones.

- A. The following uses are not permitted in any zone in the Borough:
 - (1) Self-service gasoline stations, self-service automobile filling and cleaning stations and self-service public garages.
 - (2) Auto body repairs of any kind or nature and any auto body repair shops.
 - (3) Auto body painting of any kind, nature or description.
 - (4) Gas, gasoline and motor fuel stations of every kind and nature.
 - (5) Automotive repairs or installation of any parts therefor or as to any installations of parts or repairs thereto; automotive shall include motor vehicles, motorcycles, motor bikes and all like vehicles of any kind or nature.
 - (6) Home for the aged.
 - (7) Children's home.

- (8) Training school; provided however that the foregoing shall not be deemed to prohibit dance studios or schools as to any types or styles of dance, nor shall the same prohibit other cultural or artistic schools or studios.
- (9) Hospital, convalescent home or any institutional projector program.
- (10) Pool parlor, billiard parlor, poolroom, billiard room.
- (11) New and used car lots except as permitted in § 450-11.
- (12) Cement plants or any such types of endeavors dealing with the mixing of minerals, chemicals or any similar types of endeavors.
- (13) Factories of any kind, nature or description whatsoever.
- (14) Establishments where any commercial painting endeavors are performed.
- (15) Commercial or semicommercial garages or parking lots.
- (16) Car wash or car washing whether automatic, manual, semiautomatic or otherwise.
- (17) Manufacturing, whether light or heavy or industrial of any kind or nature except as specified in § 450-31A(2).
- (18) New and used car lots and show rooms, that display for sale, motor vehicles, motorcycles, or motor bikes or any similar vehicle and any ancillary use normally found in conjunction therewith.
- (19) Plastics manufacturing or similar commercial endeavors.
- (20) Junkyards of any kind or nature or description.
- (21) Adult bookstores and establishments offering adult entertainment.
[Amended 5-9-2006 by Ord. No. 2006-13]
- (22) Storage warehouses of any kind or description.
- (23) Fuel oil distributors or gasoline distributors, or distributors of any inflammable materials, whether retail or wholesale.
- (24) Clothing manufacturing of any kind or nature.
- (25) Construction business in any phase or part thereof.
- (26) Commercial storage of heavy equipment of any kind or nature.
- (27) Any commercial or industrial endeavor reasonably to be deemed a part of any of the foregoing.
- (28) Organization meeting places.
- (29) Fraternity or sorority houses.
- (30) Clubhouses, civic clubs or any like use or uses.
- (31) Bail bonding companies and bail bondsmen.
[Amended 6-13-2006 by Ord. No. 2006-15]
- (32) Conversion of single-family uses to multiple-family uses.

- (33) Trailer parks or camps.
- (34) Any more than one amusement game device commonly known as a "pinball machine" or similar game, located as an accessory use.
- (35) Boarding homes and rooming houses.
- (36) Tattoo establishments and body piercing establishments.
[Added 5-9-2006 by Ord. No. 2006-13]
- (37) Check cashing establishments or check cashing services except as part of services offered by banks.
[Added 5-9-2006 by Ord. No. 2006-13]
- (38) Any use of land or buildings or any activity not specifically permitted in a zone.
[Added 6-13-2006 by Ord. No. 2006-15]
- (39) The operation of medical cannabis retail establishments, recreational marijuana retail establishments, marijuana cultivation facilities, marijuana production facilities and marijuana testing facilities.
[Added 6-9-2020 by Ord. No. 2020-05]

*Borough of Bradley Beach, NJ
Friday, December 11, 2020*

Chapter 450. Zoning

Article V. Zone Regulations

§ 450-29. GB General Business Zone.

[Amended 4-24-2007 by Ord. No. 2007-6; 8-26-2014 by Ord. No. 2014-16]

In the General Business Zone, no premises shall be used and no structure shall be erected, altered, or occupied for any purpose except the following and shall be further limited to those uses which are clearly of a scale and nature designed primarily to serve adjacent residential areas within a three-mile radius and which only incidentally serve other areas.

A. Permitted principal uses.

- (1) Retail business establishments, including but not limited to the following:
 - (a) Stores selling groceries, meats and poultry, baked goods, and other such items.
 - (b) Drug and pharmaceutical stores.
 - (c) Hardware, dry goods, and household supply stores.
 - (d) Liquor stores.
 - (e) Stationery, tobacco and newspaper stores.
 - (f) Luncheonettes, delicatessens and confectionery stores.
 - (g) Haberdashery, apparel and shoe stores.
 - (h) Restaurants, diners and other eating and drinking establishments.
- (2) Personal service establishments, which shall include, but are not limited to, the following:
 - (a) Barber- and beauty shops.
 - (b) Shoe repair shops.
 - (c) Tailor shops, dry-cleaning shops and self-service laundries.
- (3) Business and professional offices, banks and fiduciary institutions, and post offices.
- (4) Office buildings.
- (5) Public parks and playgrounds.
- (6) Municipal buildings and other public facilities providing services essential to the operation of the Borough, subject to the general review and recommendation by the Planning Board.

- (7) Hotels and motels, subject to the requirements and limitations of Chapter **258**, Hotels.
- (8) Residential on the second and third floors in combination with permitted retail business or personal service establishments on the first floor.
- (9) Child-care centers.

B. Permitted accessory uses.

- (1) Storage buildings and garages subject to requirements in the Schedule of Height, Area and Yard Requirements.^[1]

[1] *Editor's Note: The Schedule of Height, Area and Yard Requirements is included as an attachment to this chapter.*

- (2) Signs and awnings, subject to the requirements and limitations of Article **X**, Signs and Awnings.
- (3) Parking lots and parking garages.
- (4) Trash storage and recycling enclosures.

C. Conditional uses.

- (1) Churches, lodges and similar quasi-public uses subject to the requirements and limitations in § **450-35**.
- (2) Telecommunications towers and antennas, subject to the requirements and limitations of § **450-37** and Article **XI**, Telecommunications Towers and Antennas.
- (3) Townhouses subject to the requirements and limitations of § 450-27D(2).

D. Area, yard and building requirements. The following standards are established hereafter and are further set forth in the Schedule of Height, Area and Yard Requirements of this chapter:^[2]

(1) Area, yard and building limitations:

- (a) Minimum lot area: 5,000 square feet.
- (b) Minimum lot width: 50 feet.
- (c) Minimum lot depth: 100 feet.
- (d) Minimum front yard: none.
- (e) Minimum side yards: none.
- (f) Minimum rear yard: 10 feet.
- (g) Maximum building height: 40 feet (three stories).
- (h) Maximum building coverage: 90%.
- (i) Maximum impervious coverage: 100%.
- (j) Minimum off-street parking: per § **450-39**.
- (k) Minimum side yard (accessory structure): five feet.
- (l) Minimum rear yard (accessory structure): five feet.

(m) Maximum building area (accessory structure): 120 square feet.

(n) Maximum building height (accessory structure): 16 feet (one story).

[2] *Editor's Note: The Schedule of Height, Area and Yard Requirements is included as an attachment to this chapter.*

E. Supplementary regulations.

- (1) Nothing shall be stored out-of-doors for any purpose except that garbage and trash or any other refuse awaiting disposal may be stored in a rear yard in a completely enclosed container.
- (2) Persons establishing uses in this zone are encouraged to give particular attention to aesthetic considerations, especially in connection with structural design and the use of landscaping to soften building lines.

§ 450-29.1. GBW General Business West Zone.

[Added 8-26-2014 by Ord. No. 2014-16]

In the General Business West Zone, no premises shall be used and no structure shall be erected, altered, or occupied for any purpose except the following and shall be further limited to those uses which are clearly of a scale and nature designed primarily to serve adjacent residential areas within a three-mile radius and which only incidentally serve other areas.

A. Permitted principal uses.

- (1) Retail business establishments, including but not limited to the following:

- (a) Permitted on the first floor only:

- [1] Stores selling groceries, meats and poultry, baked goods, and other such items.
 - [2] Drug and pharmaceutical stores.
 - [3] Hardware, dry goods, and household supply stores.
 - [4] Liquor stores.
 - [5] Luncheonettes, delicatessens and confectionery stores.

- (b) Permitted on the first and second floor only:

- [1] Stationery, tobacco and newspaper stores.
 - [2] Haberdashery, apparel and shoe stores.
 - [3] Restaurants, diners and other eating and drinking establishments.

- (2) Personal service establishments, which shall include, but are not limited to, the following are permitted on the first and second floors only:

- (a) Barber- and beauty shops.
 - (b) Shoe repair shops.
 - (c) Tailor shops, dry-cleaning shops and self-service laundries.

- (3) Business and professional offices, banks and fiduciary institutions, and post offices are permitted on the first and second floors only.
- (4) Office buildings are permitted on the first and second floors only.
- (5) Public parks and playgrounds are permitted on the ground floor only.
- (6) Municipal buildings and other public facilities providing services essential to the operation of the Borough, subject to the general review and recommendation by the Planning Board, are permitted on the first and second floors only.
- (7) Hotels and motels, subject to the requirements and limitations of Chapter **258**, Hotels, are permitted on all floors.
- (8) Child-care centers are permitted on the first and second floors only.
- (9) Residential on the second, third and fourth floors in combination with permitted retail business or personal service establishments on the first floor.
[Amended 5-14-2019 by Ord. No. 2019-8]

B. Permitted accessory uses.

- (1) Storage buildings and garages subject to requirements in the Schedule of Height, Area and Yard Requirements.^[1]
[1] *Editor's Note: The Schedule of Height, Area and Yard Requirements is included as an attachment to this chapter.*
- (2) Signs and awnings, subject to the requirements and limitations of Article **X**, Signs and Awnings.
- (3) Parking lots and parking garages, limited to grade or first floor only.
- (4) Trash storage and recycling enclosures.

C. Conditional uses.

- (1) Churches, lodges and similar quasi-public uses subject to the requirements and limitations in § **450-35**.
- (2) Telecommunications towers and antennas, subject to the requirements and limitations of § **450-37** and Article **XI**, Telecommunications Towers and Antennas.
- (3) Townhouses subject to the requirements and limitations of § 450-27D(2).

D. Area, yard and building requirements. The following standards are established hereafter and are further set forth in the Schedule of Height, Area and Yard Requirements of this chapter:^[2]

- (1) Area, yard and building limitations:
 - (a) Minimum lot area: 5,000 square feet.
 - (b) Minimum lot width: 50 feet.
 - (c) Minimum lot depth: 100 feet.
 - (d) Minimum front yard: none.
 - (e) Minimum side yards: none.

- (f) Minimum rear yard: 10 feet.
- (g) Maximum building height: 48 feet (four stories).
- (h) Maximum building coverage: 90%.
- (i) Maximum impervious coverage: 100%.
- (j) Minimum off-street parking: per § 450-39.
- (k) Minimum side yard (accessory structure): five feet.
- (l) Minimum rear yard (accessory structure): five feet.
- (m) Maximum building area (accessory structure): 120 square feet.
- (n) Maximum building height (accessory structure): 16 feet (one story).

[2] *Editor's Note: The Schedule of Height, Area and Yard Requirements is included as an attachment to this chapter.*

E. Supplementary regulations.

- (1) Nothing shall be stored out-of-doors for any purpose except that garbage and trash or any other refuse awaiting disposal may be stored in a rear yard in a completely enclosed container.
- (2) Persons establishing uses in this zone are encouraged to give particular attention to aesthetic considerations, especially in connection with structural design and the use of landscaping to soften building lines.

§ 450-30. O-P Office Professional Zone.

[Amended 12-29-2006 by Ord. No. 2006-22; 4-24-2007 by Ord. No. 2007-6; 6-13-2017 by Ord. No. 2017-8; 1-8-2019 by Ord. No. 2018-26]

A. Permitted principal uses.

- (1) Professional and business offices, including offices for doctors, dentists, lawyers, architects, engineers, accountants, real estate and similar businesses or office activities employing a predominantly white-collar clerical staff, not engaged in retail or wholesale sales on the premises of any articles or products of a tangible nature and where no heavy or noisy machinery, equipment or instruments are utilized in the operation of the business.
- (2) Apartments on the second and third floors in combination with permitted professional or business offices on the first floor.
- (3) Public parks and playgrounds.
- (4) Municipal buildings and other public facilities providing services essential to the operation of the Borough, subject to the general review and recommendation of the Planning Board.
- (5) Child-care centers.
- (6) Personal service establishments, which shall include, but are not limited to, the following:
 - (a) Barber and beauty shops.

(b) Shoe repair shops.

(c) Tailor shops, dry-cleaning shops and self-service laundries.

B. Permitted accessory uses.

(1) Storage buildings and garages subject to the requirements in the Schedule of Height, Area and Yard Requirements.^[1]

[1] *Editor's Note: The Schedule of Height, Area and Yard Requirements is included as an attachment to this chapter.*

(2) Signs and awnings, subject to the requirements and limitations of Article X, Signs and Awnings.

(3) Parking lots and parking garages.

(4) Trash storage and recycling enclosures.

C. Conditional uses.

(1) None.

D. Area, yard and building requirements. The following standards are established hereafter and are further set forth in the Schedule of Height, Area and Yard Requirements of this chapter:

(1) Minimum lot area: 5,000 square feet.

(2) Minimum lot width: 50 feet.

(3) Minimum lot depth: 100 feet.

(4) Minimum front yard: none.

(5) Minimum side yards: none.

(6) Minimum rear yard: 10 feet.

(7) Maximum building height: three stories, 36 feet.

(8) Maximum building coverage: 90%.

(9) Maximum impervious coverage: 100%.

(10) Minimum off-street parking: per § 450-39.

(11) Minimum side yard (accessory structure): five feet.

(12) Minimum rear yard (accessory structure): five feet.

(13) Maximum building area (accessory structure): 20 square feet.

(14) Maximum building height (accessory structure): 12 feet (one story).



*Borough of Avon-by-the-Sea, NJ
Friday, December 11, 2020*

Chapter 113. Land Development

Article IV. District Zoning Regulations

§ 113-12. GC - General Commercial District.

It is the purpose of the General Commercial Zone to substantially upgrade the appearance of the northern one-third of the Main Street Corridor; to provide neighborhood type retail services oriented to the needs of the residents of the Borough; to provide general and professional office uses to compliment the retail uses; and to provide adequate off-street parking for all permitted uses.

A. Principal permitted uses on the land and in buildings.

(1) The following retail sales of goods and services:

- Advertising agency.
- Advertising specialty office.
- Antique store.
- Apparel.
- Appliance store.
- Art gallery.
- Artist's supply.
- Audiovisual equipment.
- Bakery store.
- Bank.
- Barbershop.
- Beauty and cosmetic shop.
- Bicycle store.
- Books, periodicals and newspaper sales.
- Business equipment sales.
- Butcher store or meat market (no slaughtering permitted).
- 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 and sales.
Credit union office.
Curtain store.
Delicatessen.
Employment agency.
Electrical supplies.
Fabric store.
Finance company.
Floor covering.
Florist.
Food products.
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.
Major appliance sales.
Medical and dental offices.
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.
Physical culture and health establishments.
Professional office.
Real estate and insurance.
Record store.
Reducing salon.
Seafood store.
Shoe and hat repair.
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.

(2) Public uses.

B. Conditional uses permitted.

(1) Restaurants (sit down only), taverns.

(2) Public utility uses.

(3) Accessory apartments provided:

- (a) At least half the apartments are affordable to low or moderate income households.
- (b) The apartment is located above the first floor;
- (c) The building containing the apartment conforms to the height limitations and yard requirements established within the zoning district;
- (d) The apartment shall be in full compliance with all applicable health and construction codes;
- (e) Each apartment shall have a minimum of two (2) rooms (excluding bathrooms) and have direct access to the outside or a hall with direct access to the outside;

- (f) The occupant of the apartment must meet the income limitations established by COAH for the Mercer-Monmouth-Ocean Housing Region;
- (g) The average rent for a low or moderate income apartment must be affordable to a household earning no more than fifty-seven and five-tenths (57.5%) percent of median income as determined through the procedures outlined in the Borough's Affordable Housing Ordinance.^[1] If more than one (1) apartment is proposed for any property, at least fifty (50%) percent of all apartments shall be affordable to low income households earning no more than forty-four (44%) percent of median income. The other half of the affordable units shall be affordable to moderate income households earning no more than seventy-one (71%) percent of median income. Avon may permit owners to fund the entire cost of a regional contribution agreement in lieu of constructing moderate income housing units. The Borough Planning Board shall require evidence that a municipality in the Mercer-Monmouth-Ocean Housing Region is willing to accept the regional contribution agreement at a cost that equals or exceeds COAH minimum standard for a regional contribution agreement as a condition of accepting a payment in lieu of construction of a moderate income unit. Where the Borough permits an applicant to fund a regional contribution agreement, the applicant shall be able to replace the moderate-income unit with a market unit. For purposes of illustration, where an applicant is proposing to construct four (4) apartments, one (1) must be affordable to a low-income household and one (1) must be affordable to a moderate-income household. The Borough may allow the applicant to fund a regional contribution agreement for the moderate income housing unit and construct three (3) market units and one (1) low income unit on site.
[1] *Editor's Note: See Chapter 114, Affordable Housing.*
- (h) Affordability controls of at least thirty (30) years shall be imposed on the accessory apartment via a deed restriction acceptable to the Borough's attorney;
- (i) A condition of approving an accessory apartment shall be that the owner must submit an affidavit of continuing use every two (2) years;
- (j) The Borough has not addressed its 1987-1999 housing obligation;
- (k) Outdoor cooking facilities on balconies and terraces are prohibited;
- (l) No room within a dwelling unit intended for human habitation shall be located in a cellar, basement, or attic except that centralized laundry facilities or individually arranged storage areas may be so located;
- (m) All television antenna equipment shall be built into the building to eliminate individual antennas being erected on the roof;
- (n) Air conditioning of the units shall be designed to eliminate the need for air conditioning units extending from the exterior wall;
- (o) Outside washing or drying of clothes is prohibited, as is the utilization of balconies or terraces for such purposes. Each building shall provide at least one (1) washer and dryer for each five (5) dwelling units for the exclusive use of the occupants of the development, unless each unit is provided with a washer and dryer;
- (p) Off-street parking is limited to the privately owned, noncommercial or nonrecreational vehicles of residents or their guests;
- (q) Outdoor unenclosed storage of any item is prohibited. A suitable trash and recyclable storage area completely surrounded by a six (6) foot high solid fence with solid gates shall be provided, which may be combined with the trash and recyclable storage area for

the commercial use of the property. All outside trash and recyclables shall be stored in this area and shall not be in public view over the fence height.

C. Accessory uses permitted.

- (1) Off-street parking (see § 113-21).
- (2) Fences and walls (see § 113-18).
- (3) Antennas not to exceed three (3) feet in height, and television "dish" antennas not to exceed twenty-four (24) inches in any one dimension.

D. Maximum height permitted. No building or structure shall exceed thirty-five (35) feet and three (3) stories except as otherwise specified in this chapter.

E. Area and yard requirements. See note (d)

Minimum Requirements	Retail, Service Office Uses in GC Zone
Lot area	7,000 square feet
Lot width	40 feet
Lot depth	N/A
Side yard (each)	See note (a)
Front yard	See note (b)
Rear yard	15 feet. See note (c)
Building coverage	50%
Impervious coverage	85%

Notes:

- (a) In order to encourage an end product that provides parking, access and architectural continuity even where development occurs piecemeal and with diverse ownership, buildings may be attached and may be built to the interior side lines(s) in order to be attached. Attached buildings may include two (2) 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 legal material and plans showing properly located loading spaces and trash receptacles with permitted access across adjacent properties. If structures are not attached, the side yard(s) shall be five (5) feet.
- (b) The front yard shall be determined on the basis of the average front yard depth within the block (or nearest adjacent block to the site if there are no existing buildings in the block). For construction of a new building, the applicant's property shall be excluded from the calculation.
- (c) No provision stipulated herein shall prohibit a permitted use from being situated adjacent to a railroad right-of-way for purposes of loading and unloading materials.
- (d) Minimum and maximum requirements for public purpose uses shall be determined by the Board at the time of application, except that building height shall be as required in Subsection D above.

F. General requirements.

- (1) One (1) lot may contain more than one (1) principal building, and one (1) building or site may contain more than one (1) principal use provided that the total floor area of the building or buildings on the site does not exceed the maximum building coverage specified for the district.

- (2) For parking areas, at least the first five (5) feet adjacent to any street line shall not be used for parking and shall be planted and maintained in lawn area, ground cover, or landscaped with evergreen shrubbery and separated from the parking area by poured concrete curbing.
- (3) For retail commercial and service uses, merchandise or similar material may be displayed outside but no more than five (5) feet beyond any façade of a principal building. For all uses, any equipment stored outside shall be suitably screened from view.
- (4) All buildings shall be compatibly designed, whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes conforming to the Victorian theme of Main Street, and shall not include unpainted or painted cinder block or concrete block walls.
- (5) All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formation, contours, existing foliage and the planting of conifers and/or deciduous trees native to the area in order to either maintain or reestablish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas.
- (6) Trash and Recyclable Materials Storage Areas. An enclosed area shall be provided for the temporary storage of trash and recyclable refuse. The following details shall apply to the storage area.
 - (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 a six (6) foot high solid fence or wall with a self closing gate.
 - (c) All enclosure gates shall be specified to be self-closing, self-latching, and capable of being fixed securely in the open position.
 - (d) 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.
- (7) A minimum of ten (10%) percent of the total lot area shall be landscaped.
- (8) All tanks, ventilating fans, air-conditioning equipment or similar equipment required to operate and maintain the building shall be located in a rear yard or on the roof of the building, and shall be screened from public view by architectural means such as wall, parapet, or fence that is compatible with the architectural design of the building. Slatted chain link fences shall not be permitted. For the purposes of this section, screened from view shall mean that the architectural element is uniform and at least seventy-five (75%) percent opaque, completely surrounds the equipment, and the top of the piece of equipment does not extend above the top of the architectural element.

G. Minimum off-street loading.

- (1) Each activity shall provide for off-street loading and unloading with adequate ingress and egress from streets and shall provide such area(s) at the side or rear of the building.
- (2) Loading area requirements may be met by combining the floor areas of several activities taking place under one roof and applying the ratios established in Article V of this chapter.

§ 113-13. M-O/R - Mixed Office/Residential District

It is the purpose of the Mixed Office/Residential Zone to maintain the existing character of the southern end of the Main Street corridor, to maintain the mix of office and residential uses that has defined that section of roadway; to provide general and professional office uses that are compatible with residential uses; and to provide adequate off-street parking for all permitted uses.

A. Principal permitted uses on the land and in buildings.

- (1) Garden apartment and townhouse uses.
- (2) Banks, including drive-thru facilities.
- (3) Offices and office buildings.
- (4) Public purpose uses.

B. Conditional uses permitted.

- (1) Public utility uses.
- (2) Marinas that provide docks, berths, slips, or tie-up for boats and small pleasure craft.
- (3) Accessory apartments provided:
 - (a) At least half the apartments are affordable to low or moderate income households.
 - (b) The apartment is located above the first floor;
 - (c) The building containing the apartment conforms to the height limitations and yard requirements established within the zoning district;
 - (d) The apartment shall be in full compliance with all applicable health and construction codes;
 - (e) Each apartment shall have a minimum of two (2) rooms (excluding bathrooms) and have direct access to the outside or a hall with direct access to the outside;
 - (f) The occupant of the apartment must meet the income limitations established by COAH for the Mercer-Monmouth-Ocean Housing Region;
 - (g) The average rent for a low or moderate income apartment must be affordable to a household earning no more than fifty-seven and five-tenths (57.5%) percent of median income as determined through the procedures outlined in the Borough's Affordable Housing Ordinance. If more than one (1) apartment is proposed for any property, at least fifty (50%) percent of all apartments shall be affordable to low income households earning no more than forty-four (44%) percent of median income. The other half of the "affordable" units shall be affordable to moderate income households earning no more than seventy-one (71%) percent of median income. Avon may permit owners to fund the entire cost of a regional contribution agreement in lieu of constructing moderate income housing units. The Borough Planning Board shall require evidence that a municipality in the Mercer-Monmouth-Ocean Housing Region is willing to accept the regional contribution agreement at a cost that equals or exceeds COAH minimum standard for a regional contribution agreement as a condition of accepting a payment in lieu of construction of a moderate income unit. Where the Borough permits an applicant to fund a regional contribution agreement, the applicant shall be able to replace the moderate-income unit with a market unit. For purposes of illustration, where an applicant is proposing to construct four (4) apartments, one (1) must be affordable to a low-income household and one (1) must be affordable to a moderate-income household. The Borough may allow the applicant to fund a regional contribution agreement for the

moderate income housing unit and construct three (3) market units and one (1) low income unit on site.

- (h) Affordability controls of at least thirty (30) years shall be imposed on the accessory apartment via a deed restriction acceptable to the Borough's attorney;
- (i) A condition of approving an accessory apartment shall be that the owner must submit an affidavit of continuing use every two (2) years;
- (j) The Borough has not addressed its 1987-1999 housing obligation;
- (k) Outdoor cooking facilities on balconies and terraces are prohibited;
- (l) No room within a dwelling unit intended for human habitation shall be located in a cellar, basement, or attic except that centralized laundry facilities or individually arranged storage areas may be so located;
- (m) All television antenna equipment shall be built into the building to eliminate individual antennas being erected on the roof;
- (n) Air conditioning of the units shall be designed to eliminate the need for air conditioning units extending from the exterior wall;
- (o) Outside washing or drying of clothes is prohibited, as is the utilization of balconies or terraces for such purposes. Each building shall provide at least one (1) washer and dryer for each five (5) dwelling units for the exclusive use of the occupants of the development unless each unit is provided with a washer and dryer;
- (p) Off-street parking is limited to the privately owned, noncommercial or nonrecreational vehicles of residents or their guests;
- (q) Outdoor unenclosed storage of any item is prohibited. A suitable trash and recyclable storage area completely surrounded by a six (6) foot high solid fence with solid gates shall be provided, which may be combined with the trash and recyclable storage area for the commercial use of the property. All outside trash and recyclables shall be stored in this area and shall not be in public view over the fence height.

C. Accessory uses permitted.

- (1) Off-street parking (see § 113-21).
- (2) Fences and walls (see § 113-18).
- (3) Decks, patios and porches.
- (4) Antennas not to exceed three (3) feet in height, and television "dish" antennas not to exceed twenty-four (24) inches in any one dimension.

D. Maximum height permitted. No building or structure shall exceed thirty-five (35) feet and two and one-half (2 1/2) stories except as further specified in this chapter.

E. Area and yard requirements. See also note (c).

Minimum Requirements

Lot area
Lot width
Lot depth

All Uses

7,000 square feet
50 feet
100 feet

Minimum Requirements**All Uses**

Side yard (each)

See note (a)

Front yard

See note (b)

Rear yard

15 feet

Maximum Requirements:**Residential****All Others**

Building coverage

50%

50%

Density

12 units/acre

N/A

Impervious surface coverage

85%

85%

Notes:

- (a) In order to encourage an end product that provides parking, access and architectural continuity even where development occurs piecemeal and with diverse ownership, buildings may be attached and may be built to the interior side line(s) in order to be attached. Attached buildings may include two (2) walls that must be keyed to each other. Where buildings are built to both side lot lines, the site plan shall be accompanied by appropriate legal material and plans showing properly located loading spaces and trash receptacles with permitted access across adjacent properties. If structures are not attached, the side yard(s) shall be five (5) feet.
- (b) The front yard shall be determined on the basis of the average front yard depth within the block (or adjacent block if there are no existing buildings in the block).
- (c) Minimum and maximum requirements for public purpose uses shall be determined by the Board at the time of application, except that building height shall be as required in Subsection D above.

