

ORDINANCE NO. 17-17

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT
THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP
OF NEPTUNE BY ADDING THE DEFINITION OF EXEMPT
DEVELOPMENT AND AMENDING THE DEFINITION OF MINOR
SITE PLAN IN SECTION 201

WHEREAS, Neptune Township's Land Development Ordinances and Regulations include standards that control the location, scale and type of land uses within the Township; and

WHEREAS, the Township of Neptune focused on moving small improvements forward and encouraging business particularly where redevelopment of under-utilized and dilapidated properties can be achieved; and

WHEREAS, the Neptune Township Committee routinely reviews various zoning regulations and design standards in order to address particular issues discussed in the Master Plan and Master Plan Reexamination Report relative to implementation of various zoning regulations and design standards on a Township-wide basis; and

WHEREAS, in accordance with section 40:55D62 of the Municipal Land Use Law, the Neptune Township Committee is charged with adopting zoning standards ordinances relating to the nature and extent of uses of the land and of buildings and structures thereon in order to protect the general health, safety and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, in the County of Monmouth, State of New Jersey that the Land Development Ordinance of the Township of Neptune be and is hereby amended and supplemented to read as follows:

SECTION 1.

Section 201 – “Definitions” is here amended to add the definition of “Exempt Development” as follows:

Exempt Development - Site plan and/or subdivision approval shall not be required prior to issuance of a Development Permit for the following:

- a. Construction, additions, or alterations related to single-family or two-family dwellings or their accessory structures on individual lots. These types of applications will require board approval when a variance is required. In addition, these applications will still require construction permits and may require grading plan approvals depending on size and type of development;
- b. Interior Alterations to an existing structure (that are not additions as stipulated within paragraph k of Exempt Development) which do not cause an increase in the existing square footage or change the existing footprint, do not increase the required number of off-street parking spaces, are in compliance with all the applicable bulk and yard

standards for the zone and all other development regulations, and which conform to the performance standards of this Chapter.

c. Any change in occupancy which is not a "Change in Use" (as herein defined).

d. Sign(s) which installation is on a site already occupied by a principal use for which site plan approval is not otherwise required and provided such sign(s) conform to the applicable design and zoning district regulations of this Chapter.

e. Construction of a parking lot or an addition to an existing parking lot provided that the new lot or the proposed addition contains three (3) spaces or less and the location and design of which conforms to the standards and zoning district regulations of the Neptune Township Land Development Ordinance;

f. Construction or installation of underground facilities which do not alter the general use, appearance or grade of the site.

g. Division of property and conveyances so as to combine existing lots, which are not considered to be subdivisions in accordance with the definition of "Subdivision" contained within this Article.

h. Farms and accessory farm buildings and structures provided such buildings and structures are located on, operated in conjunction with, and necessary to the operation of a farm as defined by the Neptune Township Land Development Ordinance. This shall not include accessory structures which contain dwelling units.

i. Gasoline pump canopies subject to compliance in all respects to the regulations governing such canopies, contained elsewhere in the Neptune Township Land Development Ordinance;

j. Individual applications for accessory mechanical or electrical equipment up to one hundred (100) square feet in area, whose operation and location conforms to the design and location standards conform to the design standards of the Neptune Township Land Development Ordinance and where such installation will be accessory to an already established principal use of the property. In no case shall such equipment be located in a street setback area.

k. Additions to existing, conforming structures containing non-residential uses in the, and zones; provided such additions to existing structures do not exceed 8,500 square feet or 10% of the total gross floor area, whichever is the lesser. Notwithstanding the aforementioned, an addition consisting of an area of 1,000 square feet or less shall be considered an exempt development. Such development must occur within the existing limit of disturbance and must not increase the impervious cover, be in compliance with all the applicable bulk and yard standards for the zone and all other development regulations, does not result in an expansion or increase of any preexisting violation of the provisions of the Neptune Township Land Development Ordinance, or the zoning ordinance, and there must be sufficient parking on site to support the additional floor area. The Zoning Officer and the Township Planner will be responsible for determining compliance with this chapter.

l. Construction of storage sheds, no larger than 200 square feet, for permitted

nonresidential uses, provided they comply with the accessory structure setback requirements and all other applicable bulk and yard standards for the zone in which they are located as per the Neptune Township Land Development Ordinance.

SECTION 2.

Section 201 – “Definitions” is here amended to fully amend the definition of “Minor Site Plan” as follows:

Minor Site Plan - A development plan for one (1) or more lots which is (are) subject to development which:

- a. Requires site plan approval, and,
- b. Meets the requirements set forth in this Chapter and the Neptune Township Land Development Ordinance and contains the information needed to make an informed determination as to whether the requirements established by this Chapter for approval of a minor site plan have been met, and,
- c. Meets the following conditions:
 1. New building construction, or building additions that do not qualify as exempt development, of less than three thousand (3,000) square feet
 2. The proposed development does not increase parking requirements by more than fifteen (15) spaces, nor entail or propose the construction of a total of more than fifteen (15) parking spaces.
 3. The proposed development conforms is not in a Flood Zone.
 4. The proposed development conforms to the performance standards set forth in this Ordinance and the Neptune Township Land Development Ordinance.
 5. The proposed development does not involve planned development.
 6. The proposed development does not involve any new unmapped street or the extension of any existing street, not anticipated on the tax map.
 7. The proposed development does not involve the extension or construction of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D- 42.
 8. The proposed development does not involve the disturbance of twenty-five thousand (25,000) square feet or more of ground area.

SECTION 3

All Ordinance, or parts thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

SECTION 4

Should any section, paragraph, clause or any other portion of this Ordinance be adjusted by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

SECTION 5

This Ordinance shall take effect upon its passage and publication according to law and upon the filing of a certified copy thereof with the Monmouth County Planning Board.

APPROVED ON FIRST READING: May 22, 2017

APPROVED, PASSED AND ADOPTED: June 12, 2017

ATTEST:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor