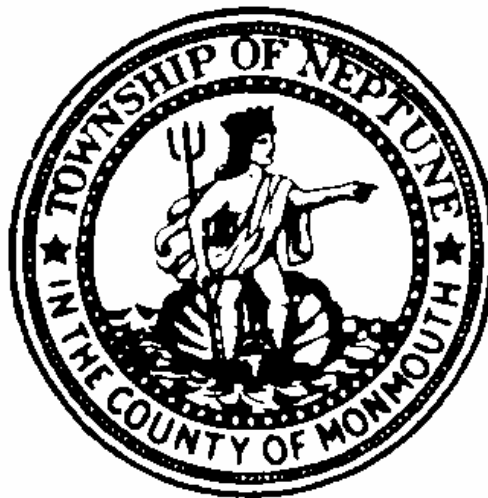


TOWNSHIP OF NEPTUNE
MONMOUTH COUNTY, NEW JERSEY

LAND DEVELOPMENT ORDINANCE

VOLUME II



ADOPTED BY THE NEPTUNE TOWNSHIP COMMITTEE
PURSUANT TO N.J.S.A. 40:55D-62
ON JULY 24, 2000

WITH AMENDMENTS:

- **AUGUST 27, 2001**
- **FEBRUARY 11, 2002**
- **JUNE 10, 2002 (ORDINANCE #02-14)**
- **DECEMBER 9, 2002 (ORDINANCE #02-41 AND #02-42)**
- **NOVEMBER 10, 2003 (ORDINANCE #03-035)**



LAND DEVELOPMENT ORDINANCE

INTRODUCED: July 10, 2000
ADOPTED: July 24, 2000
LAST AMENDED: November 10, 2003

NEPTUNE TOWNSHIP COMMITTEE:

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Joseph E. Krimko, Deputy Mayor
Thomas J. Catley, Committeeman
Kevin B. McMillan, Committeeman
Patricia A. Monroe, Committeewoman

Philip D. Huhn, Business Administrator
Richard J. Cuttrell, Township Clerk
Daniel P. Jacobsen, Township Attorney

Neptune Township, New Jersey

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ARTICLE I - GENERAL PROVISIONS

§ 100 TITLE

A comprehensive ordinance regulating and limiting the uses of land and the uses and locations of buildings and structures; regulating and restricting the height and bulk of buildings and structures and determining the area of yards and other open spaces; regulating and limiting the density of population; dividing the Township of Neptune into zone districts for such purposes; adopting a map of said Township showing boundaries and the classification of such zone districts; establishing rules, regulations and standards governing the subdivision of land within the Township; establishing a Planning Board, Zoning Board of Adjustment, and Historic Preservation Commission; and prescribing penalties for the violation of its provisions.

§ 101 SHORT TITLE

The short form by which this Ordinance may be known shall be "THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE."

§ 102 PURPOSE AND INTENT

It is the intent and purpose of this Ordinance to exercise the authority delegated to municipalities under the Municipal Land Use Law (N.J.S.A 40:55D-1 et seq.) to regulate development.

The implementation of the Township of Neptune Master Plan through the provisions of this Ordinance is intended:

- A. To guide the appropriate use or development of all lands in a manner that will promote the public health, safety, morals and general welfare;
- B. To secure safety from fire, flood, panic and other natural and manmade disasters;
- C. To provide adequate light, air and open space;
- D. To ensure that the development of the Township of Neptune does not conflict with the development and general welfare of neighboring municipalities, the county and state as a whole;
- E. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- F. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- G. To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- H. To encourage the location and design of transportation routes that will promote the free flow of traffic while discouraging location of such facilities and routes which will result in congestion or blight;

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- I. To provide a desirable visual environment through creative development techniques and good civic design and arrangements;
- J. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land;
- K. To encourage planned unit development which incorporates the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development of the particular site;
- L. To encourage senior citizen community housing construction;
- M. To encourage the coordination of various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- N. To promote utilization of renewable energy sources;
- O. To promote the maximum practical recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the state recycling plan goals and to compliment municipal recycling programs.
- P. To promote a balanced variety of residential, commercial, industrial, recreational, public, open space and conservation land uses
- Q. To preserve and enhance the existing character of the residential neighborhoods in the Township while providing a mix of housing types and uses.
- R. To promote aesthetic and site improvements in the Township's major commercial and industrial areas in a manner that maintains an appropriate transition between residential and commercial uses and districts.
- S. To guide the redevelopment and development of the remaining large parcels and scattered vacant sites within neighborhoods to ensure proposed uses support existing uses without adverse impacts in terms of land use compatibility, traffic, economic, and aesthetic impacts.
- T. To maintain a balance between residential and nonresidential uses to ensure a stable and sound community tax base and local employment opportunities.
- U. To provide for the utilization of the Township waterfront for appropriate uses.
- V. To reclaim underutilized and/or constrained parcels for productive use.
- W. To provide a circulation network for vehicles, bicycles and pedestrians that permits safe and efficient travel.
- X. To provide for adequate parking facilities in accordance with the needs of the respective land uses and the character of the individual zone districts.
- Y. To provide adequate community facilities and services in order to enhance the quality of life for existing and future Township residents and respond to changing demographics.

- Z. To promote the preservation of natural systems and environmentally sensitive areas, particularly wetland, woodland, coastal, flood hazard and aquifer recharge areas, in a manner that provides open space and enhances existing parklands and facilities.

§ 103 APPLICABILITY TO TOWNSHIP

Whenever the Township or any duly constituted board, agency or department thereof is acting in or pursuant to the performance of a governmental function, carrying out a legislative mandate or in the exercise of its private right as a corporate body, any Township owned, operated or controlled building, structure, facility or use either existing or proposed shall not be subject to the provisions of this Chapter. It is the intention of this Section that whatever the Township may be authorized to do shall constitute a function of government and that whenever the Township shall act pursuant to granted authority, it acts as government and not as private entrepreneur and, therefore, is exempt from any Zoning Ordinance and any land use act zoning provisions.

§ 104 SCOPE/INTERPRETATION OF STANDARDS

The provisions of this Ordinance shall be held to the minimum requirements for the health, safety, morals and general welfare of the Township of Neptune.

The provisions and requirements of this Ordinance shall be held paramount to any corresponding or similar, but less restrictive, provisions and requirements of any existing law, ordinance, rule, regulation, deed restriction or private covenant affecting lands and premises in the Township of Neptune.

§ 105 TIME OF COMPLIANCE

All applicable requirements shall be met at the time of erection, enlargement, alteration, moving or change in use of the principal use and shall apply to the entire structure or structures whether or not the entire structure or structures were involved in the erection, enlargement, alteration, moving or change in use.

§ 106 PROPOSED PUBLIC DEDICATIONS

Approval of final plans by the Planning Board or Zoning Board of Adjustment, as the case may be, shall constitute an acceptance of proposed dedications for streets, parks, and other public uses or purposes. Nonetheless, such approval shall not constitute an acceptance of physical improvements on such dedicated land and shall not impose on the Township any obligation of jurisdiction or maintenance of such improvements. The acceptance of such physical improvements shall be by action of the Township Committee in accordance with N.J.S.A. 40:55D-53.

§ 107 DATE OF APPROVAL

The time period for the effect of approval shall begin with the date of the adoption of the resolution memorializing such approval of the subject application by the Board of Jurisdiction.

§ 108 DEDICATION OF RIGHT-OF-WAY.

No subdivision or site plan involving any street(s) requiring additional right-of-way width as specified in the Master Plan or Official Map and the street requirements of this Ordinance shall be approved unless such additional right-of-way, either along one or both sides of said street(s), as applicable, shall be deeded to the municipality or other appropriate governmental agency.

§ 109 REQUIRED CONFORMANCE

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No building shall be erected and no existing building shall be moved, altered, enlarged, or rebuilt, nor shall any land be designed, used or intended to be used for any purpose other than as permitted within the zoning districts so described by this Ordinance, nor shall any open space or yard area be encroached upon or reduced in any manner except in strict conformity with the regulations contained herein.

ARTICLE II- DEFINITIONS

§ 200 WORD USAGE

Any word or term not defined herein shall be as defined in the Municipal Land Use Law, N.J.S.A., 40:55D-1 et seq., or shall be utilized in standard usage for the context in which the word is used. In interpreting this Article words in one tense shall include other tenses or derivative forms; words in the singular shall include the plural and in the plural, the singular; either gender shall include the other; the word "shall" is mandatory; the word "may" is permissive; the word "fused" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used"; the word "lot" includes the words "plot," and "premises".

§ 201 DEFINITIONS

The following definitions shall have the meanings indicated:

abandonment - The relinquishment of property, or cessation of the use of the property, by the owner or lessee without any intention of transferring property rights to another owner or of resuming the use of the property.

accessory apartment - A self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters, and a private entrance, which is created within an existing residence or by an addition to an existing residence or accessory building.

accessory structure – A structure or building detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. Where a structure is attached to a principal building by a breezeway, roof, common wall, or the like, such a structure shall be considered part of the principal building.

accessory use – A use of land or of a structure or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

acre – A measure of land area containing 43,560 square feet.

adaptive re-use – The development of a new use for a building or site. Adaptive re-use is not to be construed to permit the commencement of a use that is not allowed in a particular zone district.

addition - any extension or increase in the size, floor area or height of a building or structure.

administrative officer – The Neptune Township Zoning Officer, or the Zoning Officer's designee.

adult entertainment use - An establishment consisting of, including, or having the characteristics of any or all of the following:

1. **adult bookstore** – An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
2. **adult cabaret** – (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas;

- (2) a cabaret that features topless dancers, go-go dancers, strippers, or similar entertainers for observation by patrons.
3. *adult mini motion picture theater* – An enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
 4. *adult motion picture theater* – An enclosed building with a capacity for fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

adult retirement community – A planned development or portion of a planned unit development that emphasizes social and recreational activities, personal services, limited health facilities, and transportation. An adult retirement community shall be designed for adults aged at least fifty-five (55) years for one resident of each eighty percent (80%) of the total units, provided that significant facilities and services for the elderly are provided.

alley – A thoroughfare less than thirty (30) feet in width dedicated for the public use of vehicles and/or pedestrians, which may afford access to property, but is not intended for general traffic circulation.

alteration of building– Any change in the supporting members of a building, bearing walls, columns, beams, girders, or interior partitions, or any addition to or diminution of a building, including the addition, modification, removal or replacement of exterior elements, including but not limited to siding, roofing, windows, doors, trim, cornices, eaves, gutters, finials, moldings, railings, arches, cupolas, or other decorative ornamentation. [NOTE: The previous definition has been amended per Ordinance No. 02-41]

antenna – Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals. Parabolic dish antennas used for satellite communications shall not be included within this definition.

applicant - person, partnership, corporation or public agency requesting permission to engage in land development/soil removal/tree removal activity.

approving authority – The Planning Board, Zoning Board of Adjustment or Historic Preservation Commission of the Township of Neptune.

area of special flood hazard - The land in the floodplain within a community subject to a one (1%) percent or greater chance of flooding in a given year.

as-built survey – A property survey prepared and certified by a licensed land surveyor to reflect the actual location of structures and other improvements constructed on a property.

assisted living facility - A facility that is licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining for four or more adult persons unrelated to the proprietor.

automatic car wash – A structure containing facilities for washing automobiles and automatic or semi-automatic application of cleaner, brushes, rinse water, and heat for drying.

automobile dealership – A facility that displays and/or sells new and/or used motor vehicles of any type.

automotive body repair and painting facility – Any building, land area or premises, or portion thereof, used primarily for auto body work, welding and painting.