F. General requirements.

- (1) For parking areas, at least the first five (5) feet adjacent to any street line shall not be used for parking and shall be planted and maintained in lawn area, ground cover, or landscaped with evergreen shrubbery and separated from the parking area by poured concrete curbing.
- (2) There shall be no outdoor display of equipment, supplies or materials.
- (3) All buildings shall be compatibly designed, whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes, which shall not include unpainted or painted cinder block or concrete block walls.
- (4) All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formation, contours, existing foliage and the planting of conifers and/or deciduous trees native to the area in order to either maintain or reestablish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas.
- (5) For nonresidential uses, there shall be at least one (1) trash and/or garbage pick-up location provided by each building which shall be separated from the parking spaces by either a location within the building or in a pick-up location outside the building which shall be a steel-like, totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination of the three. If located within the building, the doorway may serve both the loading and trash/garbage functions and if located outside the building, it may be located adjacent to or within the general loading area(s) provided the container in no way interferes with or restricts loading and unloading functions.

Requirements for residential uses are included in Section H below.

- (6) A minimum of ten (10%) percent of the total lot area shall be landscaped.
- (7) All tanks, ventilating fans, air-conditioning equipment or similar equipment required to operate and maintain the building, shall be located in a rear yard or on the roof of the building, and shall be screened from public view by architectural means such as wall, parapet, or fence that is compatible with the architectural design of the building. Slatted chain link fences shall not be permitted. For the purposes of this section, screened from view shall mean that the architectural element is uniform and at least seventy-five (75%) percent opaque, completely surrounds the equipment, and the top of the piece of equipment does not extend above the top of the architectural element.
- (8) Accessory buildings, structures, and uses. Accessory structures intended for use or occupancy and located on or above ground, including patios, and decks, shall not be located in any front yard, must maintain the required side setback of the principal structure and shall maintain a minimum six (6) foot rear yard setback unless otherwise stated in this chapter. Fences are specifically not covered by this restriction and are governed by Article V or this chapter. Driveways shall maintain a three (3) foot side yard setback.
- (9) Decks:
[Amended 5-9-11 by Ord. No. 6-2011]
 - (a) Decks, Pervious. Pervious decks shall not be permitted in the front yard. Pervious decks shall be limited to the ground level. Pervious decks shall meet the setback requirements of the principal structure. The total area of all pervious decks on any lot, including stairs accessing any deck, shall be limited to five (5%) percent of the total area of the lot.
 - (b) Decks, Impervious. Impervious decks shall be permitted as follows:
 - (i) First floor impervious deck: No ground level decks in the front yard. Side and rear yard ground level decks may be covered with a roof structure (aka "Porch"). Size shall be governed by lot coverage, building.
 - (ii) Second floor impervious deck: Permitted above any approved porch or portion of the principal building that is located behind the required yard setback. Only the portion of deck located behind wall of principal building may be covered with a roof structure. Size shall be governed by area of approved porch below, plus up to one hundred twenty-five (125) square feet of deck area behind walls of principal structure below.
 - (iii) Third floor impervious deck: Permitted provided that deck does not extend beyond the wall of the principal building. Deck may be covered with a roof structure. Size shall be limited to eight (80) square feet of deck area.
 - (iv) No decks shall be permitted above the highest floor level of the structure.

G. Minimum Size for Garden Apartment or Townhouse Dwelling Units.

- (1) One bedroom or efficiency: 700 square feet.
- (2) Two bedrooms: 900 square feet.
- (3) Three or more bedrooms: 1,200 square feet.

H. Additional requirements relating to Garden Apartment or Townhouse Dwelling Units.

- (1) No room within a dwelling unit intended for human habitation shall be located in a cellar, basement, or attic except that centralized laundry facilities or individually arranged storage areas may be so located;

- (2) Location, design and arrangement of all buildings improvements, internal roadways, walkways and parking shall be subject to approval of the Planning Board, and be designed to ensure the health, safety and welfare of the residents and their guests, and shall include but not be limited to review of:
 - (a) Lighting (pursuant to Article V);
 - (b) Screening and fences, both internal to the site and externally to adjoining sites;
 - (c) Provision of utilities and disposal of solid waste;
 - (d) Fire prevention and fire fighting;
 - (e) Development and maintenance of common open space;
- (3) All television antenna equipment shall be built into the building to eliminate individual antennas being erected on the roof;
- (4) Air conditioning of the units shall be designed to eliminate the need for air conditioning units extending from the exterior wall;
- (5) Outside washing or drying of clothes is prohibited, as is the utilization of balconies or terraces for such purposes. Each building shall provide at least one (1) washer and dryer for each five (5) dwelling units for the exclusive use of the occupants of the development, unless each unit is provided with a washer and dryer;
- (6) Off-street parking is limited to the privately owned, noncommercial or nonrecreational vehicles of residents or their guests;
- (7) Outdoor unenclosed storage of any item is prohibited. There shall be a trash and recyclable storage area completely surrounded by a six (6) foot high solid fence with solid gates. All outside trash and recyclables shall be stored in this area and shall not be in public view over the fence height;
- (8) Each dwelling unit shall be provided with at least seven hundred (700) cubic feet of storage, exclusive of closets;
- (9) Common areas, if any, shall be deeded to a corporation, association, individuals, or other legal entity consisting of the property owners within the development for their use, control management and maintenance; and
- (10) Outdoor cooking facilities on balconies and terraces are prohibited.

§ 113-14. DC - Downtown Commercial District.

It is the purpose of the Downtown Commercial Zone to substantially upgrade the appearance of the Main Street corridor; to provide a community oriented downtown commercial district; and to provide adequate off-street parking for all permitted uses.

A. Principal permitted uses on the land and in buildings.

- (1) The following retail sales of goods and services:

Advertising agency.

Advertising specialty office.

Antique store.

Apparel.

Appliance store.
Art gallery.
Artist's supply.
Audiovisual equipment.
Bakery store.
Bank.
Barbershop.
Beauty and cosmetic shop.
Books, periodicals and newspaper sales.
Business equipment sales.
Butcher store or meat market (no slaughtering permitted).
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.
Credit union office.
Curtain store.
Delicatessen.
Fabric store.
Florist.
Food products.
Furniture sales.
General office buildings.
Gift store.
Glassware.
Greeting card store.
Grocery store.
Hobby store.
Home furnishings.
Home improvement office.
Household appliance.
Ice cream store.
Interior decorator.
Jewelry store.

Leather goods and luggage.
Liquor store.
Locksmith.
Medical and dental offices.
Musical instrument store.
Office equipment and supplies.
Optical goods.
Paint, glass and wallpaper store.
Pet shop (including pet grooming).
Phonographic sales and service.
Photographic studio.
Physical culture and health establishments.
Professional office.
Real estate and insurance.
Record store.
Reducing salon.
Restaurant, sit down.
Seafood store.
Shoe and hat repair.
Specialty food store.
Sporting goods store.
Stamp and coin store.
Stationery store.
Tailor.
Toy store.
Travel agency.
Travel ticket office.
Uniform rental and sales.
Variety store.

(2) Public purpose uses.

B. Conditional uses permitted.

(1) Public utility uses.

(2) Accessory apartments provided:

- (a) At least half the apartments are affordable to low or moderate income households.
- (b) The apartment is located above the first floor;
- (c) The building containing the apartment conforms to the height limitations and yard requirements established within the zoning district;

- (d) The apartment shall be in full compliance with all applicable health and construction codes;
- (e) Each apartment shall have a minimum of two (2) rooms (excluding bathrooms) and have direct access to the outside or a hall with direct access to the outside;
- (f) The occupant of the apartment must meet the income limitations established by COAH for the Mercer-Monmouth-Ocean Housing Region;
- (g) The average rent for a low or moderate income apartment must be affordable to a household earning no more than fifty-seven and five-tenths (57.5%) percent of median income as determined through the procedures outlined in the Borough's Affordable Housing Ordinance. If more than one (1) apartment is proposed for any property, at least fifty (50%) percent of all apartments shall be affordable to low income households earning no more than forty-four (44%) percent of median income. The other half of the "affordable" units shall be affordable to moderate income households earning no more than seventy-one (71%) percent of median income. Avon may permit owners to fund the entire cost of a regional contribution agreement in lieu of constructing moderate income housing units. The Borough's Planning Board shall require evidence that a municipality in the Mercer-Monmouth-Ocean Housing Region is willing to accept the regional contribution agreement at a cost that equals or exceeds COAH minimum standard for a regional contribution agreement as a condition of accepting a payment in lieu of construction of a moderate income unit. Where the Borough permits an applicant to fund a regional contribution agreement, the applicant shall be able to replace the moderate-income unit with a market unit. For purposes of illustration, where an applicant is proposing to construct four (4) apartments, one (1) must be affordable to a low-income household and one (1) must be affordable to a moderate-income household. The Borough may allow the applicant to fund a regional contribution agreement for the moderate income housing unit and construct three (3) market units and one (1) low income unit on site;
- (h) Affordability controls of at least thirty (30) years shall be imposed on the accessory apartment via a deed restriction acceptable to the Borough's attorney;
- (i) A condition of approving an accessory apartment shall be that the owner must submit an affidavit of continuing use every two (2) years;
- (j) The Borough has not addressed its 1987-1999 housing obligation;
- (k) Outdoor cooking facilities on balconies and terraces are prohibited;
- (l) No room within a dwelling unit intended for human habitation shall be located in a cellar, basement, or attic except that centralized laundry facilities or individually arranged storage areas may be so located;
- (m) All television antenna equipment shall be built into the building to eliminate individual antennas being erected on the roof;
- (n) Air conditioning of the units shall be designed to eliminate the need for air conditioning units extending from the exterior wall;
- (o) Outside washing or drying of clothes is prohibited, as is the utilization of balconies or terraces for such purposes. Each building shall provide at least one (1) washer and dryer for each five (5) dwelling units for the exclusive use of the occupants of the development, unless each unit is provided with a washer and dryer;
- (p) Off-street parking is limited to the privately owned, noncommercial or nonrecreational vehicles of residents or their guests;

ENG. ALAN P. HILLA'S
REPLY TO COUNCIL LIAISON DOUG WITTE



Graham, Viveca <vgraham@boro.lake-como.nj.us>

RE: Plan. Bd. Agenda~ Dec. 14, 2020 w/ Attachments

1 message

Alan P. Hilla <AHilla@h2m.com>

Fri, Dec 11, 2020 at 9:59 AM

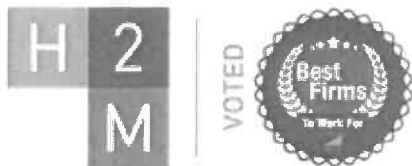
To: "Witte, Douglas" <Douglas.Witte@atlantichhealth.org>, "Graham, Viveca" <vgraham@boro.lake-como.nj.us>, Joseph Cavaluzzi <jcavaluzzi@boro.lake-como.nj.us>, Joe Cavaluzzi <jocavaluzzi1@gmail.com>, "Schneider, Adam" <aschneiderlawoffice@comcast.net>, Kevin Higgins <khiggins@boro.lake-como.nj.us>, Doug Witte <dwitte@boro.lake-como.nj.us>, Gretchen Schmidhausler <gschmidhausler@gmail.com>, Keith Goisse <kgoisse@entact.com>

All,

In response to Doug's comment, I have compiled (and attached hereto) the commercial/office use sections from the ordinances for Brielle, Spring Lake, Belmar, Bradley Beach and Avon for your use. The Manasquan commercial zone ordinance is in the packet you already have. See you on Monday.

AI

Alan P. Hilla, Jr., PE, PP, CME
Central Jersey Office Director

**H2M Associates, Inc.**

4810 Belmar Boulevard, Suite 201, Wall Township, NJ 07753
 tel 732.414.2661 x2108 | direct 732-348-7009 | fax 732.414.2662

h2m.com_

**From:** Witte, Douglas <Douglas.Witte@atlantichhealth.org>**Sent:** Friday, December 11, 2020 8:47 AM

To: Graham, Viveca <vgraham@boro.lake-como.nj.us>; Joseph Cavaluzzi <jcavaluzzi@boro.lake-como.nj.us>; Joe Cavaluzzi <jocavaluzzi1@gmail.com>; Schneider, Adam <aschneiderlawoffice@comcast.net>; Alan P. Hilla <AHilla@H2M.com>; Kevin Higgins <khiggins@boro.lake-como.nj.us>; Doug Witte <dwitte@boro.lake-como.nj.us>; Gretchen Schmidhausler <gschmidhausler@gmail.com>; Keith Goisse <kgoisse@entact.com>

Subject: RE: Plan. Bd. Agenda~ Dec. 14, 2020 w/ Attachments

****This e-mail is from outside H2M architects + engineers. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

I thought that we were going to contact other towns to see what they had as a permitted business in their town.

I do not see anything in this package.