automotive detailing shop – Any building, land area, or other premises, or portion thereof, used by a business establishment primarily engaged in manually cleaning, washing, detailing and/or waxing motor vehicles. [NOTE: The previous definition has been added per Ordinance No. 03-035]

automotive fueling station – Any building, land area, or other premises, or portion thereof, used for the retail sale and direct delivery of fuel and lubricating oil to motor vehicles. The term “automotive fueling station” shall be synonymous with “gasoline fueling station”, “gasoline station” and “gas station”. [NOTE: The previous definition has been added per Ordinance No. 03-035]

automotive service station - Any building, land area, or other premises, or portion thereof, used by a business establishment engaged in (a) general mechanical and electrical repair and maintenance services for automotive vehicles, such as passenger cars, trucks, and vans, and all trailers or (b) engine repair and replacement; but specifically excluding automotive body repair and painting facilities, and automatic car washes. Automotive service stations include all those establishments engaged in any specialized category (or combination of categories) of general automotive repair and maintenance services, such as but not limited to: oil change and lubrication shops (a.k.a. quick lube shops), transmission repair shops, exhaust system repair shops, automotive audio equipment and accessory installation shops, automotive detailing shops, automotive glass replacement shops, tire installation and re-treading services etc. [NOTE: The previous definition has been amended per Ordinance No. 03-035]

awning - Any structure made of cloth, canvas or vinyl, with a frame attached to a building or other structure which may be raised to a position against the building or structure when not in use.

bank – A financial organization that provides direct banking services including but not limited to walk-up tellers, accessory drive-through areas and automatic teller machines.

banners, pennants or bunting – Temporary announcement device constructed of cloth, canvas, fabric or other light material.

bar – Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

basement - Any area of a building having its floor located at or below a grade level on all sides.

bed and breakfast – an owner-occupied facility providing sleeping or dwelling accommodations and a morning meal to transient guests for compensation.

bed and breakfast guesthouse - a bed and breakfast designed to accommodate at least six (6) guests and not more than fifteen (15) guests.

bed and breakfast homestay - a bed and breakfast designed to accommodate five (5) or fewer guests.

billboard - A sign which advertises goods, products, services or facilities not conducted upon the premises where the sign is located

board of jurisdiction – The Planning Board of the Zoning Board of Adjustment, as the case may be.

boatyard – A designated area for the temporary storage of watercraft.

breakaway wall - A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

building – Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

building coverage – The percentage of the lot area that is covered by building area, which includes the total horizontal area when viewed in plan.

building envelope – An area, generally described by building setback lines, depicting the area within which the building(s) can be constructed.

building footprint – The horizontal area contained within the outer dimensions of the foundation walls of a building.

building height – The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average height between the eaves and the ridge level for gable, hip, and gambrel roofs.

building line – A line formed by the intersection of an exterior wall of a building with the ground.

building line, front – A line parallel to the front yard line touching that part of a principal building closest to the front yard line, not including the dimensions of a porch structure.

canopy - Any structure, other than an awning or marquee, made of cloth, plastic, metal or other substance and providing a roof-like shelter.

canopy, automobile service station – A roofed, accessory structure with open sides located on the same lot as an automobile service station.

cellar – See “basement.”

cemetery – Property used for interring of the dead.

certificate of appropriateness – a document issued by the Historic Preservation Commission approving any preservation, restoration, rehabilitation or alteration of property dealing with construction, demolition, additions, removals, repairs or any feature for any existing or new construction.

certificate of completeness – A document issued by the administrative officer specifying that an development application has met the submission requirements set forth in this Chapter.

change of use - Any use that substantially differs from the previous use of a building or land.

channel – The area between the top of the banks of any watercourse, with or without continuous flow, wherein surface waters are contained under conditions less than flood stage. This area shall also consist of lands lying between two (2) or more branches of the same watercourse.

child care center – An establishment licensed by the Department of Human Services pursuant to N.J.S.A. 30:5B-1, et seq., providing for the care, supervision and protection of children.

clear cutting -The removal of all standing trees on a lot or portion of a lot.

COAH – the New Jersey Council on Affordable Housing

co-location – When two (2) or more receiving and/or transmitting facilities are placed together in the same location or on the same antenna support structure.

commercial recreation facility – A facility designed and equipped for the conduct of leisure, sport or other recreational activities operated as a business, for-profit, and open to the public for a fee.

commercial vehicles – Any commercially registered vehicle except a passenger car. Vehicles normally associated with a commercial use, but not registered for commercial use, shall be deemed commercial vehicles.

common open space – A parcel of land or an area of water, or a combination of land and water within that part of a townhouse development site that has been designated for the use or enjoyment of residents and owners of the townhouse development. Common open space may contain such non-residential recreational structures, improvements and landscaping as are necessary or appropriate for use by the residents.

common ownership – Ownership of two (2) or more contiguous lots of real property by one (1) person or persons.

community center – A building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or non-profit group or agency.

community residence for persons with head injuries - A community residential facility licensed pursuant to P.L. 1977, c.448(C. 30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than fifteen (15) persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not limited to: group homes, halfway houses, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility with the meaning of the Health Care Facilities Planning Act, P.L. 1971, c.136(C. 26:2H-1 et seq.).

community residence for the developmentally disabled – Any community residential facility licensed pursuant to P.L. 1977, c. 448 (C. 30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than fifteen (15) developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements and hostels. Such a residence shall not be considered a health care facility within the meaning of the Health Care Facilities Planning Act, P.L. 1971, c.136 (C. 26:2H1 et seq.). In the case of such a community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services. As used in this chapter, developmentally disabled person means a person who is developmentally disabled as defined in Section 2 of P.L. 1977, c.448 (C. 30:11B-2), and mentally ill person means a person who is afflicted with a mental illness as defined in R.S. 30:4-23, but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.

community residence for the terminally ill – Any community residential facility operated as a hospice program providing food, shelter, personal guidance and health care services, under such supervision as required, to not more than fifteen (15) terminally ill persons.

community shelter for victims of domestic violence – Any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L. 1979, c.337(C.30:14-1 et seq.), providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than fifteen (15) persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

conditional use – a use permitted in a particular zone district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this Chapter, and upon the issuance of an authorization therefore by the Planning Board.

conservation easement – The grant of a property right stipulating that the described land will remain in its natural state and precluding future or additional development.

construction official - the chief administrative Construction Official for the Township.

conversion – Alteration in an existing residential structure resulting in an increase in the number of dwelling units.

curbline – A stone, concrete or other improved boundary marking the edge of a roadway or paved area.

deck – An above grade, unroofed structure without walls that is attached to a residential dwelling unit, twelve (12") inches or more above grade.

demolition - the partial or total razing, dismantling or destruction of any building or of any improvement within the Township and/or the Historic Districts.

density, gross – The permitted number of dwelling units per total area of land to be developed.

design criteria and guidelines - the Historic Preservation Guidelines of the Township.

developer - the legal or beneficial owner or owners of a lot or of any land proposed for development, including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in such land.

development – The division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land.

development fees – money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

diameter at point of measurement - The diameter of a tree measured four and one-half (4-1/2') feet (forestry method) above the ground level on the downhill side for existing trees. Trees utilized in the replacement of existing trees or proposed as part of a landscape plan, shall be measured twelve (12") inches above ground level for trees over a four (4") inch caliper. The measurement shall be six (6") inches above grade for trees up to four inch (4") caliper (nursery method). Diameter at point of measurement may appear as the abbreviation "DPM".

distribution facility – An establishment engaged in the receipt, storage and distribution of goods, products, cargo, and materials, including transshipment by rail or motor vehicle.

disturb - to dig, dredge, excavate, remove, deposit, grade, clear, level, fill or otherwise alter or change the location or contour of land or otherwise cause land to be exposed to the dangers of erosion.

dripline - A limiting line established by a series of perpendicular drop points marking the maximum radius of the crown of an existing tree, but not less than six (6') feet from the trunk, whichever is greater.

drive through facility – An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to receive service or obtain goods while remaining in their motor vehicles.

driveway – A private right-of-way providing access for motor vehicles to a garage, dwelling or other building from a street or other right-of-way.

duplex – A two-unit dwelling sharing a common vertical separation with independent means of ingress and egress for each unit.

dwelling unit – A building or entirely self-contained portion thereof intended or designed for non-transient residential use of a single housekeeping unit, (A) separated from all other spaces by lockable doors, (B)

having access to the outside without crossing another dwelling, (C) having any cooking facilities, fixed or portable, or food refrigeration facilities, and (D) having any sanitary facilities. A house trailer, a boarding or rooming house, convalescent home, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home, or other similar structure shall not be deemed to constitute a dwelling unit.

dwelling unit, apartment – Either, (a) a dwelling unit within a multi-family dwelling (see definition for dwelling, multi-family); or (b) a dwelling unit fully contained within the same building that is also designed, arranged, occupied, maintained and/or devoted to a nonresidential use(s). The term “apartment” shall be synonymous with “apartment dwelling unit”. [NOTE: The previous definition has been amended per Ordinance No. 03-035]

dwelling unit, rehabilitated - A previously substandard dwelling unit, as further defined herein, which has undergone significant renovation to meet municipal or other applicable housing code standards. Upon rehabilitation of a substandard dwelling unit, housing deficiencies shall be corrected and the house shall be brought up to code standard. The standard for evaluating rehabilitation activity of a substandard dwelling unit shall be the local property maintenance code, or, if none is available, the BOCA Property Maintenance Code, in effect at the time of evaluation. The rehabilitation activity shall not include luxury improvements, the purchase of appliances (with the exception of stoves) or improvements that are strictly cosmetic. A rehabilitated unit is considered complete at the date of final inspection.

dwelling unit, single-family detached - A structure containing a single housekeeping unit that is not attached to any other dwelling unit by any means.

dwelling unit, substandard - A dwelling unit with health and safety code violations that require the repair or replacement of a major system. A major system shall include weatherization, a roof, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems) and/or a load bearing structural system.

dwelling unit, townhouse – A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

dwelling unit, two-family – A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

dwelling, multi-family – A building containing three (3) or more dwelling units, including units that are located one over the other.

early childhood education center – A public education facility as defined by the New Jersey Department of Education. [NOTE: The previous definition has been added per Ordinance No. 02-14]

easement – A grant of one (1) or more of the property rights by the property owner to another person or entity, and/or for the use by the public or a corporation.

elevated building - A non-basement building: (A) built in an Area of Special Flood Hazard to have the top of the elevated floor or when in a Coastal High Hazard Area to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by the means of piling, columns (posts or piers), or shear walls parallel to the flow of the water; and (B) adequately anchored so as to not impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In an Area of Special Flood Hazard elevated buildings shall also include a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In areas of Coastal High Hazard elevated building shall also include a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls.

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 construction permit may be obtained utilizing estimates for construction costs. Final equalized assessed value will be determined at project completion by the municipal tax assessor.

erosion - detachment and movement of soil or rock fragments by water, wind, ice or gravity.

excavation or cut - any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

extended stay lodging facility – A lodging establishment designed and intended for the temporary lodging of business travelers which includes a cooking area and related appurtenances in every room, which has limited maid service, front desk and reception services but which does not include restaurants, conference facilities or retail/convenience stores.

exterior alteration - Any change in the exterior architectural features of a building or any other structure including repainting, additions or the demolition of part of a building excepting repainting the structure the same color for maintenance purposes.

exterior architectural feature - Any element of the architectural style, design or general arrangement of a structure that is visible from the outside including, but not limited to, the style and placement of all windows, doors, gutters, driveways, porches, railings, steps, lighting, the roof, type, color and texture of the building material, signs and decorative elements including landscaping, fences, curbs and sidewalks.

FAA – Federal Aviation Administration.

family – A single, non-profit housekeeping unit, which bears the generic character of a relatively stable and permanent functioning unit.

family day care home – Any private residence approved by the Division of Youth and Family Services or an organization with which the division contracts for family day care and which is operated in accordance with N.J.S.A. 40:55D-66.4 et seq.

FCC – Federal Communications Commission.

fence – A barrier of any material or combination of materials erected to enclose, screen or separate areas.

final approval – The official action of the Planning Board or Zoning Board of Adjustment taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

flood fringe area – That portion of the flood hazard area outside of the floodway which is subject to less severe flooding.

flood hazard area – The flood hazard area shall consist of the floodway and flood fringe area, being the areas that are subject to flooding.