Doug

From: Graham, Viveca <vgraham@boro.lake-como.nj.us>

Sent: Thursday, December 10, 2020 8:38 PM

To: Joseph Cavaluzzi <jcavaluzzi@boro.lake-como.nj.us>; Joe Cavaluzzi <joecavaluzzi1@gmail.com>; Schneider, Adam <aschneiderlawoffice@comcast.net>; Alan P. Hilla <AHilla@h2m.com>; Kevin Higgins <khiggins@boro.lake-como.nj.us>; Doug Witte <dwitte@boro.lake-como.nj.us>; Witte, Douglas <Douglas.Witte@atlantichhealth.org>; Steven Petrosino <stevepetro45@gmail.com>; Chip Cavanagh <chip401@me.com>; Allison Krilla <ndinsider@gmail.com>; Kathleen Madaras <kathleen.madaras@gmail.com>; Christine Noonan <cjnrealtor@gmail.com>; Beverly Fierro <bevfierro@yahoo.com>; Gretchen Schmidhausler <gschmidhausler@gmail.com>; Keith Goisse <kgoisse@entact.com>
Cc: Mark Fessler <markfesslerarchitect@gmail.com>; Elaine Slicner <EARSlicner@comcast.net>; Anthony Rossics <arossics@thecoaststar.com>

Subject: Plan. Bd. Agenda~ Dec. 14, 2020 w/ Attachments

WARNING: This email originated from outside of Atlantic Health System.

Do not click on any of the associated links or attachments unless you recognize the sender AND are expecting this email.

Hello Everyone,

I hope this email finds you and yours doing well. Attached please find the Agenda and one Formal Application for a deck at 1808 Laurel Terrace, Ronald and Elaine Slicner.

Also, you will find Documents for your review on the recommendations for Ordinance Changes to the Master Plan as presented by Chairman Cavaluzzi at the last meeting . Please take some time to look at them so you can be ready to discuss on Monday, Dec. 14, 2020. Also see comments since the last meeting from Joe C. and Alan H.

**** Very Important:** Our Zoom Meeting Log In Information stays the same. However, tomorrow I will re-send the Agenda with the Zoom Meeting Information on it to make it easy on Monday. You will also be able to find it on the Borough Website: www.lakecomonj.org

Thank you,

Viveca

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17523K

§ 21-17.10. Principal Building or Structure Required. [Ord. #255; Ord. #592; Ord. #668; 1972 Code § 89-16]

No use shall be established, maintained or conducted on property in any commercial zone without the existence of a principal building and the use shall only be permitted in conjunction with the use conducted in the principal building or structure.

§ 21-18. C-1 CENTRAL COMMERCIAL ZONE. [Ord. 255; Ord. #592; 1972 Code § 89-17]

The purpose of the C-1 Central Commercial Zone is to provide a retail center in which will be found the convenience shopping goods and services required to meet the daily needs of residents and to provide an area for central government. It is specifically for retail sales and services and municipal government functions. Every encouragement is given to have appropriate architecture to enhance a marine-oriented community.

§ 21-18.1. Permitted Uses. [Ord. #255; Ord. #592; 1972 Code § 89-17]

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

Antique shops.

Apparel.

Appliance store.

Artist's supply.

Bakery shop.

Bank and trust company.

Barber shop.

Beauty and cosmetic shop.

Bicycle shop.

Books, periodicals, newspaper sales.

Business offices.

Butcher shop or meat market (no slaughtering permitted).

Candy shop.

Card shop.

Ceramic shop.

Cigars and tobacco.

Cleaner pick-up or laundry pick-up only.

Coin dealer.
Dairy products.
Delicatessen.
Drug store.
Feed store and mill.
Finance companies.
Florists.
Fruit stores and vegetable markets.
Gift shop.
Grocery stores.
Hardware stores.
Hobby shop.
Ice cream shop.
Jewelry shop.
Library.
Liquor store.
Locksmith.
Luncheonette (non-drive-in).
Medical clinic and offices (out-patient).
Municipal uses.
Musical instrument store.
Newsstand.
Notaries.
Paint, glass and wallpaper stores.
Pet shop.
Pharmacy.
Photography studios.
Police and fire stations.
Professional offices.
Public utilities office.

Post office.

Real estate and insurance.

Record shop.

Restaurant (non-drive-in, non-fast food).

Sandwich shop (non-drive-in).

Savings and loan associations.

Seafood store.

Shoe or hat repair shop.

Snack bar (non-drive-in).

Specialty food stores (i.e., herbs, spices etc.)

Sporting goods store.

Stationery store.

Tailors.

Tavern.

Television, radio, electronics, sales and service.

Travel agencies.

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.
2. Signs subject to the provisions of Article V of this Ordinance.
3. Fences and hedges subject to the provisions of Article VII 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.

c. The following uses are permitted subject to the Planning Board approval and the special conditions of Article X of this Chapter:

1. Government and public buildings and services necessary to the health, safety, convenience and general welfare of the inhabitants of the township.
2. Churches, synagogues, parish houses, and similar religious uses.
3. Public utility installations.
4. Quasi-public uses, including clubs, lodges, and similar uses.

5. Automobile sales and service.
6. Automobile gasoline station.

§ 21-18.2. Development Standards. [Ord. #255; Ord. #592; 1972 Code § 89-17; Ord. #915]

The C-1 Commercial Zone specified herewith shall be occupied only as indicated in the Schedule in Article XV of this Chapter and as follows:

- a. Principal buildings.
 1. Minimum lot size 7,500 square feet.
 2. Minimum lot width 50 feet.
 3. Minimum lot depth 150 feet.
 4. Minimum front setback (measured from the proposed street R.O.W. line) 30 feet.
 5. Minimum each side setback. If the property abuts a residential zone, the building shall be set back a distance of 25 feet 10 feet.
 6. Minimum rear setback. If the property abuts a residential zone, the building shall be set back a distance of 30 feet. 30 feet.
 7. Minimum gross floor area 800 square feet.
 8. Maximum lot coverage 25%.
 9. Maximum building height 2-1/2 stories, or 35 feet, whichever is less.
- 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.

§ 21-18.3. Other Provisions and Requirements. [Ord. #255; Ord. #592; 1972 Code § 89-17]

- a. Off-street parking and loading is required subject to the special conditions as specified in Article VI of this Chapter.
- b. Landscaping is required subject to the special conditions as specified in Article VII of this Chapter.

§ 21-18A. C-1A GATEWAY ZONE. [Ord. #915]

The purpose of the C-1A Gateway Zone is to provide a multi-use overlay zone that dovetails with the "Main Street" theme of the reconstructed Higgins Avenue corridor. It is intended to

promote themed retail/professional use development with conditional residential aspects. Seashore colonial architectural features are recommended for any sort of development.

§ 21-18A.1. Permitted Uses. [Ord. #915]

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

Accountant's offices

Advertising agency

Antique shop

Apparel shop

Art gallery

Artist supply shop

Bank branch

Barber shop

Beauty and cosmetic shop

Bicycle shop

Books, periodicals, newspaper shop

Candy shop

Card shop

Cigar and tobacco shop

Coin and stamp shop

Dance studio

Electronics service and repair shop

Employment agency

Engineer's offices

Financial consultant offices

Florist shop

Gift shop

Health and fitness centers

Hobby shop

Insurance office

Jewelry shop
Legal offices
Liquor store
Locksmith
Museum
Musical instrument shop
Photography studio
Pottery shop
Print shop
Private school
Real estate office
Record shop
Senior citizen activity center
Ship chandlery
Shoe repair shop
Sporting goods store
Stationery store
Tailor shop
Toy shop
Travel agency

b. Accessory structures and uses including:

Signs and entry gate structures.

Other customary accessory uses and structures which are clearly incidental to the principal structure and its uses.

c. Conditional uses subject to Planning Board approval and the special conditions of Article X of this Chapter:

Age restricted townhouse development

Government and public buildings necessary to the health, safety, convenience, and general welfare of the inhabitants of the Borough.

Churches, synagogues, parish houses, and similar religious uses.

Quasi-public uses, including clubs, lodges, and similar uses.

Spring Lake

Detached Dwellings in the

**Maximum
Impervious
Coverage (% of lot
area or square
feet)**

Total cumulative
accessory building
coverage (excluding
detached private
garages (3))

Maximum total
impervious surface
coverage

R-1 District

100 square feet

R-2 District

100 square feet

R-3 District

100 square feet

Churches

35%

Detached Dwellings in the

**Maximum
Building Height**

Principal building

Detached private
garage

All accessory
buildings, excluding
detached private
garage

R-1 District

2 1/2 stories/
35 feet

1 story/18 feet

1 story/ 15 feet

R-2 District

2 1/2 stories/
35 feet

1 story/18 feet

1 story/ 15 feet

R-3 District

2 1/2 stories/
35 feet

1 story/18 feet

1 story/ 15 feet

Churches

1 story/ 25 feet

Notes:

(1) (Reserved)

(2) (Reserved)

(3) Accessory structures include tool and storage sheds, greenhouses, gazebos and pool cabanas.

(4) A detached private garage shall be required for all new construction of a principal residential structure in the R-1 and R-3 Districts in accordance with the provisions of § 225-16.

→ **§ 225-13. RC Retail Commercial and GC General Commercial.**

A. Principal permitted uses on the land and in buildings.

- (a) Wireless telecommunications towers and facilities as conditional principal or accessory uses in the G-C Zone subject to the requirements and limitations of § 225-33, Wireless telecommunications towers and facilities.
 - (b) Outdoor cafes as conditional accessory uses in accordance with the provisions of § 225-33.1, Outdoor cafes, of this chapter.
- C. Maximum building height. No building shall exceed 40 feet in height except as allowed in § 225-34.
- D. Area and yard requirements. [Amended 10-10-2000 by Ord. No. 31-2000; 12-18-2000 by Ord. No. 37-2000]

**Principal Building
(minimum)**

	Uses in RC District	Uses in GC District
Lot area	2,500 square feet	7,500 square feet
Lot frontage	25 feet	50 feet
Lot width	25 feet	50 feet
Lot depth	100 feet	150 feet
Side yard	In order to encourage an end product which provides parking, access and architectural continuity even where development occurs piecemeal and with diverse ownership, buildings may be attached and may be built to the interior side line(s) in order to be attached. 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 legal material and plans showing properly located loading spaces and trash receptacles with permitted access across adjacent properties. If structures are not attached, the side yard(s) shall be 10 feet for uses in the RC District and 15 feet for use in the GC District.	
Front yard	0 feet	20 feet
Rear yard	30 feet	30 feet

**Accessory Building
(minimum)**

	Uses in RC District	Uses in GC District
Distance to side line	10 feet	15 feet
Distance to rear line	10 feet	15 feet
Distance to other building	15%	15%

Borough of Belmar, NJ
Friday, December 11, 2020

Chapter 40. Development Regulations

Article V. Zoning Districts

§ 40-5.1. Zoning Map and Schedule.

[Ord. No. 1992-32 § 5.1; Ord. No. 2000-02; Ord. No. 2001-21 § 3; Ord. No. 2006-23 §§ 2, 3]

a. Establishment, Authentication, Maintenance, and Revision.

1. Zoning Map. The locations and boundaries of the districts of the Borough are hereby established as shown on the Zoning Map of the Borough of Belmar, New Jersey which is attached hereto and is hereby made a part of this chapter, together with all notations, references and designations shown thereon and dated and amended as follows:
 2. Schedule of Zoning District Requirements. District regulations for zone districts within the Borough of Belmar are hereby established and are attached hereto and are hereby made a part of this chapter, together with all notations, references and designations shown thereon.^[2]

[2] *Editor's Note: Schedules referred to herein can be found as an attachment to this chapter.*
 3. Schedule of Uses. Permitted uses within each zone district in the Borough of Belmar are hereby established and attached hereto and are hereby made a part of this chapter, together with all notations, references and designations shown thereon.
 4. Authentication of Zoning Map. Subsequent to the adoption of this chapter, and any revisions to the Zoning Map, three copies of the Zoning Map shall be authenticated by the Mayor's signature, and the seal of the municipality, attested by the Borough Clerk, under the following certificate:

"I certify that this is the Official Zoning Map of the Borough of Belmar, New Jersey, referred to in the Ordinances of the Borough of Belmar, New Jersey."
 5. Maintenance of the Zoning Map. Authenticated copies of the Zoning Map shall be maintained in the office of the Borough Clerk and Zoning Officer and shall be made available for public reference. Copies of all or a part of the Zoning Map may be reproduced for public distribution. One authenticated copy shall be forwarded to the Monmouth County Planning Board in accordance with N.J.S.A. 40:55D-16. However, the original copy of the Zoning Map maintained in the office of the Borough Clerk shall be the final authority as to the current status of zoning districts in the Borough of Belmar.

Belmar

6. Revisions to the Zoning Map.

- (a) When, in accordance with the provisions of this chapter and of State law, revisions are made in district boundaries or other matters portrayed in the Zoning Map, the Zoning Map shall be amended with an entry bearing the date of adoption, ordinance number, a brief description of the change(s).
 - (b) No changes of any nature shall be made to the Zoning Map except in conformity with the above procedure. Any unauthorized changes to the Map or its contents by any person or persons shall be considered a violation of this chapter.
- b. Interpretation of District Boundaries.
1. Zone district boundaries are intended to follow street, lot or property lines, or other natural lines such as the center line of water courses, ditches or lagoons, unless such district or zone boundaries are fixed by dimension on the Zoning Map or by description, and shall include contiguous riparian lands subsequently acquired and/or filled, and lands acquired by the accretion or stream diversion by natural causes.
 2. In constructing the Official Zoning Map, the following rules shall apply:
 - (a) Boundaries indicated as following the center lines of streets, highways or alleys or streams, rivers or other bodies of water shall be construed to follow such center lines.
 - (b) Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
 - (c) Boundaries indicated as parallel to or extensions of features indicated in Subsections **40-5.1a** through **40-5.1b** above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the use of the scale appearing thereon.
 - (d) Where a zone boundary fixed by dimensions approximately follows and is not more than 20 feet distant from a lot line, such lot line shall be construed to be the zone boundary.

[1] *Editor's Note: Zoning maps may be purchased in the Belmar Municipal Building, Office of Construction.*

§ 40-5.2. Description of Districts.