Flood Insurance Rate Map (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Township.

flood insurance study - The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as Flood Boundary-Floodway Map and the water surface elevation of the base flood.

flood of record – The greatest flood in a given area for which accurate records are available and/or as determined by the New Jersey State Department of Environmental Protection.

flood or flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from (A) the overflow of inland or tidal waters and/or, (B) the unusual and rapid accumulation or runoff of surface waters from any source.

flood plain – Same as the flood hazard area.

flood, design – Design flood (floodway or flood hazard area) is the relative size or magnitude of a flood, expressed as a design discharge in cubic feet per second, which is developed from hydrologic criteria, represents a major flood of reasonable expectancy, reflects both flood experience and flood potential, and is the basis of the delineation of the floodway and the flood hazard area and of the water surface elevations thereof.

floodway - The channel of a river or other water-course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

floor area – The sum of the gross horizontal areas of all the floors of the building or buildings on a lot measured from the exterior faces of exterior walls equal to or in excess of 7'-6" or from the center line of party walls separating two (2) buildings, excluding cellar and basement areas used only for storage or the operation and maintenance of the building.

floor area ratio (F.A.R) – The floor area in square feet of all buildings on a lot divided by the area of such lot in square feet.

floor area, livable – All finished spaces within the exterior walls of a dwelling exclusive of garages, breezeways, unheated porches, cellars and basements having a window area of less than ten percent (10%) of the square foot area of the room. Usable floor area shall include all finished spaces not otherwise excluded above such as: principal rooms, utility rooms, bathrooms, all closets and hallways opening directly into any rooms within the dwelling unit and all attic spaces having a clear height of six (6) feet from finished floor level to pitch of roof rafter with a clear height of seven (7) feet six (6) inches from finished floor level to ceiling level over fifty percent (50%) of the area of such attic space.

front porch line – A line formed by the intersection of a porch foundation wall with the ground, or when viewed in plan, the outermost extremity of the roof, whichever is closer to the front lot line.

funeral home – A building used for the preparation of the deceased for burial and/or the display of the deceased and rituals connected therewith before burial or cremation.

garage, private – A fully enclosed detached accessory building, or a portion of a principal building, used primarily for the storage of vehicles owned or used by the occupant of the principal building, or used for the storage of incidental items to which the garage is an accessory.

garden center– Land, greenhouses or structures used to raise and/or sell flowers, shrubs, plants and other garden related items.

gasoline fueling station – see "automotive fueling station". [NOTE: The previous definition has been added per Ordinance 03-035]

golf course – A tract of land laid out for at least nine holes for playing the game of golf and improved with trees, greens, fairways, and hazards and that may include a clubhouse and shelter.

greenhouse – A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants.

HAM radio antenna - A device mounted on a freestanding support structure or secured to a roof or wall of a building and used to receive and transmit radio communications between other terrestrially based sites.

health & fitness club – An establishment that provides facilities for physical exercises and/or saunas, showers and lockers.

heliport - An identifiable area on land, water or structure, including any building or facilities thereon, used or intended to be used for the landing and takeoff of helicopters. The term “heliport” as used herein applies to all sites, including helistops, used or intended to be used for the landing and takeoff of helicopters.

helistop - An area used or intended to be used for the landing and takeoff of helicopters engaged in dropping-off or picking-up passengers.

historic flared avenue open space – An unobstructed area located between the curblineline and the front leasehold line at particular properties within historic zone district. This area is also known as the “flared setback area.”

historic integrity - the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

historic landmark - may substitute in this Chapter and in any other official document or action of the Township for “historic” and “historic site”.

historic site - any real property, man-made structure, natural object or configuration or any portion or group of the foregoing which have been formally designated as being of historic, archaeological, cultural, scenic or architectural significance.

historic sites inventory - A list of historic properties determined to meet criteria of formal designation specified herein.

home occupation - An activity carried out for gain by a resident and conducted as a customary, incidental and accessory use in the resident’s dwelling unit.

home professional office – A home occupation consisting of the office of a practitioner of a recognized profession.

homeowner’s association – An association of owners of the various properties of a common ownership community, formed under the provisions of a Master Deed, Declaration of Covenants and Restrictions and a Certificate of Incorporation and Bylaws.

hospital/medical center – An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, training facilities, medical offices and emergency care facilities.

hotel – A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment and recreational facilities, and so

constructed that access and egress from rooms to the outside passes a control desk.

hotel, historic - A facility offering sleeping and transient lodging accommodations to the general public for a specified period of time in a structure originally constructed as a hotel or other transient residential use.

impervious cover – Any structure, surface or improvement that reduces and/or prevents absorption of stormwater into land. Porous paving, paver blocks, gravel, crushed stone, crushed shell, elevated structures (including boardwalks), and other similar structures, surfaces or improvements are considered impervious cover. Grass, lawns or any other vegetation are not considered impervious cover.

improvable area - the area of a lot for the placement of principal buildings, off-street parking lots, and off-street loading areas which is located within the envelope delineated by the required yards, or buffers of the zone district and which is not encroached upon by, (A) an existing or proposed public right-of-way, (B) an area classified as a floodway by the New Jersey Department of Environmental Protection and Energy or as an area of special flood hazard or floodway, (C) wetlands or any required wetlands transition area pursuant to the New Jersey Freshwater Wetlands Protection Act (N.J.S.A.13:9B-1, et seq.), except where construction, fill, or disturbance has been authorized pursuant to the Freshwater Wetlands Act, (D) slope areas where the inclination of the land's surface from the horizontal is fifteen (15) percent or greater for a ten (10) foot interval, (E) stream corridors and, (F) an easement for utility installation, drainage or other purpose granted to another person, entity or governmental unit.

improvement - any structure or any part thereof installed upon real property by human endeavor and intended to be kept at the location of such construction or installation.

incombustible material - any material that will not ignite at or below a temperature of one thousand two hundred (1,200F.) degrees Fahrenheit and will not continue to glow or burn at that temperature.

industry, light – Those fields of economic activity including construction, light manufacturing, warehousing and wholesale trade.

junk – Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition. This definition also includes, but is not limited to, unregistered, inoperable vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood and lumber.

junkyard – Any space, whether inside or outside a building, used for the storage, keeping, or abandonment of junk.

kennel – Any building, structure, or premises in which cats, dogs or other domesticated animals are kept, boarded, bred or trained for a fee or compensation.

land - any ground, soil, or earth including marshes, swamps, drainageways and areas not permanently covered by water within the municipality.

leasehold area – A designated area bound by leasehold lines.

leasehold line – A line of record bounding a leasehold area that divides a leasehold area from another leasehold area, lot, or from a public or private street or any other public space.

loading space, off-street – Any off-street space on the same lot available for the loading or unloading of goods.

long-term care facility – An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for twenty-four (24) or more consecutive hours to two (2) or

more patients who are not related to the governing authority or its members by marriage, blood or adoption. "Long-term care facility" shall include the terms "skilled nursing facility" and "intermediate care facility."

lot – A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or build upon as a unit.

lot coverage - The percentage of lot area that is covered by impervious cover.

lot depth – The mean distance between the front and rear property lines of any lot, measured along a line either parallel to or making equal angles with the side lines.

lot frontage – The length of the street line of a lot.

lot line – A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

lot line, front - The lot line separating a lot from a street right-of-way. In the Historic District-Oceanfront District the lot line, front shall be the lot line between the leasehold lot in question and the Historic Flared Avenue Open Space. This line is also considered the inner sidewalk line.

lot line, rear - The lot line opposite and most distant from the front lot line. In the case of a corner lot, the lot line opposite the shorter front street line shall be considered the rear lot line.

lot line, side - Any lot line other than a front lot line or rear lot line.

lot width – A distance measured at the front yard setback line along a line perpendicular to parallel side lines or making equal angles with both converging side lines. Where a front yard is not required, the lot width shall be measured along the street line.

lot, corner - A lot at the junction of and abutting on two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

lot, flag – a large lot not meeting minimum frontage requirements and where access to a public road is via a narrow, private right-of-way or driveway.

lot, reverse frontage – A through lot that is not accessible from one from one of the parallel or nonintersecting streets upon which it fronts.

lot, through – A lot other than a corner lot which adjoins two (2) street lines which are at opposite ends of the lot. A through lot shall be considered to have two front yard lines.

lowest floor - The lowest level of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other non-elevation design requirements.

maintenance guarantee – Any security, which may be accepted by the Township for the maintenance of any required improvements.

manufactured home - A structure transportable in one or more sections which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term manufactured home also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For

insurance purposes the term manufactured home does not include park trailers, travel trailers and other similar vehicles.

manufactured home park or manufactured home subdivision - A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

manufacturing – Any process whereby the nature, size, or shape of articles or raw materials are changed, or where articles are assembled or packaged.

marina, recreational – Any pier, dock, wharf, breakwater or similar structure or facility which is operated to provide dockage for recreational watercraft.

marine related sales and services - Establishments engaged in selling watercraft related goods or merchandise to the general public for personal use and rendering services incidental to the sale of such goods.

marquee - A permanent, roof- like structure extending from part or all of a building or other structure over a public or quasi-public right-of-way and constructed of some durable material such as metal, glass or plastic.

membership club – A building, lot, or land area, used as a private club or social organization not conducted for profit or gain, and which is not an adjunct to or operated by or in connection with or as a public tavern, café, restaurant or other like public space.

mezzanine – An intermediate level between the floor and ceiling of any story and covering not more than 33% percent of the floor area of the room in which it is located.

minor site plan – A development plan of one or more lots which proposes new development requiring site plan review and approval as specified by this Ordinance which:

- a. Does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to section 30 of P.L.1975, c.291 (C.40:55D-42); and,
- b. Contains the information reasonably required, as set forth in Article VIII of this chapter, in order 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 all of the following criteria:
 1. Consists of new building construction and/or building additions that contain less than one thousand (1,000) square feet of gross floor area; and
 2. Contains less than four thousand (4,000) square feet of impervious surface; and
 3. Is located on a tract that was not the subject of a minor subdivision or minor site plan approval within two (2) years of the date of the resolution of memorialization.

[NOTE: The previous definition has been added per Ordinance No. 03-035]

mixed use residential building - A building that contains residential and non-residential uses.

mobile home – See “manufactured housing.”

mobile home park – A site containing spaces with required improvements and utilities that are leased for the long term placement of manufactured houses and that may include services and facilities for the residents.

monopole – The type of tower that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.

mortuary – See “funeral home.”

motel – An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

motor vehicle – A self-propelled device used for transportation of people or goods over land surfaces.

multi-level parking structure – A building or structure consisting of more than one (1) level and used for the temporary storage of motor vehicles.

national register criteria - the established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

new construction - Structures for which the start of construction commenced on or after the effective date of this Ordinance.

nightclub – An establishment dispensing liquor and meals and in which music, dancing or entertainment is conducted. For the purposes of this Chapter, an “adult entertainment use” shall not be considered a “nightclub.”

non-conforming lot - A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

non-conforming structure - A structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

non-conforming use - A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

nuisance – An interference with the enjoyment and use of property.

nursery – Land or greenhouses used to raise flowers, shrubs and plants for sale.

nursing home/convalescent home – See “long term care facility.”

office – A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files and communication equipment.

offsite – Located outside the lot lines of the lot in question but within the property, of which the lot is a part, which is the subject of a development plan or the closest half of the street or right-of-way abutting the property of which the lot is a part. [NOTE: The previous definition has been amended per Ordinance No. 03-035]

off-tract – Not located on the property that is the subject of a development plan nor on the closest half of the abutting street or right-of-way. [NOTE: The previous definition has been amended per Ordinance No. 03-035]

onsite – Located on the lot in question and excluding any abutting street or right of way. [NOTE: The previous definition has been amended per Ordinance No. 03-035]

on-tract – Located on the property that is the subject of a development plan or on the closest half of an abutting street or right-of-way. [NOTE: The previous definition has been amended per Ordinance No. 03-035]

open space – Any parcel or area of land or water essentially unimproved, except for buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

open space, common – An open space area within or related to a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

ordinary maintenance and repair - A repair or exact replacement of any part of a structure for which a construction permit is not required by the Township and where the purpose and effect of such work or replacement is to correct deterioration, restore a damaged part and prevent the spread of deterioration and is without change in the exterior of the structure or in the color of the paint. The following are some of the activities which are permitted as ordinary maintenance and repairs: (A) identical replacement of existing windows and doors; (B) repairs of existing windows and doors and the installation of storm doors and windows that do not change their design, scale or appearance; (C) maintenance and repair of existing roofing materials involving no change in the design, scale or appearance of the structure; (D) replacement of existing clapboards, shingles or other siding with identical materials and in an identical configuration. Maintenance and repair of existing clapboards, shingles, or other siding including masonry involving no change in the design, scale or appearance of the structure.

outdoor storage – The keeping other than in a building of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

park – A tract of land designated and used by the public for active and passive recreation.

parking lot – An improved, off-street, ground-level open area used for the parking of motor vehicles. A parking lot may include access drives or aisles for ingress and egress.

parking space, off-street – A paved or surfaced area for off-street motor vehicle parking.

patio or terrace – A level, landscaped, and/or surfaced area on a lot with a principal building and not covered by a permanent roof, less than twelve (12”) inches above grade.

performance guarantee – Any security which may be accepted by the Township to assure required improvements associated with an application for development will be satisfactorily completed.

permit - Any required Township approval for exterior work to any structure or property in a historic district or on a historic site, which exterior work is subject to public view. Permit shall include, but is not limited to a zoning permit, construction permit, a demolition permit, a permit to move, convert, relocate or remodel or to change the use or type of occupancy of any structure or property in a historic district which involves exterior changes to the structure or the property on which it is located.

person with head injury – A person who has sustained an injury, illness or traumatic changes to the skull, the brain contents or its coverings which results in a temporary or permanent physiobiological decrease of mental, cognitive, behavioral, social or physical functions which causes partial or total disability.

personal boatslip or dock – A structure intended for non-commercial purposes built along or at an angle from a shoreline so that a boat may discharge or receive passengers.

personal service- A service provided to an individual or group of individuals that does not produce tangible goods for retail sale or consumption.

personal service establishment – Any business use that provides services to an individual or group of individuals, such as barbershops, dry cleaning establishments, beauty salons, travel agencies and substantially similar type uses, and does not provide goods for retail sale or consumption.

place of worship – A church, synagogue, temple, mosque or other facility that is used for prayer, or formal religious services by a religious congregation.

planned commercial development – A contiguous or noncontiguous land area with a minimum specified land area as specified herein developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial and/or office uses.

planned development – any planned unit development and any planned commercial development.

planned unit development – An area with a minimum contiguous or non-contiguous acreage of ten (10) acres or more to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public or commercial area in such ranges of ratios of nonresidential uses to residential uses as is specified in this Chapter.

porch - A roofed, open area attached to and with direct access to or from a building.

preliminary approval – The conferral of certain rights pursuant to the Municipal Land Use Law, prior to final approval of a major site plan or major subdivision, after specific elements of a development have been approved by the delegated approving authority and agreed to by the applicant.

preservation - the act or process of applying measures to sustain the existing form, integrity and material of a building or structure, and the landscape features and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

principal structure – A building in which the principal use of the lot on is conducted.

principal use – The primary or predominant use of any lot.

professional office – An office used or occupied by a licensed professional in the fields of accounting, architecture, dentistry, engineering, finance, insurance, law, medicine, planning and similar occupations and professions.

prohibited use – Any use that is not specifically permitted by this Ordinance.

protection - the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury.

public purpose use – The use of land or buildings by the Township of Neptune or by any other federal, state, county or municipal governmental body including the Township of Neptune Board of Education.

public utility - A facility with the primary function of generating, creating or harnessing natural or man-made energy for essential services use or distribution off-site, including electrical sub-and switching stations, or the disposal or treatment of water or wastes, not including service yards or storage and treatment yards and facilities or wireless telecommunications facilities.

reception and banquet hall – A facility specifically geared to providing interior areas for groups of individuals to congregate, socialize or celebrate particular events.

reconstruction - the act or process of reproducing by new construction the exact form and detail of a vanished building, structure or object, or any part thereof, as it appeared at a specific period of time.

recreational facility – A place designed and equipped for the conduct of sports and leisure-time activities, excluding billiard parlors, video arcades, adult book and video stores and massage parlors.

refuse and recycling area – A designated area either within a building, or a screened space on the exterior of a building, specifically designed to hold waste or recyclable materials.

rehabilitation - The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

replacement plan - A specific plan for replacement of removed trees in accordance with the provisions of this chapter.

replacement tree - A nursery grown certified tree, properly balled, and marked with a durable label indicating genus, species and variety, and satisfying the standards for nursery stock and installation thereof, set forth by American Association of Nurserymen.

research laboratory – An establishment or other facility for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development.

restaurant – Any establishment at which food or drink is prepared, served and consumed primarily within the principal building or at a permitted accessory outside dining facility.

restaurant, drive-through – An establishment where food and/or beverages are sold in a form ready for consumption, where the consumption may take place or is designated to take place outside the confines of a restaurant, and where ordering or pick-up of food may take place from an automobile.

restaurant, take-out – An establishment where food and/or beverages are sold in a form ready for consumption, where the consumption may take place or is designated to take place outside the confines of a restaurant, and where ordering or pick-up of food may not take place from an automobile.

restoration - The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

retail sales - and services – Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

retail services – Establishments providing services to the general public for personal or household use.

retaining wall – shall mean a structure that is designed and constructed to stabilize two generally horizontal surfaces which are vertically displaced, and which shall be either a landscape retaining wall or structural retaining wall:

1. a landscape retaining wall shall mean a retaining wall greater than eighteen (18) inches but less than four (4) feet in height, which does not support any site improvement within four (4) feet of the top of the wall.
2. a structural retaining wall shall mean a retaining wall greater than four (4) feet in height, or a retaining wall with any site improvement located within a distance from the top of the wall equal to the height of the retaining wall.

[NOTE: The previous definition has been added per Ordinance No. 03-035]

steep slope – areas on a lot where the inclination of the land's surface from the horizontal is fifteen percent (15%) or greater as measured over a ten (10) foot interval. Steep slopes which are twenty-five percent (25%) or greater as measured over a five (5) foot interval shall be considered critical slopes. [NOTE: The previous definition has been added per Ordinance No. 03-035]

row house – See “townhouse.”

satellite dish antenna - A device incorporating a reflective surface that is solid, open mesh or bar configured and in the shape of a shallow dish, cone, horn or cornucopia, for use to receive and/or transmit radio or electromagnetic waves between terrestrially and/or orbitally based uses.

school, private elementary, middle or high – Any building or a group of buildings the use of which meets state requirements for elementary, secondary or higher education and which use does not secure the major part of its funding from any governmental agency.

school, public elementary, middle or high – Any school licensed by the state and that meets the state requirements for elementary, secondary or higher education.

school, vocational – A secondary or higher educational facility primarily teaching useable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.

selective cutting - The removal of larger trees on an individual basis while leaving trees of lesser size.

self-storage facility – A structure or facility containing separate, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

senior citizen apartment building – A development consisting of multifamily dwelling units wherein permanent residents will be restricted by covenant to persons with a minimum age of at least fifty-five (55) years for one resident of each eighty percent (80%) of the total units [in accordance with the Federal Fair Housing Act, as amended in 1988]. [NOTE: The previous definition has been added per Ordinance No. 02-14]

setback – The distance between a building and any lot line.

setback line – That line that is established at the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

setting - the relationship that a site and its buildings have to its surroundings.

shopping center - a group of retail stores and service establishments with parking facilities and designed to serve a community or neighborhood which is planned, developed, owned and managed as a total entity.

sidewalk sale – A periodic event that is accessory to a principal permitted retail use and occurs before and after designated holidays during which merchants are allowed to display merchandise for sale on the sidewalk.

sign - Any name, identification, description, display or illumination which is affixed to or painted on or represented directly or indirectly upon a building, structure or parcel of land, and which directs attention to a person, organization, institution, activity, event, place, object, product, commodity, business, entertainment, service or profession or which conveys any message, notice or greeting.

sign alteration – The enlargement, extension or relocation of an existing sign or support structure.

sign area - The entire area within a contiguous perimeter enclosing the limits of a sign and including the frame of the sign, but not including structural elements outside the limits of such sign and not forming an integral part thereof.

sign face – The area or display surface used for the message.

sign restoration – The routine maintenance and painting of existing, approved signs, that does not change the approved design or increase the total sign area.

sign supporting structure - All frames, glass or other coverings, gooseneck arms, light bulbs, lights, shields, shades, reflectors, supports, brackets, braces, screws, bolts, fastenings or other items or devices which constitute a part of the support system for any sign, awning, canopy or marquee.

sign, awning – A sign that is mounted, painted, or attached to an awning.

sign, contractor – A temporary sign that identifies the tradesperson or architect of a specific improvement on the property for which the improvement is being made.

sign, directional – A sign intended to facilitate efficient traffic circulation movement within a particular tract.

sign, directory – A ground or wall sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

sign, flashing - A sign, the illumination of which is not kept constant in intensity at all times when in use.

sign, freestanding – A single or multi-faced sign not attached to a building, and with an upright base extending from the ground.

sign, illuminated - A sign having characters, letters, figures, designs or outlines illuminated by electric light or luminous tubes as a part of the sign.

sign, indirectly illuminated - An illuminated, non-flashing sign whose illumination is derived from an external artificial source and is so arranged that no direct rays of light are projected from the artificial source into an area where anyone resides or into any public street or public way.

sign, political – A temporary sign denoting a political campaign headquarters, party affiliation, cause or candidate.

sign, portable - A sign that is not securely affixed to the ground or otherwise affixed in a permanent manner to a building or other structure.

sign, project – A temporary sign intended to identify a project under construction, including the project name, general contractor, architect and prime real estate agent.

sign, projecting – A sign that is wholly or partly dependent upon a building for support and that projects more than nine (9) inches from such building.

sign, public purpose – A sign designed to promote the public health, safety and welfare, including official government notices, government signs, signs to control and direct traffic on public streets, street identification signs, signs erected by public utility companies to warn of dangerous or hazardous conditions and political signs.

sign, reader board – A temporary, portable sign that incorporates changeable lettering and is intended primarily for advertising or announcement purposes.

sign, real estate – A sign pertaining to the sale or lease of the premises, or a portion thereof, on which the sign is located.

sign, residential development – A sign identifying a residential major subdivision, condominium, apartment or townhouse complex, and is located entirely on the property which it is identifying.

sign, residential nameplate – A wall sign permitted for the sole purpose of identifying the inhabitant residing therein, the house name and/or identifying the address of the house.

sign, roof – A sign that is mounted on the roof of a building or is wholly dependent upon a building for support, and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

sign, sidewalk – A temporary, moveable, non-illuminated sign located within the public right-of-way that is not permanently affixed to a wall, structure or to the ground.

sign, traffic-control – A permitted sign for the purpose of identifying private parking areas and directing the flow of traffic on private property.

sign, wall-mounted – A sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall.

sign, window - A sign which is part of or affixed or attached to the interior or exterior of a window or otherwise part of a window and located within eighteen (18") inches of the interior of the window and which can be seen from a public street or public parking facility.

silviculture - The management of any wooded tract-of land to insure the continued survival and welfare whether for commercial or noncommercial purposes, pursuant to a plan approved by the New Jersey Bureau of Forestry.

site plan - A development plan of one or more lots on which is shown the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways; the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, and screening devices; and any other information that may be reasonably required in order to make an informed determination pursuant to this Ordinance.

slash - The forest debris remaining after a tree removal operation.

soil conservation district - The Freehold Soil Conservation District as established in accordance with the provisions of Chapter 24, Title 4, N.J.S.A.

solid waste enclosure – A designated, unroofed, enclosed area for the temporary storage of waste and recyclable materials.

specimen tree - Any tree with a DPM of eighteen (18") inches or greater.

start of construction - The date the construction permit is issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement is commenced within 180 days of that date.

state soil conservation committee - An agency of the State established in accordance with the provisions of Chapter 24, Title 4, N.J.S.A.

storage shed, private – An accessory building that is exclusively used by the occupant of the principal building to which it is incidental, and contains items customarily associated with residential use such as personal items, lawnmowers, tools and hardware.

story – That portion of a building consisting of at least seven (7) feet of vertical height, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. If the ceiling or underside of supporting members is less than four (4) feet above average grade of any space, then that space shall not be considered a story nor counted as floor area.

story, one-half – A space under a pitched roof at the top of a building, the floor of which is not more than two (2) feet below any plane, which will not qualify for living space under BOCA (Building Officials and Code Administrators International, Inc.).