[Ord. No. 1992-32 § 5.2; Ord. No. 1994-54; Ord. No. 1996-10 § 1; Ord. No. 2000-15 §§ xii, xiii; Ord. No. 2001-21 § 1; Ord. No. 2004-02; Ord. No. 2004-12 § i]

- a. The Borough of Belmar is hereby divided into districts as follows:

R-100	Single-Family Residential Zone District
R-75	Single-Family Residential Zone District
R-70	Single-Family Residential Zone District

R-50	Single-Family Residential Zone District
R-40	Single-Family Residential Zone District
R-36	Single-Family Residential Zone District
R-1-50	Single-Family Residential Zone District
CBD-1	Central Business District
CBD-2	Central Business District
B-C	Beachfront Commercial District
MC-1	Marine Commercial District
MC-2	Marine Commercial District
PB	Public Use Overlay District
PO-75	Professional Office Zone District
PRD	Planned Residential Development (Age 55 and Older) District

- b. The regulations set forth in this chapter for each district shall be minimum regulations and shall apply uniformly to each class of structure or land within the district, except as hereinafter provided.
- c. No building or structure shall hereafter be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or building or portion of a building or structure to be used, designed, or arranged to be used for any purpose unless in conformity with all of the regulations herein specified for the district in which it is located.
- d. Every principal building shall be located on a lot as defined in this chapter, except for nonresidential development, no more than one principal building and its accessory buildings shall hereafter be erected on any one lot.
- e. Yards or lots created after the effective date of this chapter shall meet the minimum requirements established by this chapter.

§ 40-5.3. Permitted and Prohibited Uses.

[Ord. No. 1992-32 § 5.3; Ord. No. 1994-20 § 5; Ord. No. 1996-34 § 2; Ord. No. 2003-24; Ord. No. 2003-29]

- a. Any use, except for essential services, which is not specifically listed as a permitted use, an accessory use or a conditional use shall be deemed a prohibited use.
- b. Prohibited uses shall include but not be limited to the following:
 1. All billboards, signboards, advertising signs and devices not expressly related to the business being conducted on the premises or otherwise specifically permitted by this chapter.
 2. Roller coaster, ferris wheels, whirl-a-gig, midways or side shows, and similar outdoor commercial recreation uses.

3. Auction markets.
4. Trailer coach parks.
5. Junk yards, automobile wrecking yards or disassembly yards, or the storing of scrap metal, paper, rags, or other scrap material, except for recycling operations operated by or with the approval of the Borough.
6. Privately operated dumps for the disposal of garbage, trash, refuse, junk, or other such material.
7. Adult book stores.
8. Peep shows.
9. Massage parlors.
10. Explosive storage, except small arms ammunition, or by special permit, where explosives are to be used on the premises.
11. Pylon signs.
12. Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, garbage, or dead animals.
13. Kennels and veterinary hospitals.
14. Manufacturing plants.
15. The open storage in any yard of more than one unlicensed or inoperative motor vehicle; or the open storage in a front yard of any unlicensed or inoperative motor vehicle; or the open storage of new or used parts of any motor vehicle or trailer, or material which has been a part of any motor vehicle or trailer except where permitted as a conditional use in conjunction with a motor vehicle service station pursuant to Article 6, Subsection **40-6.5** of this chapter.
16. The overnight storage of any commercial vehicle in residential zones, except that one such vehicle having a gross weight of not more than 18,000 pounds may be stored in a side or rear yard provided such vehicle is owned by the resident.
17. Radio towers and antennas except as herein permitted.
18. Slaughtering and slaughterhouses.
19. Travel trailer parks, trailer parks, mobile home parks.
20. Any airport, landing field, landing strip, heliport, helistop, off-heliport landing site, sport parachuting center or any other facility used for the landing or take-off of any aircraft, either as a primary use or as a use accessory, auxiliary or incidental to any primary use.
21. The manufacture, transportation, storage or utilization of genetically engineered material.

22. Any use which emits excessive or objectionable amounts of dust, fumes, noise, odor, smoke, vibration, glare or waste products. See Performance Standards for details, Article 7, Subsection 40-7.22 of this chapter.
23. The use of any building or premises in such a manner that the health, morals, safety or welfare of the community may be endangered.
24. New and used car dealerships.
25. Restaurants, drive-in.
26. Tattoo businesses.
27. Gas stations and auto repair shops.
28. Pool and billiard halls.
29. Telemarketing or telesales.
30. Nightclubs.
31. Bars/taverns/pubs, except in the CD-1 Zone.
32. No use involving the sale of alcohol involving the on-premises consumption of alcohol shall be permitted in the Seaport Development Zone except for restaurants with liquor licenses as defined in the Development Regulations.

3.0 RELATIONSHIP TO LOCAL OBJECTIVES AND MUNICIPAL DEVELOPMENT REGULATIONS

Current land use regulations for the Seaport Village Redevelopment Area and Belmar Marina-Maclearie Park Rehabilitation Area rest within the Development Regulations of the Borough of Belmar, adopted December 29, 1992. The Development Regulations zone the Seaport Village Redevelopment Area and Belmar Marina-Maclearie Park Rehabilitation Area in accordance with many land uses that have either become obsolete or which conflict with one or more of the three principal elements of the Seaport Redevelopment Plan described in Section 2.0.

The five zoning districts that currently apply to portions of the Seaport Village Redevelopment Area are Marine Commercial - 2 (MC-2), Central Business District - 1 (CBD-1), Central Business District - 2, Residential - 75 (R-75) and Public Use Overlay (PB). The Belmar Seaport Study Area Map shows the study area boundaries marked on the existing Zoning Map and shows that the portion of the Redevelopment Area north of Fifth Avenue is zoned MC-2; the area between Seventh Avenue and Fifth Avenue west of or fronting on Main Street is zoned CBD-2; portions of the Area fronting on the numbered Avenues east of Main Street, including all of the Saint Rose School, are zoned R-75; the portion between Seventh and Eighth Avenues west of or fronting on F Street are zoned CBD-1; and the portion of the Redevelopment Area west of Route 35 is zoned PB.

The MC-2 and CBD-2 zones permit uses that are not water-dependent and which would not contribute to the goals of the Seaport Redevelopment Plan, as outlined in Section 1.0. For example, new and used car dealerships are permitted in the CBD-2 zone; auto repair shops are permitted in the CBD-2 and MC2 zones; motor vehicle service stations are permitted in the MC-2 zone. In addition, the MC-2 zone prohibits many of the retail support uses that are specifically included in Section 2.0 of this Plan as being needed in a themed district such as the Seaport. Specifically, antique shops, bookstores, camera stores, gift-novelty souvenir shops, florists and clothing shops are not permitted along the riverfront under the current MC-2 zone regulations.

In addition to the incompatibility of the existing use regulations with the goals and objectives of this Plan, the lot regulations are also an impediment to new development of water dependent uses, as half of the existing parcels in the MC-2 zone are smaller than the minimum lot area requirement of 10,000 square feet and are too small to accommodate the water dependent uses likely to use frontage on the Inlet (marinas, boat and watercraft rentals, water transportation services, boat building and repairing, etc.).

Finally, while the CBD-1 allows the public parking of Belmar Plaza to satisfy the off-street parking requirements for uses in that zone, all of the commercial uses north of Seventh Avenue are required to provide on-site off-street parking where the prevailing lot sizes are too small to support both building and parking uses.

For the reasons stated above, the Seaport Redevelopment Plan will replace the Development Regulations for the portion of the Borough of Belmar that is within the designated Seaport Village Redevelopment Area. The land uses and building requirements for the Seaport Village Redevelopment Area, upon the adoption of this Plan by ordinance of the Borough Council, will be as outlined in Section 4.0 to follow.

4.0 OVERVIEW OF PROPOSED LAND USES AND BUILDING REQUIREMENTS

Until such time as individual lots are acquired and assembled in accordance with this Plan, existing buildings and uses thereon may be improved, enlarged, altered or rehabilitated in accordance with the permitted land uses and building requirements set forth in this Redevelopment Plan. Uses and buildings that are nonconforming with the land use and building requirements set forth in this Plan will become legal nonconforming uses and structures subject to the same rights and limitations as pertain to other nonconforming uses and structures under the Municipal Land Use Law and the Belmar Development Regulations.

New development on one or more existing lots which match the minimum lot size requirements established in this Plan shall be governed by the land uses and building requirements of this Plan. The design of redevelopment project shall refer to the Seaport Village Redevelopment Area Design Guide (the "Design Guide") as adopted by resolution of the Mayor & Council on March 22, 2006 and as may be amended by ordinance from time to time. The Design Guide is hereby incorporated into the Seaport Redevelopment Plan as supplemental design standards, but deviations from the Design Guide are not subject to the waiver requirements of this Plan and can be administratively approved by the Technical Design and Review Committee. All new development and redevelopment must be consistent and conforming to this Plan and no Use Variance may be granted by the Zoning Board of Adjustment to permit a use that is prohibited in this Plan. Bulk requirements of this Plan may be varied by the Belmar Planning Board as part of a site plan application in the same manner as applies under the Belmar Development Regulations, except that a copy of the memorializing resolution shall be submitted within ten days to the Borough Administrator for review by the Borough Council. The Borough Council shall have the authority under this Plan to modify or overrule any bulk variance granted by the Planning Board within 30 days of receipt of the memorializing resolution from the Board. The applicant shall be notified in writing by the Board Secretary of any modification or overruling of a bulk variance and include a copy of the amended resolution with the notice. Such amended resolution shall become the final action of the Borough with regard to the site plan application and publication of the decision shall be made as required in the Municipal Land Use Law.

4.1 SEAPORT VILLAGE REDEVELOPMENT AREA

4.1.1 Land Uses

The land uses permitted within the Seaport Village Redevelopment Area are listed below. Any land use that is not specifically included as a permitted use is prohibited unless determined by the Borough Council to be equivalent to a listed permitted use and consistent with the purposes and goals of this Plan.

A. Permitted Uses:

- a. Public Parking Facilities
- b. Public Plazas and Recreation Areas
- c. Restaurants & Brew Pubs, excluding fast food but allowing cocktail lounges & outdoor cafes



Borough of Bradley Beach, NJ
Friday, December 11, 2020

Chapter 450. Zoning

Article IV. General Regulations Applicable to All Zones

§ 450-9. Permitted uses in all zones.

The following uses are permitted in any zone in the Borough:

- A. Municipally owned facilities, including but not limited to municipal offices, police stations, fire stations, first aid buildings, libraries, schools and any other such similar facility that serves a public purpose or use.
- B. Public works buildings and yards.
- C. Public recreation facilities, including recreation buildings, beaches, parks, playgrounds and facilities accessory or ancillary to such recreation facilities, including but not limited to parking lots, boardwalks, plazas, gazebos, snack bars, rest room facilities, etc.
- D. Community residences and community shelters, subject to the requirements of the R-1 Residential Single-Family Zone.
- E. Family day-care homes, subject to the requirements of the R-1 Residential Single-Family Zone.
- F. Satellite antenna, subject to the requirements and limitations of § 450-24.

§ 450-10. Prohibited uses in all zones.

- A. The following uses are not permitted in any zone in the Borough:
 - (1) Self-service gasoline stations, self-service automobile filling and cleaning stations and self-service public garages.
 - (2) Auto body repairs of any kind or nature and any auto body repair shops.
 - (3) Auto body painting of any kind, nature or description.
 - (4) Gas, gasoline and motor fuel stations of every kind and nature.
 - (5) Automotive repairs or installation of any parts therefor or as to any installations of parts or repairs thereto; automotive shall include motor vehicles, motorcycles, motor bikes and all like vehicles of any kind or nature.
 - (6) Home for the aged.
 - (7) Children's home.

- (8) Training school; provided however that the foregoing shall not be deemed to prohibit dance studios or schools as to any types or styles of dance, nor shall the same prohibit other cultural or artistic schools or studios.
- (9) Hospital, convalescent home or any institutional projector program.
- (10) Pool parlor, billiard parlor, poolroom, billiard room.
- (11) New and used car lots except as permitted in § 450-11.
- (12) Cement plants or any such types of endeavors dealing with the mixing of minerals, chemicals or any similar types of endeavors.
- (13) Factories of any kind, nature or description whatsoever.
- (14) Establishments where any commercial painting endeavors are performed.
- (15) Commercial or semicommercial garages or parking lots.
- (16) Car wash or car washing whether automatic, manual, semiautomatic or otherwise.
- (17) Manufacturing, whether light or heavy or industrial of any kind or nature except as specified in § 450-31A(2).
- (18) New and used car lots and show rooms, that display for sale, motor vehicles, motorcycles, or motor bikes or any similar vehicle and any ancillary use normally found in conjunction therewith.
- (19) Plastics manufacturing or similar commercial endeavors.
- (20) Junkyards of any kind or nature or description.
- (21) Adult bookstores and establishments offering adult entertainment.
[Amended 5-9-2006 by Ord. No. 2006-13]
- (22) Storage warehouses of any kind or description.
- (23) Fuel oil distributors or gasoline distributors, or distributors of any inflammable materials, whether retail or wholesale.
- (24) Clothing manufacturing of any kind or nature.
- (25) Construction business in any phase or part thereof.
- (26) Commercial storage of heavy equipment of any kind or nature.
- (27) Any commercial or industrial endeavor reasonably to be deemed a part of any of the foregoing.
- (28) Organization meeting places.
- (29) Fraternity or sorority houses.
- (30) Clubhouses, civic clubs or any like use or uses.
- (31) Bail bonding companies and bail bondsmen.
[Amended 6-13-2006 by Ord. No. 2006-15]
- (32) Conversion of single-family uses to multiple-family uses.