stream corridor – Any river, stream, pond, lake or wetland, together with adjacent upland areas, that supports protective bands of vegetation that line the water's edge.

street line – The dividing line between a lot and a street.

stripping - Any activity which disturbs vegetated or otherwise stabilized soil surfaces including clearing and grubbing operations.

structure – A combination of materials constructed for use, occupancy, or ornamentation whether installed on, above, or below the surface of land.

subdivision – The division of a lot, tract or parcel of land into two (2) 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: (A) divisions of land found by the Planning Board to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size, (B) divisions of property by testamentary or intestate provisions, (C) divisions of property upon court order, including but not limited to judgments of foreclosure, (D) consolidation of existing lots by deed or other recorded instrument and (E) 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, major – Any subdivision not classified as a minor subdivision.

subdivision, minor – A subdivision of land for the creation of not more than three (3) lots, provided such subdivision does not involve (A) a planned development, (B) any new street or (C) the extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42.

substantial improvement - Any repair, reconstruction or improvement of a structure, where the cost exceeds or equals fifty (50%) percent of the market value of the structure either: (A) before the improvements or repair is started, or (B) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

substantive certification – a determination by COAH approving a municipality's housing element and fair share plan in accordance with the provisions of the Fair Housing Act and the rules and criteria set forth herein. A grant of substantive certification shall be valid for a period of six years in accordance with the terms and conditions therein.

swimming pool – An accessory structure whether located above or below the ground, designed and maintained for swimming and bathing purposes by a private residence for use by household members and guests, having a depth of more than 18 inches and/or a water surface in excess of 100 square feet.

swimming pool, portable – A swimming pool which is located above ground level, otherwise not permanently installed, does not require water filtration, circulation and purification, does not exceed a water surface of 100 square feet, and does not require braces or supports.

tavern – An establishment used for the serving and consumption of liquor by the drink to the general public on-site as a principal use.

theater, motion-picture – A place where motion pictures are shown to the public for a fee. For the purposes of this Chapter, an “adult entertainment venue” shall not be considered a “motion picture theater.”

theater, performing arts – A building designed for the presentation and viewing of live performances. For the purposes of this Chapter, an “adult entertainment venue” shall not be considered a “performing arts theater.”

thinning - The removal of undesirable, competitive, diseased or damaged trees so as to cultivate and improve the development of the remaining trees on the lot.

topsoil - The top six (6) inch layer of arable soil.

tower, telecommunications or transmission – The structure designed to support transmitting or receiving antennas. For the purposes of this Chapter, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not “transmission towers.”

townhouse - A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and secondary access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

trailer – A wheel-based non-commercial structure that is used for the transportation or storage of goods or materials, as a construction office, for temporary short-term habitation in case of calamity, or other occupancy subject to the provisions of this Chapter. A box container which has been temporarily or permanently removed from a chassis or truck bed shall be considered a “trailer.”

tree - Any deciduous or coniferous species which reaches a typical mature height of twelve (12') feet or more at maturity, and has a typical DPM of four (4") inches or greater.

use – The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

wall, decorative - A wall constructed of stone or other material erected for the sole purpose of providing a decorative and/or landscaped feature, and not to include structural support walls, retaining walls or any other walls constructed for a purpose other than aesthetics.

warehouse – A building used primarily for the storage of goods and materials.

wireless telecommunication facility – A structure that facilitates personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunications services such as cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or may be developed in the future.

wooded acres permitted for development - Those wooded lands within a lot or tract which are not specifically excluded by any general, state, county or municipal law or ordinance, deed restriction or covenant running with the land. For purposes of this chapter, those lands specifically eliminated from considerations as wooded acres permitted for development include, but are not limited to, wetlands as defined by N. J. S. A.13-9B-1 et seq.

yard – An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth herein is to be unoccupied and unobstructed from the ground upward except as may be provided in this Chapter.

yard, front – An open, unoccupied space (unless occupied by a structure hereinafter specifically permitted) extending across the full width of the lot and lying between the street line and the building line. All yards abutting a street shall be considered a front yard. In the Historic District-Oceanfront District the yard, front shall be the yard between the building line and leasehold line abutting the Historic Flared Avenue Open Space.

yard, rear - An open, unoccupied space (unless occupied by an accessory structure) extending across the full width of the lot between the rear lot line and the building line.

yard, side - An open, unoccupied space (unless occupied by an accessory structure) extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the building line.

zoning officer – An agent appointed by the Township Committee who shall be responsible for the administration and enforcement of the provisions, requirements, regulations and standards contained in this Ordinance and who shall have such other duties and responsibilities as may herein specified or assigned by an appropriate body.

zoning permit – A document signed by the administrative officer (1) which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion, or installation of a structure or building and (2) which acknowledges such use, structure or building complies with the provisions of the municipal zoning ordinance or variance therefrom duly authorized by a municipal agency pursuant to the Municipal Land Use Law.

ARTICLE III- ZONING DISTRICTS AND ZONING MAP

§ 300 DISTRICTS

For the purposes of this Ordinance, the Township of Neptune is hereby divided into the following districts:

<u>ZONING DISTRICT</u>	<u>ZONING SYMBOL</u>
Low Density Residential	R-1
Moderate Density Residential	R-2
Medium Density Residential	R-3
High Density Residential	R-4
Multifamily Residential	R-5
Town Commercial	B-1
Professional Office	B-2
Marina Mixed Use	B-3
Planned Commercial Development	C-1
Corridor Commercial	C-2
Route 66 West Commercial	C-3
Route 66 East Commercial	C-4
Route 33 West Commercial	C-5
Route 33 East Commercial	C-6
Route 35 Commercial	C-7
Light Industrial	LI
Planned Unit Development	PUD
Civic	C
Historic - Single Family Residential	HD-R-1
Historic – Oceanfront	HD-O
Historic – Multifamily Residential	HD-R-2
Historic – Mixed Use	HD-B-1
Historic – Recreation	HD-R

[NOTE: The previous section has been amended per Ordinance No. 03-035]

§ 301 ZONING MAP

The zoning map entitled "Zoning Map, Neptune Township, Monmouth County, New Jersey," dated July 24, 2000, with revisions to November 10, 2003 is hereby adopted as the Official Map and is made a part of this Ordinance. [NOTE: The previous section has been amended per Ordinance No. 02-14 and Ordinance No. 03-035]

§ 302 INTERPRETATION OF BOUNDARIES

- A. Zoning district boundary lines are intended to follow street centerlines, railroad rights-of-way, streams and lot or property lines as they exist on lots of record at the time of enactment of this Ordinance unless otherwise indicated by dimensions on the zoning map. Any dimensions shown shall be in feet and measured horizontally and, when measured from a street, shall be measured from the street right-of-way line even if the centerline of that street is used for the location of a zoning district line. The exact location of any disputed zoning district boundary line shall be determined by the Board of Adjustment pursuant to N.J.S.A. 40:55D-70b.
- B. Where boundaries are not fixed by dimensions and where they approximately follow lot lines and where they do not scale more than 20 feet distant therefrom, the street centerlines, railroad rights-of-way, streams and lot lines shall be construed to be such boundaries.
- C. Where a zoning district boundary divides a lot, the location of the boundary, unless indicated by dimensions on the zoning map, shall be determined by use of the stated scale on the map.

§ 303 APPLICABILITY WITHIN EACH DISTRICT

The zoning standards, controls and designations apply to every structure, lot and use within each district and the district line extends vertically in both directions from ground level.

ARTICLE IV- ZONING DISTRICT REGULATIONS

§ 400 RELATIONSHIP TO OTHER ARTICLES

Relationship to Other Articles. This Article establishes the use, bulk requirements and other regulations governing the zones created in Article III. Article II is the compendium of definitions for terms of art in this Article and throughout the Land Development Ordinance. Performance regulations and design standards are contained in Article V that provide the basis for the physical development and redevelopment of land within the zoning classifications. Article VII contains the standards of review upon which all applications for subdivision or site plan are measured.

§ 401 PROHIBITED USES

All uses not expressly permitted in this Ordinance are hereby prohibited.

§ 402 PERFORMANCE STANDARDS FOR ALL USES

An application for a permit shall provide documentation that the intended use will comply with the performance standards enumerated below. In the case of a structure being built where the future use is not known, a zoning permit may be issued with the condition that no certificate of occupancy will be issued until such time as this documentation is submitted with respect to the particular occupant. A new application and a new certificate of occupancy shall be required in the event of a change of any user of any structure.

- A. Electrical and/or Electronic Devices. All electrical or electronic devices shall be subject to the provisions of Public Law 90-602, 90th Congress, HR 10790, dated October, 1968, entitled "An Act for the Protection of Electronic Product Radiation." Radiation products, as defined in DHEW Publication No. (FDA) 76-8003, shall be so limited and controlled so that no measurable energy can be recorded at any point beyond the property boundaries. The applicant, upon request, shall certified data wherein measurements made in accordance with the procedure and standards set forth in the DHEW Publication No. (FDA) 75-8003 adequately demonstrate compliance with the minimum standards established by the Act. All other forms of electromagnetic radiation lying between one hundred (100) KHz and ten (10) GHz shall be restricted to the technical limits established in the Federal Communication Commission's Rules and Regulations. Additionally, electric or electronic equipment shall be shielded so there is no interference with any radio or television reception at the lot line (or beyond the operator's dwelling unit in the case of multi-family dwellings) as the result of the operation of such equipment.
- B. Glare. No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light or glare beyond its lot lines. Exterior lighting shall be shielded, buffered, and directed so that glare, direct light or reflection will not become a nuisance to adjoining properties, adjoining dwelling units, adjoining properties, adjoining dwelling units, adjoining districts or streets.
- C. Heat. No use shall produce heat perceptible beyond its lot lines. Further, no use shall be permitted which would cause the temperature to rise or fall in any body of water.
- D. Noise. Noise levels shall be designed and operated in accordance with local regulations and those rules established by the New Jersey State Department of Environmental Protection as they are adopted and amended.

- E. Odor. Odors shall not be discernible at the lot line or beyond.
- F. Storage and Waste Disposal. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance be deposited which can contaminate an underground aquifer or otherwise render such underground aquifer undesirable as a source of water supply or recreation, or which will destroy aquatic life. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored indoors and enclosed in appropriate containers adequate to eliminate such hazards.
- G. Ventilation. No use shall obstruct the natural ventilation of adjacent uses nor contaminate the air with excessive heat or odor. Further, no air conditioners or exhaust fans shall be permitted to discharge exhausted air unless set back from all property lines 10 feet or equipped with baffles to deflect the discharged air away from the adjacent use.
- H. Vibration. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate lot.

§ 403 RESIDENTIAL ZONE DISTRICTS

§ 403.01 R-1 – Very Low Density Residential

- A. Purpose. The purpose of the R-1 Zone District is to provide for single-family residential development at a density less than 3.5 units per acre.
- B. Permitted uses.
 - 1. Community center
 - 2. Community shelter
 - 3. Detached single-family residence
 - 4. Parks
 - 5. Place of worship
 - 6. Recreation facilities
- C. Conditional uses.
 - 1. Public or private elementary, middle or high school
- D. Accessory uses.
 - 1. Uses customarily incidental and accessory to a principal permitted use
 - 2. Family day care
 - 3. Home occupation
 - 4. Home professional office

- 5. Surface level parking for a principal permitted use
- E. Bulk regulations. See Schedule B-1.

§ 403.02 R-2 – Low Density Residential

- A. Purpose. The purpose of the R-2 Zone District is to provide for single-family residential development at a density ranging between four (4) and five (5) dwelling units per acre.
- B. Permitted uses.
 - 1. Cemetery
 - 2. Community center
 - 3. Community shelter
 - 4. Detached single family residence
 - 5. Marina
 - 6. Park
 - 7. Place of worship
 - 8. Recreational facilities
 - 9. Public or private elementary, middle or high school
- C. Conditional uses.
 - 1. Public utility facility
- D. Accessory uses.
 - 1. Uses customarily incidental and accessory to a principal permitted use
 - 2. Family day care
 - 3. Home occupation
 - 4. Home professional office
 - 5. Surface level parking for a principal permitted use.
- E. Bulk regulations. See Schedule B-1.

§ 403.03 R-3 – Moderate Density Residential

- A. Purpose. The purpose of the R-3 Zone District is to provide for single-family residential development at a density not to exceed 5.8 dwelling units per acre.
- B. Permitted uses.

1. Cemetery
 2. Community center
 3. Community shelter
 4. Detached single family residence
 5. Park
 6. Place of worship
 7. Recreational facility
 8. Public or private elementary, middle or high school
- C. Conditional uses.
1. Public utility facility
- D. Accessory uses.
1. Uses customarily incidental and accessory to a principal permitted use
 2. Family day care
 3. Home occupation
 4. Home professional office
 5. Personal boatslip or dock
 6. Surface level parking areas for a principal permitted use
- E. Bulk regulations. See Schedule B-1.

§ 403.04 R-4 – Medium Density Residential

- A. Purpose. The purpose of the R-4 Zone District is to provide for single-family residential development at a density not to exceed 8.7 dwelling units per acre.
- B. Permitted uses.
1. Community shelter
 2. Detached single family residence
 3. Park
 4. Place of worship
 5. Recreational facility
 6. Private or public elementary, middle or high school

- C. Conditional uses.
 - 1. Assisted living facility
 - 2. Community center
- D. Accessory uses.
 - 1. Uses customarily incidental and accessory to a principal permitted use
 - 2. Family day care
 - 3. Home occupation
 - 4. Home professional office
 - 5. Surface level parking areas for a principal permitted use
- E. Bulk regulations. See Schedule B-1.

§ 403.05 R-5 – Multi-family Residential

- A. Purpose. The purpose of the R-5 Zone District is to provide for multi-family residential development at a density not to exceed 12 dwelling units per acre.
- B. Permitted uses.
 - 1. Age restricted residences
 - 2. Cemetery
 - 3. Community shelter
 - 4. Detached single family residence
 - 5. Multi-family dwellings
 - 6. Park
 - 7. Place of worship
 - 8. Recreational facilities
 - 9. Townhouses
- C. Conditional uses
 - 1. Community centers
 - 2. Parking [NOTE: Added per Ordinance No. 02-14]
- D. Accessory uses.
 - 1. Uses customarily incidental and accessory to a principal permitted use

2. Family day care
 3. Home occupation
 4. Home professional office
 5. Surface level parking areas for a permitted use
- E. Bulk regulations. See Schedule B-1.

§ 404 COMMERCIAL/MIXED USE/INDUSTRIAL ZONE DISTRICTS

§ 404.01 B-1 – Town Commercial

- A. Purpose. The B-1 Zone District intends to serve the needs of specific surrounding residential neighborhoods by providing for retail sale and service uses. The need to complement and preserve the character of the surrounding residential neighborhoods is paramount.
- B. Permitted uses.
1. Senior Citizen Apartment Building
 2. Furniture stores
 3. Floor covering stores
 4. Home furnishings stores
 5. Radio, television & other electronics stores
 6. Computer & software stores
 7. Musical instrument Stores
 8. Music stores (CDs, cassettes, videos, records)
 9. Hardware stores
 10. Grocery (except convenience) stores
 11. Convenience stores
 12. General stores
 13. Retail bakeries
 14. Delicatessens
 15. Butcher shops
 16. Fish & seafood markets

17. Fruit & vegetable markets
18. Beer, wine & liquor stores
19. Pharmacies & drug stores
20. Cosmetics, beauty supplies & perfume store
21. Food (health) supplement stores
22. Health & personal care stores
23. Family clothing & apparel stores
24. Lingerie and corset stores
25. Swimwear stores
26. Jewelry stores
27. Shoe stores
28. Hobby, toy & game stores
29. Bicycle stores
30. Sporting goods stores (excluding firearms)
31. Firearms and ammunition dealers
32. Arts & craft shops
33. Family bookstores
34. Magazine/newspaper stands
35. Department stores
36. General merchandise stores
37. Florists / flower shops
38. Gift shops
39. Greeting card stores
40. Seasonal holiday stores
41. Christmas tree sales (outdoor)
42. Office equipment, supplies & stationery stores
43. Pet food & pet supplies stores
44. Tobacco shops

45. Art dealers
46. Antique shops
47. Garden Centers / Nurseries
48. Commercial banking
49. Savings institutions
50. Bank
51. Credit unions
52. Consumer lending
53. Real estate credit
54. All other nondepository credit intermediation
55. Financial clearinghouse & reserve activities
56. Investment banking & securities dealing
57. Securities brokerage
58. Direct life Insurance carriers
59. Direct health & medical insurance carriers
60. Insurance agencies & brokerages
61. Claims adjusting
62. All other insurance related activities
63. Offices of real estate agents
64. Offices of real estate appraisers
65. Other activities related to real estate
66. Consumer electronics & appliances rental
67. Video tape & disc rental
68. Home health equipment rental
69. Consumer goods rental
70. Musical instrument rental
71. General rental centers
72. Private or Public Elementary, Middle or High School

73. Early childhood education center
74. Vocational School
75. Sports & recreation instruction
76. Art, music, dance & martial-arts instruction
77. All other miscellaneous schools & instruction
78. Offices of physicians (excluding mental health)
79. Offices of physicians, mental health
80. Offices of dentists
81. Offices of chiropractors
82. Offices of optometrists
83. Offices of physical, occupational and speech therapists, and audiologists
84. Offices of podiatrists
85. All other outpatient care centers
86. Diagnostic Imaging centers
87. Home health care services
88. Ambulance and first aid services
89. Nonresidential services for elderly & disabled persons, including adult day care
90. Child Care Center
91. Family Day Care
92. Agents, managers for artists & other public entertainers
93. Independent artists, writers & performers
94. Amusement arcades
95. Billiards / pool halls
96. Public Community Centers
97. Public Parks and recreational facilities
98. Community swimming pool, indoor
99. Theater, Performing Arts
100. Places of Worship

101. Grantmaking foundations
102. Civic & social organizations
103. Professional organizations
104. Labor unions & similar labor organizations
105. Food service contractors / catering
106. Banquet facilities
107. Full-service restaurants
108. Restaurant
109. Restaurant, take-out
110. Snack & nonalcoholic beverage bars
111. Barber & beauty shops, beauty salons & parlors, hairdressers
112. Cosmetic salons & cosmetology services
113. Hotel beauty parlors and beauty shops
114. Manicure salon or nail services
115. Wig grooming service
116. Diet & weight reducing centers
117. Depilatory salons (hair removal)
118. Ear piercing services
119. Electrologist's studio
120. Electrolysis studio
121. Scalp treatment
122. Hair replacement
123. Tanning salons
124. Funeral homes
125. Consumer electronics repair & maintenance
126. Household item repair and maintenance
127. Computer & office machine repair & maintenance
128. Communication equipment repair & maintenance

- 129. Commercial equipment (excluding auto & electrical) repair & maintenance
- 130. Appliance repair & maintenance
- 131. Furniture cleaning, refinishing and repair shops
- 132. Musical instrument repair shop
- 133. Leather goods repair services
- 134. Shoe repair and shoeshine parlors
- 135. Bicycle repair shops
- 136. Locksmiths
- 137. Swimming pool cleaning and maintenance services
- 138. Coin-operated laundries & drycleaners
- 139. Dry-cleaning & laundry services (excluding coin-op)
- 140. Linen supply
- 141. Tailor and mending of garments
- 142. Film developing services, retail
- 143. Pet grooming services
- 144. Offices of lawyers
- 145. Offices of certified public accountants
- 146. Other accounting services
- 147. Architectural services
- 148. Landscape architectural services
- 149. Professional planning services
- 150. Engineering services
- 151. Building inspection services
- 152. Custom computer programming services
- 153. Computer systems design services
- 154. Computer facilities management services
- 155. Other computer related services
- 156. Administration & general management consulting services

- 157. Other scientific & technical consulting services
- 158. Advertising agencies
- 159. Other services related to advertising
- 160. Photography studios & videography services
- 161. All other professional, scientific & technical services
- 162. Office administrative services
- 163. Facilities support services
- 164. Employment placement agencies
- 165. Private mail centers
- 166. Quick printing
- 167. All other business support services
- 168. Travel agencies
- 169. Investigation and security services
- 170. Security systems services (except locksmiths)
- 171. Municipal facilities
- 172. Fire department facilities
- 173. Public safety facilities
- 174. First aid facilities
- 175. Board of Education facilities
- 176. Greenhouses
- 177. Taxi service
- 178. Couriers
- 179. Local messengers & local delivery
- 180. Film & sound recording studios

[NOTE: Section 404.01.B has been amended per Ordinance No. 02-14 and 03-035]

C. Conditional uses.

- 1. Accessory Apartments
- 2. Restaurant, drive-through

3. Centralized telephone utility installations
4. Centralized coaxial cable utility installations
5. Public Utility Facility
6. Electricity regulating substations

[NOTE: The previous section has been amended as per Ordinance No. 03-035]

D. Accessory uses.

1. Uses customarily incidental and accessory to a principal permitted use
2. Educational support services
3. Recreational clubhouse, concession stand
4. Outdoor Dining Facility
5. Parking for principal use
6. Telephone communication distribution
7. Coaxial cable communication distribution
8. Emergency services radio communication facilities
9. Natural gas distribution
10. Electric power transmission & distribution
11. Public water supply purveyance & distribution
12. Sanitary sewer lines

[NOTE: The previous section has been amended as per Ordinance No. 03-035]

E. Bulk regulations. See Schedule B-1.

§ 404.02 B-2 – Professional Office

- A. Purpose. The B-2 Zone District seeks to provide for professional office development in designated areas.
- B. Permitted uses
 1. Christmas tree sales (outdoor)
 2. Commercial banking
 3. Savings institutions
 4. Bank

5. Credit unions
6. Consumer lending
7. Real estate credit
8. All other nondepository credit intermediation
9. Financial clearinghouse & reserve activities
10. Investment banking & securities dealing
11. Securities brokerage
12. Direct life Insurance carriers
13. Direct health & medical insurance carriers
14. Insurance agencies & brokerages
15. Claims adjusting
16. All other insurance related activities
17. Offices of real estate agents
18. Offices of real estate appraisers
19. Other activities related to real estate
20. Private or Public Elementary, Middle or High School
21. Early childhood education center
22. Computer training facility
23. Apprenticeship training
24. Other technical & trade schools
25. Offices of physicians (excluding mental health)
26. Offices of physicians, mental health
27. Offices of dentists
28. Offices of chiropractors
29. Offices of optometrists
30. Offices of physical, occupational and speech therapists, and audiologists
31. Offices of podiatrists
32. All other outpatient care centers

33. Diagnostic Imaging centers
34. Home health care services
35. Ambulance and first aid services
36. Nonresidential services for elderly & disabled persons, including adult day care
37. Child Care Center
38. Agents, managers for artists & other public entertainers
39. Independent artists, writers & performers
40. Health and Fitness Club
41. Public Community Centers
42. Public Parks and recreational facilities
43. Grantmaking foundations
44. Civic & social organizations
45. Professional organizations
46. Labor unions & similar labor organizations
47. Funeral homes
48. Offices of lawyers
49. Offices of certified public accountants
50. Other accounting services
51. Architectural services
52. Landscape architectural services
53. Professional planning services
54. Engineering services
55. Building inspection services
56. Testing laboratories
57. Custom computer programming services
58. Computer systems design services
59. Computer facilities management services
60. Other computer related services

61. Administration & general management consulting services
62. Other scientific & technical consulting services
63. Advertising agencies
64. Other services related to advertising
65. Photography studios & videography services
66. All other professional, scientific & technical services
67. Office administrative services
68. Facilities support services
69. Employment placement agencies
70. Municipal facilities
71. Fire department facilities
72. Public safety facilities
73. First aid facilities
74. Board of Education facilities

[NOTE: The previous section has been amended as per Ordinance No. 03-035]

C. Accessory Uses

1. Uses customarily incidental and accessory to a principal permitted use
2. Recreational clubhouse, concession stand
3. Parking for principal use
4. Telephone communication distribution
5. Coaxial cable communication distribution
6. Emergency services radio communication facilities
7. Natural gas distribution
8. Electric power transmission & distribution
9. Public water supply purveyance & distribution
10. Sanitary sewer lines

[NOTE: The previous section has been amended as per Ordinance No. 03-035]

D. Conditional uses.

1. Electricity regulating substations

[NOTE: The previous section has been amended as per Ordinance No. 03-035]

- E. Bulk regulations. See Schedule B-1.