- (33) Trailer parks or camps.
- (34) Any more than one amusement game device commonly known as a "pinball machine" or similar game, located as an accessory use.
- (35) Boarding homes and rooming houses.
- (36) Tattoo establishments and body piercing establishments.
[Added 5-9-2006 by Ord. No. 2006-13]
- (37) Check cashing establishments or check cashing services except as part of services offered by banks.
[Added 5-9-2006 by Ord. No. 2006-13]
- (38) Any use of land or buildings or any activity not specifically permitted in a zone.
[Added 6-13-2006 by Ord. No. 2006-15]
- (39) The operation of medical cannabis retail establishments, recreational marijuana retail establishments, marijuana cultivation facilities, marijuana production facilities and marijuana testing facilities.
[Added 6-9-2020 by Ord. No. 2020-05]

*Borough of Bradley Beach, NJ
Friday, December 11, 2020*

Chapter 450. Zoning

Article V. Zone Regulations

§ 450-29. GB General Business Zone.

[Amended 4-24-2007 by Ord. No. 2007-6; 8-26-2014 by Ord. No. 2014-16]

In the General Business Zone, no premises shall be used and no structure shall be erected, altered, or occupied for any purpose except the following and shall be further limited to those uses which are clearly of a scale and nature designed primarily to serve adjacent residential areas within a three-mile radius and which only incidentally serve other areas.

A. Permitted principal uses.

- (1) Retail business establishments, including but not limited to the following:
 - (a) Stores selling groceries, meats and poultry, baked goods, and other such items.
 - (b) Drug and pharmaceutical stores.
 - (c) Hardware, dry goods, and household supply stores.
 - (d) Liquor stores.
 - (e) Stationery, tobacco and newspaper stores.
 - (f) Luncheonettes, delicatessens and confectionery stores.
 - (g) Haberdashery, apparel and shoe stores.
 - (h) Restaurants, diners and other eating and drinking establishments.
- (2) Personal service establishments, which shall include, but are not limited to, the following:
 - (a) Barber- and beauty shops.
 - (b) Shoe repair shops.
 - (c) Tailor shops, dry-cleaning shops and self-service laundries.
- (3) Business and professional offices, banks and fiduciary institutions, and post offices.
- (4) Office buildings.
- (5) Public parks and playgrounds.
- (6) Municipal buildings and other public facilities providing services essential to the operation of the Borough, subject to the general review and recommendation by the Planning Board.

- (7) Hotels and motels, subject to the requirements and limitations of Chapter **258**, Hotels.
- (8) Residential on the second and third floors in combination with permitted retail business or personal service establishments on the first floor.
- (9) Child-care centers.

B. Permitted accessory uses.

- (1) Storage buildings and garages subject to requirements in the Schedule of Height, Area and Yard Requirements.^[1]

[1] *Editor's Note: The Schedule of Height, Area and Yard Requirements is included as an attachment to this chapter.*

- (2) Signs and awnings, subject to the requirements and limitations of Article **X**, Signs and Awnings.
- (3) Parking lots and parking garages.
- (4) Trash storage and recycling enclosures.

C. Conditional uses.

- (1) Churches, lodges and similar quasi-public uses subject to the requirements and limitations in **§ 450-35**.
- (2) Telecommunications towers and antennas, subject to the requirements and limitations of **§ 450-37** and Article **XI**, Telecommunications Towers and Antennas.
- (3) Townhouses subject to the requirements and limitations of **§ 450-27D(2)**.

D. Area, yard and building requirements. The following standards are established hereafter and are further set forth in the Schedule of Height, Area and Yard Requirements of this chapter:^[2]

(1) Area, yard and building limitations:

- (a) Minimum lot area: 5,000 square feet.
- (b) Minimum lot width: 50 feet.
- (c) Minimum lot depth: 100 feet.
- (d) Minimum front yard: none.
- (e) Minimum side yards: none.
- (f) Minimum rear yard: 10 feet.
- (g) Maximum building height: 40 feet (three stories).
- (h) Maximum building coverage: 90%.
- (i) Maximum impervious coverage: 100%.
- (j) Minimum off-street parking: per **§ 450-39**.
- (k) Minimum side yard (accessory structure): five feet.
- (l) Minimum rear yard (accessory structure): five feet.

(m) Maximum building area (accessory structure): 120 square feet.

(n) Maximum building height (accessory structure): 16 feet (one story).

[2] *Editor's Note: The Schedule of Height, Area and Yard Requirements is included as an attachment to this chapter.*

E. Supplementary regulations.

- (1) Nothing shall be stored out-of-doors for any purpose except that garbage and trash or any other refuse awaiting disposal may be stored in a rear yard in a completely enclosed container.
- (2) Persons establishing uses in this zone are encouraged to give particular attention to aesthetic considerations, especially in connection with structural design and the use of landscaping to soften building lines.

§ 450-29.1. GBW General Business West Zone.

[Added 8-26-2014 by Ord. No. 2014-16]

In the General Business West Zone, no premises shall be used and no structure shall be erected, altered, or occupied for any purpose except the following and shall be further limited to those uses which are clearly of a scale and nature designed primarily to serve adjacent residential areas within a three-mile radius and which only incidentally serve other areas.

A. Permitted principal uses.

(1) Retail business establishments, including but not limited to the following:

(a) Permitted on the first floor only:

- [1] Stores selling groceries, meats and poultry, baked goods, and other such items.
- [2] Drug and pharmaceutical stores.
- [3] Hardware, dry goods, and household supply stores.
- [4] Liquor stores.
- [5] Luncheonettes, delicatessens and confectionery stores.

(b) Permitted on the first and second floor only:

- [1] Stationery, tobacco and newspaper stores.
- [2] Haberdashery, apparel and shoe stores.
- [3] Restaurants, diners and other eating and drinking establishments.

(2) Personal service establishments, which shall include, but are not limited to, the following are permitted on the first and second floors only:

- (a) Barber- and beauty shops.
- (b) Shoe repair shops.
- (c) Tailor shops, dry-cleaning shops and self-service laundries.

- (3) Business and professional offices, banks and fiduciary institutions, and post offices are permitted on the first and second floors only.
- (4) Office buildings are permitted on the first and second floors only.
- (5) Public parks and playgrounds are permitted on the ground floor only.
- (6) Municipal buildings and other public facilities providing services essential to the operation of the Borough, subject to the general review and recommendation by the Planning Board, are permitted on the first and second floors only.
- (7) Hotels and motels, subject to the requirements and limitations of Chapter **258**, Hotels, are permitted on all floors.
- (8) Child-care centers are permitted on the first and second floors only.
- (9) Residential on the second, third and fourth floors in combination with permitted retail business or personal service establishments on the first floor.
[Amended 5-14-2019 by Ord. No. 2019-8]

B. Permitted accessory uses.

- (1) Storage buildings and garages subject to requirements in the Schedule of Height, Area and Yard Requirements.^[1]
[1] *Editor's Note: The Schedule of Height, Area and Yard Requirements is included as an attachment to this chapter.*
- (2) Signs and awnings, subject to the requirements and limitations of Article **X**, Signs and Awnings.
- (3) Parking lots and parking garages, limited to grade or first floor only.
- (4) Trash storage and recycling enclosures.

C. Conditional uses.

- (1) Churches, lodges and similar quasi-public uses subject to the requirements and limitations in § **450-35**.
- (2) Telecommunications towers and antennas, subject to the requirements and limitations of § **450-37** and Article **XI**, Telecommunications Towers and Antennas.
- (3) Townhouses subject to the requirements and limitations of § 450-27D(2).

D. Area, yard and building requirements. The following standards are established hereafter and are further set forth in the Schedule of Height, Area and Yard Requirements of this chapter:^[2]

- (1) Area, yard and building limitations:
 - (a) Minimum lot area: 5,000 square feet.
 - (b) Minimum lot width: 50 feet.
 - (c) Minimum lot depth: 100 feet.
 - (d) Minimum front yard: none.
 - (e) Minimum side yards: none.

- (f) Minimum rear yard: 10 feet.
- (g) Maximum building height: 48 feet (four stories).
- (h) Maximum building coverage: 90%.
- (i) Maximum impervious coverage: 100%.
- (j) Minimum off-street parking: per § 450-39.
- (k) Minimum side yard (accessory structure): five feet.
- (l) Minimum rear yard (accessory structure): five feet.
- (m) Maximum building area (accessory structure): 120 square feet.
- (n) Maximum building height (accessory structure): 16 feet (one story).

[2] *Editor's Note: The Schedule of Height, Area and Yard Requirements is included as an attachment to this chapter.*

E. Supplementary regulations.

- (1) Nothing shall be stored out-of-doors for any purpose except that garbage and trash or any other refuse awaiting disposal may be stored in a rear yard in a completely enclosed container.
- (2) Persons establishing uses in this zone are encouraged to give particular attention to aesthetic considerations, especially in connection with structural design and the use of landscaping to soften building lines.

§ 450-30. O-P Office Professional Zone.

[Amended 12-29-2006 by Ord. No. 2006-22; 4-24-2007 by Ord. No. 2007-6; 6-13-2017 by Ord. No. 2017-8; 1-8-2019 by Ord. No. 2018-26]

A. Permitted principal uses.

- (1) Professional and business offices, including offices for doctors, dentists, lawyers, architects, engineers, accountants, real estate and similar businesses or office activities employing a predominantly white-collar clerical staff, not engaged in retail or wholesale sales on the premises of any articles or products of a tangible nature and where no heavy or noisy machinery, equipment or instruments are utilized in the operation of the business.
- (2) Apartments on the second and third floors in combination with permitted professional or business offices on the first floor.
- (3) Public parks and playgrounds.
- (4) Municipal buildings and other public facilities providing services essential to the operation of the Borough, subject to the general review and recommendation of the Planning Board.
- (5) Child-care centers.
- (6) Personal service establishments, which shall include, but are not limited to, the following:
 - (a) Barber and beauty shops.

(b) Shoe repair shops.

(c) Tailor shops, dry-cleaning shops and self-service laundries.

B. Permitted accessory uses.

(1) Storage buildings and garages subject to the requirements in the Schedule of Height, Area and Yard Requirements.^[1]

[1] *Editor's Note: The Schedule of Height, Area and Yard Requirements is included as an attachment to this chapter.*

(2) Signs and awnings, subject to the requirements and limitations of Article X, Signs and Awnings.

(3) Parking lots and parking garages.

(4) Trash storage and recycling enclosures.

C. Conditional uses.

(1) None.

D. Area, yard and building requirements. The following standards are established hereafter and are further set forth in the Schedule of Height, Area and Yard Requirements of this chapter:

(1) Minimum lot area: 5,000 square feet.

(2) Minimum lot width: 50 feet.

(3) Minimum lot depth: 100 feet.

(4) Minimum front yard: none.

(5) Minimum side yards: none.

(6) Minimum rear yard: 10 feet.

(7) Maximum building height: three stories, 36 feet.

(8) Maximum building coverage: 90%.

(9) Maximum impervious coverage: 100%.

(10) Minimum off-street parking: per § 450-39.

(11) Minimum side yard (accessory structure): five feet.

(12) Minimum rear yard (accessory structure): five feet.

(13) Maximum building area (accessory structure): 20 square feet.

(14) Maximum building height (accessory structure): 12 feet (one story).



*Borough of Avon-by-the-Sea, NJ
Friday, December 11, 2020*

Chapter 113. Land Development

Article IV. District Zoning Regulations

§ 113-12. GC - General Commercial District.

It is the purpose of the General Commercial Zone to substantially upgrade the appearance of the northern one-third of the Main Street Corridor; to provide neighborhood type retail services oriented to the needs of the residents of the Borough; to provide general and professional office uses to compliment the retail uses; and to provide adequate off-street parking for all permitted uses.

A. Principal permitted uses on the land and in buildings.

(1) The following retail sales of goods and services:

Advertising agency.

Advertising specialty office.

Antique store.

Apparel.

Appliance store.

Art gallery.

Artist's supply.

Audiovisual equipment.

Bakery store.

Bank.

Barbershop.

Beauty and cosmetic shop.

Bicycle store.

Books, periodicals and newspaper sales.

Business equipment sales.

Butcher store or meat market (no slaughtering permitted).

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 and sales.
Credit union office.
Curtain store.
Delicatessen.
Employment agency.
Electrical supplies.
Fabric store.
Finance company.
Floor covering.
Florist.
Food products.
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.
Major appliance sales.
Medical and dental offices.
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.
Physical culture and health establishments.
Professional office.
Real estate and insurance.
Record store.
Reducing salon.
Seafood store.
Shoe and hat repair.
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.

(2) Public uses.

B. Conditional uses permitted.

(1) Restaurants (sit down only), taverns.

(2) Public utility uses.