§ 404.03 B-3 – Marina Mixed Use

- A. Purpose. The B-3 Zone District seeks to provide for a well balanced mix of residential and marine oriented retail uses that enhance the Shark River Waterfront area while respecting important coastal environments.

- B. Permitted uses.

1. Detached Single Family Residence
2. Multi-family Dwellings [editorial note: see supplementary regulations]
3. Townhouses [editorial note: see supplementary regulations]
4. Boat and marine equipment dealers [editorial note: see supplementary regulations]
5. Commercial banking
6. Savings institutions
7. Bank
8. Credit unions
9. Offices of real estate agents
10. Offices of real estate appraisers
11. Other activities related to real estate
12. Nonresidential services for elderly & disabled persons, including adult day care
13. Child Care Center
14. Family Day Care
15. Nightclub
16. Marinas [editorial note: see supplementary regulations at §412]
17. Personal Boatslip or Dock
18. Health and Fitness Club
19. Indoor recreational facility

20. Public Community Centers
21. Public Parks and recreational facilities
22. Grantmaking foundations
23. Civic & social organizations
24. Professional organizations
25. Labor unions & similar labor organizations
26. Bed & Breakfast Guesthouse
27. Bed & Breakfast Homestay
28. Hotels (excluding casino hotels)
29. Drinking places (alcoholic beverages)
30. Food service contractors / catering
31. Banquet facilities
32. Full-service restaurants
33. Restaurant
34. Snack & nonalcoholic beverage bars
35. Offices of lawyers
36. Offices of certified public accountants
37. Other accounting services
38. Architectural services
39. Landscape architectural services
40. Professional planning services
41. Engineering services
42. Building inspection services
43. Custom computer programming services
44. Computer systems design services
45. Computer facilities management services
46. Other computer related services
47. Administration & general management consulting services

48. Other scientific & technical consulting services
49. Advertising agencies
50. Other services related to advertising
51. Photography studios & videography services
52. All other professional, scientific & technical services
53. Municipal facilities
54. Fire department facilities
55. Public safety facilities
56. First aid facilities
57. Board of Education facilities

[NOTE: The previous section has been amended as per Ordinance No. 03-035]

C. Accessory uses.

1. Uses customarily incidental and accessory to a principal permitted use
2. Home Occupation
3. Home Professional Office
4. Swimming pools, private
5. Tennis courts, private
6. Recreational clubhouse, concession stand
7. Outdoor Dining Facility
8. Boatyards [editorial note: see supplementary regulations]
9. Parking for principal use
10. Telephone communication distribution
11. Coaxial cable communication distribution
12. Emergency services radio communication facilities
13. Natural gas distribution
14. Electric power transmission & distribution
15. Public water supply purveyance & distribution
16. Sanitary sewer lines

[NOTE: The previous section has been amended as per Ordinance No. 03-035]

- D. Bulk regulations. See Schedule B-1.

§ 404.04 C-1 – Planned Commercial Development

- A. Purpose. The purpose of the C-1 Zone District is to serve the regional need for retail, professional office and research facilities by encouraging planned commercial development.
- B. Permitted uses.
1. Planned Commercial Development [editorial note: see §404.04.F]
 2. Furniture stores
 3. Floor covering stores
 4. Home furnishings stores
 5. Household appliance stores
 6. Radio, television & other electronics stores
 7. Computer & software stores
 8. Musical instrument Stores
 9. Music stores (CDs, cassettes, videos, records)
 10. Home centers
 11. Hardware stores
 12. Grocery (except convenience) stores
 13. Convenience stores
 14. General stores
 15. Retail bakeries
 16. Delicatessens
 17. Butcher shops
 18. Fish & seafood markets
 19. Fruit & vegetable markets
 20. Beer, wine & liquor stores
 21. Pharmacies & drug stores

22. Cosmetics, beauty supplies & perfume store
23. Food (health) supplement stores
24. Health & personal care stores
25. Family clothing & apparel stores
26. Lingerie and corset stores
27. Swimwear stores
28. Jewelry stores
29. Shoe stores
30. Hobby, toy & game stores
31. Bicycle stores
32. Sporting goods stores (excluding firearms)
33. Arts & craft shops
34. Family book stores
35. Magazine/newspaper stands
36. Department stores
37. General merchandise stores
38. Florists / flower shops
39. Gift shops
40. Greeting card stores
41. Seasonal holiday stores
42. Christmas tree sales (outdoor)
43. Office equipment, supplies & stationery stores
44. Pet food & pet supplies stores
45. Pet stores
46. Membership warehouse club (retail)
47. Tobacco shops
48. Art dealers
49. Antique shops

50. Commercial banking
51. Savings institutions
52. Bank
53. Credit unions
54. Consumer lending
55. Real estate credit
56. All other nondepository credit intermediation
57. Financial clearinghouse & reserve activities
58. Investment banking & securities dealing
59. Securities brokerage
60. Direct life Insurance carriers
61. Direct health & medical insurance carriers
62. Insurance agencies & brokerages
63. Claims adjusting
64. All other insurance related activities
65. Offices of real estate agents
66. Offices of real estate appraisers
67. Other activities related to real estate
68. Consumer electronics & appliances rental
69. Videotape & disc rental
70. Home health equipment rental
71. Consumer goods rental
72. Musical instrument rental
73. General rental centers
74. Computer training facility
75. Apprenticeship training
76. Other technical & trade schools
77. Sports & recreation instruction

78. Art, music, dance & martial arts instruction
79. All other miscellaneous schools & instruction
80. Offices of physicians (excluding mental health)
81. Offices of physicians, mental health
82. Offices of dentists
83. Offices of chiropractors
84. Offices of optometrists
85. Offices of physical, occupational and speech therapists, and audiologists
86. Offices of podiatrists
87. All other outpatient care centers
88. Diagnostic Imaging centers
89. Home health care services
90. Ambulance and first aid services
91. Nonresidential services for elderly & disabled persons, including adult day care
92. Child Care Center
93. Amusement arcades
94. Bowling centers
95. Golf course, miniature
96. Public Parks and recreational facilities
97. Theater, Motion Picture (indoor)
98. Grantmaking foundations
99. Civic & social organizations
100. Professional organizations
101. Labor unions & similar labor organizations
102. Hotels (excluding casino hotels)
103. Hotels, Extended Stay Lodging Facilities
104. Food service contractors / catering
105. Banquet facilities

106. Full-service restaurants
107. Restaurant
108. Restaurant, take-out
109. Snack & nonalcoholic beverage bars
110. Barber & beauty shops, beauty salons & parlors, hairdressers
111. Cosmetic salons & cosmetology services
112. Hotel beauty parlors and beauty shops
113. Manicure salon or nail services
114. Wig grooming service
115. Diet & weight reducing centers
116. Depilatory salons (hair removal)
117. Ear piercing services
118. Electrologist's studio
119. Electrolysis studio
120. Scalp treatment
121. Hair replacement
122. Tanning salons
123. Funeral homes
124. Consumer electronics repair & maintenance
125. Household item repair and maintenance
126. Computer & office machine repair & maintenance
127. Communication equipment repair & maintenance
128. Commercial equipment (excluding auto & electrical) repair & maintenance
129. Appliance repair & maintenance
130. Furniture cleaning, refinishing and repair shops
131. Musical instrument repair shop
132. Leather goods repair services
133. Shoe repair and shoeshine parlors

- 134. Bicycle repair shops
- 135. Locksmiths
- 136. Swimming pool cleaning and maintenance services
- 137. Coin-operated laundries & drycleaners
- 138. Dry-cleaning & laundry services (excluding coin-op)
- 139. Linen supply
- 140. Tailor and mending of garments
- 141. Film developing services, retail
- 142. Pet grooming services
- 143. Offices of lawyers
- 144. Offices of certified public accountants
- 145. Other accounting services
- 146. Architectural services
- 147. Landscape architectural services
- 148. Professional planning services
- 149. Engineering services
- 150. Building inspection services
- 151. Testing laboratories
- 152. Custom computer programming services
- 153. Computer systems design services
- 154. Computer facilities management services
- 155. Other computer related services
- 156. Administration & general management consulting services
- 157. Other scientific & technical consulting services
- 158. Advertising agencies
- 159. Other services related to advertising
- 160. Veterinary services / animal hospital
- 161. Photography studios & videography services

- 162. Corporate, subsidiary & regional managing office
- 163. Office administrative services
- 164. Facilities support services
- 165. Employment placement agencies
- 166. Private mail centers
- 167. Quick printing
- 168. All other business support services
- 169. Travel agencies
- 170. Investigation and security services
- 171. Security systems services (except locksmiths)
- 172. Janitorial services
- 173. Landscaping maintenance services
- 174. Carpet & upholstery cleaning services
- 175. Other services to buildings & dwellings
- 176. Municipal facilities
- 177. Fire department facilities
- 178. Public safety facilities
- 179. First aid facilities
- 180. Board of Education facilities
- 181. Medicinal & botanical manufacturing
- 182. Research Laboratory
- 183. Pharmaceutical preparation manufacturing
- 184. Dental laboratories
- 185. Taxi service
- 186. Couriers
- 187. Local messengers & local delivery
- 188. Newspaper publishers
- 189. Book publishers

- 190. Software publishers
- 191. Film & sound recording studios
- 192. Data Center

[NOTE: The previous section has been amended as per Ordinance No. 03-035]

C. Conditional uses.

- 1. Restaurant, drive-through
- 2. Centralized telephone utility installations
- 3. Centralized coaxial cable utility installations
- 4. Wireless telecommunications facility
- 5. Electricity regulating substations

[NOTE: The previous section has been amended as per Ordinance No. 03-035]

D. Accessory uses.

- 1. Uses customarily incidental and accessory to a principal permitted use
- 2. Educational support services
- 3. Health and Fitness Club
- 4. Recreational clubhouse, concession stand
- 5. Helistops
- 6. Parking for principal use
- 7. Telephone communication distribution
- 8. Coaxial cable communication distribution
- 9. Emergency services radio communication facilities
- 10. Natural gas distribution
- 11. Electric power transmission & distribution
- 12. Public water supply purveyance & distribution
- 13. Sanitary sewer lines

[NOTE: The previous section has been amended as per Ordinance No. 03-035]

E. Bulk regulations. See Schedule B-1.

- F. Planned commercial development. Planned Commercial Development in the C-1 Zone shall conform to the requirements set forth at Section 414 and the design standards set forth in §414.D.

§ 404.05 C-2 – Corridor Commercial

- A. Purpose. The C-2 Zone District provides for roadway oriented, non-retail business uses.

- B. Permitted uses.