(3) Accessory apartments provided:

- (a) At least half the apartments are affordable to low or moderate income households.
- (b) The apartment is located above the first floor;
- (c) The building containing the apartment conforms to the height limitations and yard requirements established within the zoning district;
- (d) The apartment shall be in full compliance with all applicable health and construction codes;
- (e) Each apartment shall have a minimum of two (2) rooms (excluding bathrooms) and have direct access to the outside or a hall with direct access to the outside;

- (f) The occupant of the apartment must meet the income limitations established by COAH for the Mercer-Monmouth-Ocean Housing Region;
- (g) The average rent for a low or moderate income apartment must be affordable to a household earning no more than fifty-seven and five-tenths (57.5%) percent of median income as determined through the procedures outlined in the Borough's Affordable Housing Ordinance.^[1] If more than one (1) apartment is proposed for any property, at least fifty (50%) percent of all apartments shall be affordable to low income households earning no more than forty-four (44%) percent of median income. The other half of the affordable units shall be affordable to moderate income households earning no more than seventy-one (71%) percent of median income. Avon may permit owners to fund the entire cost of a regional contribution agreement in lieu of constructing moderate income housing units. The Borough Planning Board shall require evidence that a municipality in the Mercer-Monmouth-Ocean Housing Region is willing to accept the regional contribution agreement at a cost that equals or exceeds COAH minimum standard for a regional contribution agreement as a condition of accepting a payment in lieu of construction of a moderate income unit. Where the Borough permits an applicant to fund a regional contribution agreement, the applicant shall be able to replace the moderate-income unit with a market unit. For purposes of illustration, where an applicant is proposing to construct four (4) apartments, one (1) must be affordable to a low-income household and one (1) must be affordable to a moderate-income household. The Borough may allow the applicant to fund a regional contribution agreement for the moderate income housing unit and construct three (3) market units and one (1) low income unit on site.
[1] *Editor's Note: See Chapter 114, Affordable Housing.*
- (h) Affordability controls of at least thirty (30) years shall be imposed on the accessory apartment via a deed restriction acceptable to the Borough's attorney;
- (i) A condition of approving an accessory apartment shall be that the owner must submit an affidavit of continuing use every two (2) years;
- (j) The Borough has not addressed its 1987-1999 housing obligation;
- (k) Outdoor cooking facilities on balconies and terraces are prohibited;
- (l) No room within a dwelling unit intended for human habitation shall be located in a cellar, basement, or attic except that centralized laundry facilities or individually arranged storage areas may be so located;
- (m) All television antenna equipment shall be built into the building to eliminate individual antennas being erected on the roof;
- (n) Air conditioning of the units shall be designed to eliminate the need for air conditioning units extending from the exterior wall;
- (o) Outside washing or drying of clothes is prohibited, as is the utilization of balconies or terraces for such purposes. Each building shall provide at least one (1) washer and dryer for each five (5) dwelling units for the exclusive use of the occupants of the development, unless each unit is provided with a washer and dryer;
- (p) Off-street parking is limited to the privately owned, noncommercial or nonrecreational vehicles of residents or their guests;
- (q) Outdoor unenclosed storage of any item is prohibited. A suitable trash and recyclable storage area completely surrounded by a six (6) foot high solid fence with solid gates shall be provided, which may be combined with the trash and recyclable storage area for

the commercial use of the property. All outside trash and recyclables shall be stored in this area and shall not be in public view over the fence height.

C. Accessory uses permitted.

- (1) Off-street parking (see § 113-21).
- (2) Fences and walls (see § 113-18).
- (3) Antennas not to exceed three (3) feet in height, and television "dish" antennas not to exceed twenty-four (24) inches in any one dimension.

D. Maximum height permitted. No building or structure shall exceed thirty-five (35) feet and three (3) stories except as otherwise specified in this chapter.

E. Area and yard requirements. See note (d)

Minimum Requirements

Retail, Service Office Uses in GC Zone

Lot area	7,000 square feet
Lot width	40 feet
Lot depth	N/A
Side yard (each)	See note (a)
Front yard	See note (b)
Rear yard	15 feet. See note (c)
Building coverage	50%
Impervious coverage	85%

Notes:

- (a) In order to encourage an end product that provides parking, access and architectural continuity even where development occurs piecemeal and with diverse ownership, buildings may be attached and may be built to the interior side lines(s) in order to be attached. Attached buildings may include two (2) 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 legal material and plans showing properly located loading spaces and trash receptacles with permitted access across adjacent properties. If structures are not attached, the side yard(s) shall be five (5) feet.
- (b) The front yard shall be determined on the basis of the average front yard depth within the block (or nearest adjacent block to the site if there are no existing buildings in the block). For construction of a new building, the applicant's property shall be excluded from the calculation.
- (c) No provision stipulated herein shall prohibit a permitted use from being situated adjacent to a railroad right-of-way for purposes of loading and unloading materials.
- (d) Minimum and maximum requirements for public purpose uses shall be determined by the Board at the time of application, except that building height shall be as required in Subsection D above.

F. General requirements.

- (1) One (1) lot may contain more than one (1) principal building, and one (1) building or site may contain more than one (1) principal use provided that the total floor area of the building or buildings on the site does not exceed the maximum building coverage specified for the district.

- (2) For parking areas, at least the first five (5) feet adjacent to any street line shall not be used for parking and shall be planted and maintained in lawn area, ground cover, or landscaped with evergreen shrubbery and separated from the parking area by poured concrete curbing.
- (3) For retail commercial and service uses, merchandise or similar material may be displayed outside but no more than five (5) feet beyond any façade of a principal building. For all uses, any equipment stored outside shall be suitably screened from view.
- (4) All buildings shall be compatibly designed, whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes conforming to the Victorian theme of Main Street, and shall not include unpainted or painted cinder block or concrete block walls.
- (5) All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formation, contours, existing foliage and the planting of conifers and/or deciduous trees native to the area in order to either maintain or reestablish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas.
- (6) Trash and Recyclable Materials Storage Areas. An enclosed area shall be provided for the temporary storage of trash and recyclable refuse. The following details shall apply to the storage area.
 - (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 a six (6) foot high solid fence or wall with a self closing gate.
 - (c) All enclosure gates shall be specified to be self-closing, self-latching, and capable of being fixed securely in the open position.
 - (d) 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.
- (7) A minimum of ten (10%) percent of the total lot area shall be landscaped.
- (8) All tanks, ventilating fans, air-conditioning equipment or similar equipment required to operate and maintain the building shall be located in a rear yard or on the roof of the building, and shall be screened from public view by architectural means such as wall, parapet, or fence that is compatible with the architectural design of the building. Slatted chain link fences shall not be permitted. For the purposes of this section, screened from view shall mean that the architectural element is uniform and at least seventy-five (75%) percent opaque, completely surrounds the equipment, and the top of the piece of equipment does not extend above the top of the architectural element.

G. Minimum off-street loading.

- (1) Each activity shall provide for off-street loading and unloading with adequate ingress and egress from streets and shall provide such area(s) at the side or rear of the building.
- (2) Loading area requirements may be met by combining the floor areas of several activities taking place under one roof and applying the ratios established in Article V of this chapter.

§ 113-13. M-O/R - Mixed Office/Residential District

It is the purpose of the Mixed Office/Residential Zone to maintain the existing character of the southern end of the Main Street corridor, to maintain the mix of office and residential uses that has defined that section of roadway; to provide general and professional office uses that are compatible with residential uses; and to provide adequate off-street parking for all permitted uses.

A. Principal permitted uses on the land and in buildings.

- (1) Garden apartment and townhouse uses.
- (2) Banks, including drive-thru facilities.
- (3) Offices and office buildings.
- (4) Public purpose uses.

B. Conditional uses permitted.

- (1) Public utility uses.
- (2) Marinas that provide docks, berths, slips, or tie-up for boats and small pleasure craft.
- (3) Accessory apartments provided:
 - (a) At least half the apartments are affordable to low or moderate income households.
 - (b) The apartment is located above the first floor;
 - (c) The building containing the apartment conforms to the height limitations and yard requirements established within the zoning district;
 - (d) The apartment shall be in full compliance with all applicable health and construction codes;
 - (e) Each apartment shall have a minimum of two (2) rooms (excluding bathrooms) and have direct access to the outside or a hall with direct access to the outside;
 - (f) The occupant of the apartment must meet the income limitations established by COAH for the Mercer-Monmouth-Ocean Housing Region;
 - (g) The average rent for a low or moderate income apartment must be affordable to a household earning no more than fifty-seven and five-tenths (57.5%) percent of median income as determined through the procedures outlined in the Borough's Affordable Housing Ordinance. If more than one (1) apartment is proposed for any property, at least fifty (50%) percent of all apartments shall be affordable to low income households earning no more than forty-four (44%) percent of median income. The other half of the "affordable" units shall be affordable to moderate income households earning no more than seventy-one (71%) percent of median income. Avon may permit owners to fund the entire cost of a regional contribution agreement in lieu of constructing moderate income housing units. The Borough Planning Board shall require evidence that a municipality in the Mercer-Monmouth-Ocean Housing Region is willing to accept the regional contribution agreement at a cost that equals or exceeds COAH minimum standard for a regional contribution agreement as a condition of accepting a payment in lieu of construction of a moderate income unit. Where the Borough permits an applicant to fund a regional contribution agreement, the applicant shall be able to replace the moderate-income unit with a market unit. For purposes of illustration, where an applicant is proposing to construct four (4) apartments, one (1) must be affordable to a low-income household and one (1) must be affordable to a moderate-income household. The Borough may allow the applicant to fund a regional contribution agreement for the

moderate income housing unit and construct three (3) market units and one (1) low income unit on site.

- (h) Affordability controls of at least thirty (30) years shall be imposed on the accessory apartment via a deed restriction acceptable to the Borough's attorney;
- (i) A condition of approving an accessory apartment shall be that the owner must submit an affidavit of continuing use every two (2) years;
- (j) The Borough has not addressed its 1987-1999 housing obligation;
- (k) Outdoor cooking facilities on balconies and terraces are prohibited;
- (l) No room within a dwelling unit intended for human habitation shall be located in a cellar, basement, or attic except that centralized laundry facilities or individually arranged storage areas may be so located;
- (m) All television antenna equipment shall be built into the building to eliminate individual antennas being erected on the roof;
- (n) Air conditioning of the units shall be designed to eliminate the need for air conditioning units extending from the exterior wall;
- (o) Outside washing or drying of clothes is prohibited, as is the utilization of balconies or terraces for such purposes. Each building shall provide at least one (1) washer and dryer for each five (5) dwelling units for the exclusive use of the occupants of the development unless each unit is provided with a washer and dryer;
- (p) Off-street parking is limited to the privately owned, noncommercial or nonrecreational vehicles of residents or their guests;
- (q) Outdoor unenclosed storage of any item is prohibited. A suitable trash and recyclable storage area completely surrounded by a six (6) foot high solid fence with solid gates shall be provided, which may be combined with the trash and recyclable storage area for the commercial use of the property. All outside trash and recyclables shall be stored in this area and shall not be in public view over the fence height.

C. Accessory uses permitted.

- (1) Off-street parking (see § 113-21).
- (2) Fences and walls (see § 113-18).
- (3) Decks, patios and porches.
- (4) Antennas not to exceed three (3) feet in height, and television "dish" antennas not to exceed twenty-four (24) inches in any one dimension.

D. Maximum height permitted. No building or structure shall exceed thirty-five (35) feet and two and one-half (2 1/2) stories except as further specified in this chapter.

E. Area and yard requirements. See also note (c).

Minimum Requirements

Lot area

Lot width

Lot depth

All Uses

7,000 square feet

50 feet

100 feet

Minimum Requirements**All Uses**

Side yard (each)	See note (a)
Front yard	See note (b)
Rear yard	15 feet

Maximum Requirements:**Residential****All Others**

Building coverage	50%	50%
Density	12 units/acre	N/A
Impervious surface coverage	85%	85%

Notes:

- (a) In order to encourage an end product that provides parking, access and architectural continuity even where development occurs piecemeal and with diverse ownership, buildings may be attached and may be built to the interior side line(s) in order to be attached. Attached buildings may include two (2) walls that must be keyed to each other. Where buildings are built to both side lot lines, the site plan shall be accompanied by appropriate legal material and plans showing properly located loading spaces and trash receptacles with permitted access across adjacent properties. If structures are not attached, the side yard(s) shall be five (5) feet.
- (b) The front yard shall be determined on the basis of the average front yard depth within the block (or adjacent block if there are no existing buildings in the block).
- (c) Minimum and maximum requirements for public purpose uses shall be determined by the Board at the time of application, except that building height shall be as required in Subsection D above.

F. General requirements.

- (1) For parking areas, at least the first five (5) feet adjacent to any street line shall not be used for parking and shall be planted and maintained in lawn area, ground cover, or landscaped with evergreen shrubbery and separated from the parking area by poured concrete curbing.
- (2) There shall be no outdoor display of equipment, supplies or materials.
- (3) All buildings shall be compatibly designed, whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes, which shall not include unpainted or painted cinder block or concrete block walls.
- (4) All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formation, contours, existing foliage and the planting of conifers and/or deciduous trees native to the area in order to either maintain or reestablish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas.
- (5) For nonresidential uses, there shall be at least one (1) trash and/or garbage pick-up location provided by each building which shall be separated from the parking spaces by either a location within the building or in a pick-up location outside the building which shall be a steel-like, totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination of the three. If located within the building, the doorway may serve both the loading and trash/garbage functions and if located outside the building, it may be located adjacent to or within the general loading area(s) provided the container in no way interferes with or restricts loading and unloading functions.

Requirements for residential uses are included in Section H below.

- (6) A minimum of ten (10%) percent of the total lot area shall be landscaped.
- (7) All tanks, ventilating fans, air-conditioning equipment or similar equipment required to operate and maintain the building, shall be located in a rear yard or on the roof of the building, and shall be screened from public view by architectural means such as wall, parapet, or fence that is compatible with the architectural design of the building. Slatted chain link fences shall not be permitted. For the purposes of this section, screened from view shall mean that the architectural element is uniform and at least seventy-five (75%) percent opaque, completely surrounds the equipment, and the top of the piece of equipment does not extend above the top of the architectural element.
- (8) Accessory buildings, structures, and uses. Accessory structures intended for use or occupancy and located on or above ground, including patios, and decks, shall not be located in any front yard, must maintain the required side setback of the principal structure and shall maintain a minimum six (6) foot rear yard setback unless otherwise stated in this chapter. Fences are specifically not covered by this restriction and are governed by Article V or this chapter. Driveways shall maintain a three (3) foot side yard setback.
- (9) Decks:
[Amended 5-9-11 by Ord. No. 6-2011]
 - (a) Decks, Pervious. Pervious decks shall not be permitted in the front yard. Pervious decks shall be limited to the ground level. Pervious decks shall meet the setback requirements of the principal structure. The total area of all pervious decks on any lot, including stairs accessing any deck, shall be limited to five (5%) percent of the total area of the lot.
 - (b) Decks, Impervious. Impervious decks shall be permitted as follows:
 - (i) First floor impervious deck: No ground level decks in the front yard. Side and rear yard ground level decks may be covered with a roof structure (aka "Porch"). Size shall be governed by lot coverage, building.
 - (ii) Second floor impervious deck: Permitted above any approved porch or portion of the principal building that is located behind the required yard setback. Only the portion of deck located behind wall of principal building may be covered with a roof structure. Size shall be governed by area of approved porch below, plus up to one hundred twenty-five (125) square feet of deck area behind walls of principal structure below.
 - (iii) Third floor impervious deck: Permitted provided that deck does not extend beyond the wall of the principal building. Deck may be covered with a roof structure. Size shall be limited to eight (80) square feet of deck area.
 - (iv) No decks shall be permitted above the highest floor level of the structure.

G. Minimum Size for Garden Apartment or Townhouse Dwelling Units.

- (1) One bedroom or efficiency: 700 square feet.
- (2) Two bedrooms: 900 square feet.
- (3) Three or more bedrooms: 1,200 square feet.

H. Additional requirements relating to Garden Apartment or Townhouse Dwelling Units.

- (1) No room within a dwelling unit intended for human habitation shall be located in a cellar, basement, or attic except that centralized laundry facilities or individually arranged storage areas may be so located;

- (2) Location, design and arrangement of all buildings improvements, internal roadways, walkways and parking shall be subject to approval of the Planning Board, and be designed to ensure the health, safety and welfare of the residents and their guests, and shall include but not be limited to review of:
 - (a) Lighting (pursuant to Article V);
 - (b) Screening and fences, both internal to the site and externally to adjoining sites;
 - (c) Provision of utilities and disposal of solid waste;
 - (d) Fire prevention and fire fighting;
 - (e) Development and maintenance of common open space;
- (3) All television antenna equipment shall be built into the building to eliminate individual antennas being erected on the roof;
- (4) Air conditioning of the units shall be designed to eliminate the need for air conditioning units extending from the exterior wall;
- (5) Outside washing or drying of clothes is prohibited, as is the utilization of balconies or terraces for such purposes. Each building shall provide at least one (1) washer and dryer for each five (5) dwelling units for the exclusive use of the occupants of the development, unless each unit is provided with a washer and dryer;
- (6) Off-street parking is limited to the privately owned, noncommercial or nonrecreational vehicles of residents or their guests;
- (7) Outdoor unenclosed storage of any item is prohibited. There shall be a trash and recyclable storage area completely surrounded by a six (6) foot high solid fence with solid gates. All outside trash and recyclables shall be stored in this area and shall not be in public view over the fence height;
- (8) Each dwelling unit shall be provided with at least seven hundred (700) cubic feet of storage, exclusive of closets;
- (9) Common areas, if any, shall be deeded to a corporation, association, individuals, or other legal entity consisting of the property owners within the development for their use, control management and maintenance; and
- (10) Outdoor cooking facilities on balconies and terraces are prohibited.

§ 113-14. DC - Downtown Commercial District.

It is the purpose of the Downtown Commercial Zone to substantially upgrade the appearance of the Main Street corridor; to provide a community oriented downtown commercial district; and to provide adequate off-street parking for all permitted uses.

A. Principal permitted uses on the land and in buildings.

- (1) The following retail sales of goods and services:

Advertising agency.

Advertising specialty office.

Antique store.

Apparel.

Appliance store.
Art gallery.
Artist's supply.
Audiovisual equipment.
Bakery store.
Bank.
Barbershop.
Beauty and cosmetic shop.
Books, periodicals and newspaper sales.
Business equipment sales.
Butcher store or meat market (no slaughtering permitted).
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.
Credit union office.
Curtain store.
Delicatessen.
Fabric store.
Florist.
Food products.
Furniture sales.
General office buildings.
Gift store.
Glassware.
Greeting card store.
Grocery store.
Hobby store.
Home furnishings.
Home improvement office.
Household appliance.
Ice cream store.
Interior decorator.
Jewelry store.

Leather goods and luggage.
Liquor store.
Locksmith.
Medical and dental offices.
Musical instrument store.
Office equipment and supplies.
Optical goods.
Paint, glass and wallpaper store.
Pet shop (including pet grooming).
Phonographic sales and service.
Photographic studio.
Physical culture and health establishments.
Professional office.
Real estate and insurance.
Record store.
Reducing salon.
Restaurant, sit down.
Seafood store.
Shoe and hat repair.
Specialty food store.
Sporting goods store.
Stamp and coin store.
Stationery store.
Tailor.
Toy store.
Travel agency.
Travel ticket office.
Uniform rental and sales.
Variety store.

(2) Public purpose uses.

B. Conditional uses permitted.

(1) Public utility uses.

(2) Accessory apartments provided:

- (a) At least half the apartments are affordable to low or moderate income households.
- (b) The apartment is located above the first floor;
- (c) The building containing the apartment conforms to the height limitations and yard requirements established within the zoning district;

- (d) The apartment shall be in full compliance with all applicable health and construction codes;
- (e) Each apartment shall have a minimum of two (2) rooms (excluding bathrooms) and have direct access to the outside or a hall with direct access to the outside;
- (f) The occupant of the apartment must meet the income limitations established by COAH for the Mercer-Monmouth-Ocean Housing Region;
- (g) The average rent for a low or moderate income apartment must be affordable to a household earning no more than fifty-seven and five-tenths (57.5%) percent of median income as determined through the procedures outlined in the Borough's Affordable Housing Ordinance. If more than one (1) apartment is proposed for any property, at least fifty (50%) percent of all apartments shall be affordable to low income households earning no more than forty-four (44%) percent of median income. The other half of the "affordable" units shall be affordable to moderate income households earning no more than seventy-one (71%) percent of median income. Avon may permit owners to fund the entire cost of a regional contribution agreement in lieu of constructing moderate income housing units. The Borough's Planning Board shall require evidence that a municipality in the Mercer-Monmouth-Ocean Housing Region is willing to accept the regional contribution agreement at a cost that equals or exceeds COAH minimum standard for a regional contribution agreement as a condition of accepting a payment in lieu of construction of a moderate income unit. Where the Borough permits an applicant to fund a regional contribution agreement, the applicant shall be able to replace the moderate-income unit with a market unit. For purposes of illustration, where an applicant is proposing to construct four (4) apartments, one (1) must be affordable to a low-income household and one (1) must be affordable to a moderate-income household. The Borough may allow the applicant to fund a regional contribution agreement for the moderate income housing unit and construct three (3) market units and one (1) low income unit on site;
- (h) Affordability controls of at least thirty (30) years shall be imposed on the accessory apartment via a deed restriction acceptable to the Borough's attorney;
- (i) A condition of approving an accessory apartment shall be that the owner must submit an affidavit of continuing use every two (2) years;
- (j) The Borough has not addressed its 1987-1999 housing obligation;
- (k) Outdoor cooking facilities on balconies and terraces are prohibited;
- (l) No room within a dwelling unit intended for human habitation shall be located in a cellar, basement, or attic except that centralized laundry facilities or individually arranged storage areas may be so located;
- (m) All television antenna equipment shall be built into the building to eliminate individual antennas being erected on the roof;
- (n) Air conditioning of the units shall be designed to eliminate the need for air conditioning units extending from the exterior wall;
- (o) Outside washing or drying of clothes is prohibited, as is the utilization of balconies or terraces for such purposes. Each building shall provide at least one (1) washer and dryer for each five (5) dwelling units for the exclusive use of the occupants of the development, unless each unit is provided with a washer and dryer;
- (p) Off-street parking is limited to the privately owned, noncommercial or nonrecreational vehicles of residents or their guests;



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Mater Plan Review

1 message

Mark Fessler <markfesslerarchitect@gmail.com>

Fri, Dec 11, 2020 at 5:20 PM

To: "Graham, Viveca" <vgraham@boro.lake-como.nj.us>



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In reference to Joe Cavaluzzi's notes on Re-examination of Master Plan

Item "c"- Strengthen maximum allowable stories : Presently we do not allow more than 2 1/2 stories anywhere in town, except in the General Business/Overlay Zone where we specifically allow 3 stories.

Item "d" - Create definitions and criteria for ordinary accessories and features : Presently detached garages, sheds, pergolas, gazebos, outdoor kitchens, pool houses, outdoor tiki bars, etc. are handled as accessory structures with required setbacks, and count toward allowable building coverage. Clarification on what is allowed in a detached garage would be helpful. Presently if someone wants to put a full bath with shower into a detached garage, I send it to the planning board to make sure they are not trying to make it into an illegal dwelling unit. Electricity, a sink and heat are presently allowed (workshop, etc.) but should a half-bath be allowed? If there is enough parking on the property should the garage be allowed to be converted into a family game room or artists studio, etc. without going to the planning board?

Item "e" - Limitation of basements to 1-2 feet above Seasonal High Ground Water Table : I would be hesitant to require it to be 2 feet above ground water table, which I fear would raise the first floor elevation of a lot of homes awkwardly high above the surrounding grade. (Example- If the ground water table was determined to be at 5 ft. below grade, the basement floor would be limited to a maximum of 3 ft. below grade. Basements are required to have a minimum ceiling height of 7ft., which would put the basement ceiling at 4 ft. above grade and the first floor elevation at 5 ft. above grade. Our ordinance which allows one-story 'open' porches to project up to 8ft. into the front yard setback, only allows the porch floor to be a maximum of 4ft. above grade & would therefore not be allowed.

Item "g" - Consider making utility grade telecommunications installation a conditional 'use' borough-wide : Personally I think this is a good idea. It should not be up to the zoning officer to make this decision, unless there are specific guidelines spelled out for the zoning officer to follow and base the decision on.

Mark Fessler, Lake Como Zoning Officer



Graham, Viveca <vgraham@boro.lake-como.nj.us>

Suggested Zoning Ordinance changes

1 message

Mark Fessler <markfesslerarchitect@gmail.com>
To: "Graham, Viveca" <vgraham@boro.lake-como.nj.us>

Sat, Dec 12, 2020 at 7:30 PM

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Lake Como Zoning Ordinance refinement suggestions

17-7 Definitions and Descriptions:

- (A) Presently there is no definition or restrictions for 'Outside storage or display of commercial goods'.
- (B) Presently the definition of 'Building' includes among other things the phrase "or any unroofed structure, terrace , platform or porch" .. The word terrace should be removed in that unroofed terraces and patios are not considered buildings; they are counted in the overall allowable 'impervious' lot coverage, but do not count against allowable building area.
- (C) There should be a clear definition of Patio/ Terrace added.
- (D) 'Accessory building or use' is presently defined as "a subordinate building or use which is located on the same lot as the main building or used which is reasonably necessary and incidental to the conduct of the primary use", but it does not address what utilities may be installed in the accessory structure. As an example- presently electricity, water & heat are allowed in a detached garage (ie. workshop, etc.). But is a full bathroom allowed? A half-bath? Presently if someone wants to install a full bathroom in an accessory building they are sent to the planning board for clarification & restrictions to ensure that it does not become a dwelling unit. But are detached accessory buildings allowed to be used as a game room, man cave, she shed, cabana, outdoor kitchen, home office, etc?

17-9.1(e)1 Maximum Lot Coverage:

- (A) Presently our ordinance reads "Building area coverage shall be limited to 40% of the total lot area for buildings, including the principal building, accessory buildings and decks. Building area coverage shall be 35% on undersized lots or 40% with a garage". I believe this last sentence was added as a 'stop gap' measure to stop purchasers of undersized lots from building a new house without a garage, and then trying to pave most of their front yard to provide adequate parking. I believe that the entire underlined sentence above should be deleted, because the front yard paving issue has been resolved with an ordinance which now requires that a minimum of 50% of all required front yards be left unpaved and 'open' for landscaping. In addition there are many homes in town that are on undersized lots without garages or space to put one. A number of these homeowners have wanted to add a small deck, or an outdoor shower, or a small addition, only to be told that they could not do it without first making a formal application to the planning board to get a variance, because they would be over the 35%. Most decided they could not justify proceeding with that rather expensive and time consuming process, for such a small request. This issue was discussed with the planning board last year, the board voted in agreement, but the change was never forwarded to the mayor & council to formally authorize.
- (B) Presently or ordinance states that "the impervious area coverage for any front yard shall be further limited to a maximum of 50% of the required front yard area, leaving a minimum of 50% open for landscaping area. (Note: dry-laid brick pavers, road gravel and 'open' boardwalk decking reductions listed above shall not be valid for the required front yard calculation)." However, there is no clear definition of 'landscaping', which presently includes plantings, mulch, wood chips, landscape stones, etc. I believe we should add the requirement that at least 50% of the required open landscape area be actual plantings, to insure that some actual living plants are used.

Additional thoughts:

- (A) Presently a small wood frame front door platform is considered to be under the definition of 'building' and is therefore restricted by the open front porch setback of 10ft., however, small masonry front stoops and steps are counted under impervious lot coverage and not considered to be under the definition of 'building', and therefore are not restricted by the 10ft. setback. Many homes in town have existing front yards that are less than 13ft., which means that while a 4'x6' masonry stoop would be allowed, a wooden platform the same size would require a variance. Should not all small front stoops (no matter what material they are made of) be treated the same and not require variances based on material? Size restrictions should be incorporated into the ordinance so as not to allow larger non-conforming deck areas.
- (B) Presently 'chain-link' fences are allowed throughout the town. The use of such fences as a security measure is understandably in the rear & side yard areas, but should we not allow new fences in the front yard area for admittedly aesthetic reasons?

Mark Fessler, Lake Como Zoning Officer