1. Garden Centers / Nurseries
2. Sports & recreation instruction
3. Art, music, dance & martial-arts instruction
4. All other miscellaneous schools & instruction
5. Offices of physicians (exc mental health)
6. Offices of physicians, mental health
7. Offices of dentists
8. Offices of chiropractors
9. Offices of optometrists
10. Offices of physical, occupational and speech therapists, and audiologists
11. Offices of podiatrists
12. All other outpatient care centers
13. Diagnostic Imaging centers
14. Home health care services
15. Ambulance and first aid services
16. Nonresidential services for elderly & disabled persons, including adult day care
17. Child Care Center
18. Nightclub
19. Bowling centers
20. Golf course, miniature
21. Health and Fitness Club
22. Public Parks and recreational facilities
23. Places of Worship

24. Grantmaking foundations
25. Civic & social organizations
26. Professional organizations
27. Labor unions & similar labor organizations
28. Hotels (excluding casino hotels)
29. Hotels, Extended Stay Lodging Facilities
30. Food service contractors / catering
31. Banquet facilities
32. Full-service restaurants
33. Restaurant
34. Restaurant, take-out
35. Snack & nonalcoholic beverage bars
36. Automatic car washes
37. Welding shops and blacksmiths
38. Machine shops
39. Offices of lawyers
40. Offices of certified public accountants
41. Other accounting services
42. Architectural services
43. Landscape architectural services
44. Professional planning services
45. Engineering services
46. Building inspection services
47. Custom computer programming services
48. Computer systems design services
49. Computer facilities management services
50. Other computer related services
51. Administration & general management consulting services

52. Other scientific & technical consulting services
53. Advertising agencies
54. Other services related to advertising
55. Photography studios & videography services
56. Facilities support services
57. Municipal facilities
58. Fire department facilities
59. Public safety facilities
60. First aid facilities
61. Board of Education facilities
62. Taxi service
63. School & employee bus transportation operations
64. Motor vehicle towing operations
65. Couriers
66. Local messengers & local delivery

[NOTE: The previous section has been amended as per Ordinance No. 03-035]

C. Conditional uses.

1. Adult Entertainment Use
2. Restaurant, drive-through
3. Electricity regulating substations

[NOTE: The previous section has been amended as per Ordinance No. 03-035]

D. Accessory uses.

1. Uses customarily incidental and accessory to a principal permitted use
2. Educational support services
3. Recreational clubhouse, concession stand
4. Parking for principal use
5. Telephone communication distribution
6. Coaxial cable communication distribution

7. Emergency services radio communication facilities
8. Natural gas distribution
9. Electric power transmission & distribution
10. Public water supply purveyance & distribution
11. Sanitary sewer lines

[NOTE: The previous section has been amended as per Ordinance No. 03-035]

- E. Bulk regulations. See Schedule B-1.

§ 404.06 C-3 – Route 66 West Commercial

- A. Purpose. The C-3 Zone District provides for business uses appropriate to the Route 66 highway corridor situated west of Route 18.
- B. Permitted uses.
1. Automobile Dealerships
 2. Furniture stores
 3. Floor covering stores
 4. Home furnishings stores
 5. Household appliance stores
 6. Radio, television & other electronics stores
 7. Computer & software stores
 8. Musical instrument Stores
 9. Music stores (CDs, cassettes, videos, records)
 10. Home centers
 11. Hardware stores
 12. Grocery (except convenience) stores
 13. Convenience stores
 14. Retail bakeries
 15. Delicatessens
 16. Family clothing & apparel stores
 17. Lingerie and corset stores

18. Swimwear stores
19. Jewelry stores
20. Shoe stores
21. Hobby, toy & game stores
22. Bicycle stores
23. Sporting goods stores (excluding firearms)
24. Arts & craft shops
25. Family bookstores
26. Magazine/newspaper stands
27. Department stores
28. Florists / flower shops
29. Gift shops
30. Greeting card stores
31. Office equipment, supplies & stationery stores
32. Pet food & pet supplies stores
33. Pet stores
34. Membership warehouse club (retail)
35. Tobacco shops
36. Art dealers
37. Antique shops
38. Commercial banking
39. Savings institutions
40. Bank
41. Credit unions
42. Consumer lending
43. Real estate credit
44. All other nondepository credit intermediation
45. Financial clearinghouse & reserve activities

46. Investment banking & securities dealing
47. Securities brokerage
48. Direct life Insurance carriers
49. Direct health & medical insurance carriers
50. Insurance agencies & brokerages
51. Claims adjusting
52. All other insurance related activities
53. Offices of real estate agents
54. Offices of real estate appraisers
55. Other activities related to real estate
56. Videotape & disc rental
57. Home health equipment rental
58. Musical instrument rental
59. Early childhood education center
60. Vocational School
61. Computer training facility
62. Apprenticeship training
63. Other technical & trade schools
64. Sports & recreation instruction
65. Art, music, dance & martial-arts instruction
66. All other miscellaneous schools & instruction
67. Educational support services
68. Offices of physicians (excluding mental health)
69. Offices of physicians, mental health
70. Offices of dentists
71. Offices of chiropractors
72. Offices of optometrists
73. Offices of physical, occupational and speech therapists, and audiologists

74. Offices of podiatrists
75. All other outpatient care centers
76. Diagnostic Imaging centers
77. Home health care services
78. Child Care Center
79. Community Shelter
80. Agents, managers for artists & other public entertainers
81. Independent artists, writers & performers
82. Health and Fitness Club
83. Public Parks and recreational facilities
84. Theater, Motion Picture (indoor)
85. Theater, Performing Arts
86. Civic & social organizations
87. Professional organizations
88. Labor unions & similar labor organizations
89. Hotels (excluding casino hotels)
90. Hotels, Extended Stay Lodging Facilities
91. Drinking places (alcoholic beverages)
92. Food service contractors / catering
93. Banquet facilities
94. Full-service restaurants
95. Restaurant
96. Restaurant, drive-through
97. Restaurant, take-out
98. Funeral homes
99. Cemeteries
100. Communication equipment repair & maintenance
101. Commercial equipment (excluding auto & electrical) repair & maintenance

102. Appliance repair & maintenance
103. Furniture cleaning, refinishing and repair shops
104. Musical instrument repair shop
105. Leather goods repair services
106. Shoe repair and shoeshine parlors
107. Bicycle repair shops
108. Locksmiths
109. Tailor and mending of garments
110. Film developing services, retail
111. Pet grooming services
112. Offices of lawyers
113. Offices of certified public accountants
114. Other accounting services
115. Architectural services
116. Landscape architectural services
117. Professional planning services
118. Engineering services
119. Building inspection services
120. Testing laboratories
121. Custom computer programming services
122. Computer systems design services
123. Computer facilities management services
124. Other computer related services
125. Administration & general management consulting services
126. Other scientific & technical consulting services
127. Advertising agencies
128. Other services related to advertising
129. Veterinary services / animal hospital

- 130. Photography studios & videography services
 - 131. Corporate, subsidiary & regional managing office
 - 132. Office administrative services
 - 133. Private mail centers
 - 134. Quick printing
 - 135. All other business support services
 - 136. Travel agencies
 - 137. Investigation and security services
 - 138. Security systems services (except locksmiths)
 - 139. Municipal facilities
 - 140. Fire department facilities
 - 141. Public safety facilities
 - 142. First aid facilities
 - 143. Board of Education facilities
 - 144. Sign manufacturing
 - 145. Newspaper publishers
 - 146. Book publishers
 - 147. Software publishers
 - 148. Film & sound recording studios
 - 149. Data Center
- C. Conditional uses.
- 1. Gasoline fueling stations
 - 2. Gasoline fueling stations with convenience stores
 - 3. Assisted Living Facility
 - 4. Homes for the elderly
 - 5. Public Community Centers
 - 6. General automotive repair & maintenance (mechanical & electrical systems)
 - 7. Automotive body repair, painting & interior repair & maintenance

8. Automotive oil change & lubrication shops
 9. Installation of auto phones
 10. Automotive Body Repair and Painting
 11. Automotive Service Station
 12. Marine related sales and services
 13. Automatic car washes
 14. Consumer electronics repair & maintenance
 15. Household item repair and maintenance
 16. Computer & office machine repair & maintenance
 17. Electricity regulating substations
- D. Accessory uses.
1. Uses customarily incidental and accessory to a principal permitted use
 2. Garden Centers / Nurseries
 3. Recreational clubhouse, concession stand
 4. Parking for principal use
 5. Telephone communication distribution
 6. Coaxial cable communication distribution
 7. Emergency services radio communication facilities
 8. Natural gas distribution
 9. Electric power transmission & distribution
 10. Public water supply purveyance & distribution
 11. Sanitary sewer lines
- E. Bulk regulations. Regulations set forth in Schedule B-1 for the Corridor Commercial (C-2) Zone shall govern.

[NOTE: The previous section has been added per Ordinance No. 03-035]

§ 404.07 C-4 – Route 66 East Commercial

- A. Purpose. The C-4 Zone District provides for business uses appropriate to the Route 66 highway corridor situated east of Route 18.
- B. Permitted uses.

1. Offices of physicians (excluding mental health)
 2. Offices of physicians, mental health
 3. Offices of dentists
 4. Offices of chiropractors
 5. Offices of optometrists
 6. Offices of physical, occupational and speech therapists, and audiologists
 7. Offices of podiatrists
 8. All other outpatient care centers
 9. Diagnostic Imaging centers
 10. Home health care services
 11. Child Care Center
 12. Community Shelter
 13. Bowling centers
 14. Public Parks and recreational facilities
 15. Places of Worship
 16. Full-service restaurants
 17. Cemeteries
 18. Municipal facilities
 19. Fire department facilities
 20. Public safety facilities
 21. First aid facilities
 22. Board of Education facilities
- C. Conditional uses.
1. Electricity regulating substations
- D. Accessory uses.
1. Uses customarily incidental and accessory to a principal permitted use
 2. Recreational clubhouse, concession stand

3. Parking for principal use
 4. Telephone communication distribution
 5. Coaxial cable communication distribution
 6. Emergency services radio communication facilities
 7. Natural gas distribution
 8. Electric power transmission & distribution
 9. Public water supply purveyance & distribution
 10. Sanitary sewer lines
- E. Bulk regulations. Regulations set forth in Schedule B-1 for the Town Commercial (B-1) Zone shall govern .

[NOTE: The previous section has been added per Ordinance No. 03-035]

§ 404.08 C-5 – Route 33 West Commercial

- A. Purpose. The C-5 Zone District provides for business uses appropriate to the Route 33 highway corridor situated west of Route 18.
- B. Permitted uses.
1. Furniture stores
 2. Floor covering stores
 3. Home furnishings stores
 4. Radio, television & other electronics stores
 5. Computer & software stores
 6. Musical instrument Stores
 7. Music stores (CDs, cassettes, videos, records)
 8. Hardware stores
 9. Retail bakeries
 10. Garden Centers / Nurseries
 11. Commercial banking
 12. Savings institutions
 13. Bank
 14. Credit unions

15. Consumer lending
16. Real estate credit
17. All other nondepository credit intermediation
18. Financial clearinghouse & reserve activities
19. Investment banking & securities dealing
20. Securities brokerage
21. Direct life Insurance carriers
22. Direct health & medical insurance carriers
23. Insurance agencies & brokerages
24. Claims adjusting
25. All other insurance related activities
26. Offices of real estate agents
27. Offices of real estate appraisers
28. Other activities related to real estate
29. Computer training facility
30. Apprenticeship training
31. Other technical & trade schools
32. Sports & recreation instruction
33. Art, music, dance & martial-arts instruction
34. Offices of physicians (exc mental health)
35. Offices of physicians, mental health
36. Offices of dentists
37. Offices of chiropractors
38. Offices of optometrists
39. Offices of physical, occupational and speech therapists, and audiologists
40. Offices of podiatrists
41. All other outpatient care centers
42. Diagnostic Imaging centers

43. Home health care services
44. Child Care Center
45. Agents, managers for artists & other public entertainers
46. Independent artists, writers & performers
47. Health and Fitness Club
48. Indoor recreational facility
49. Public Parks and recreational facilities
50. Places of Worship
51. Civic & social organizations
52. Professional organizations
53. Labor unions & similar labor organizations
54. Full-service restaurants
55. Restaurant
56. Other computer related services
57. Administration & general management consulting services
58. Other scientific & technical consulting services
59. Advertising agencies
60. Other services related to advertising
61. Veterinary services / animal hospital
62. Photography studios & videography services
63. Corporate, subsidiary & regional managing office
64. Office administrative services
65. Private mail centers
66. Municipal facilities
67. Fire department facilities
68. Public safety facilities
69. First aid facilities
70. Board of Education facilities

71. Newspaper publishers
 72. Book publishers
 73. Software publishers
 74. Film & sound recording studios
- C. Conditional uses.
1. Plumbing, heating & AC contractors
 2. Painting & wall covering contractors
 3. Electrical contractors
 4. Masonry & stone contractors
 5. Carpentry contractors
 6. Floor laying & other floor contractors
 7. Roofing, siding, & sheet metal contractors
 8. Glass & glazing contractors
 9. Building equipment & other machine installation contractors
 10. Electricity regulating substations
- D. Accessory uses.
1. Uses customarily incidental and accessory to a principal permitted use
 2. Recreational clubhouse, concession stand
 3. Parking for principal use
 4. Telephone communication distribution
 5. Coaxial cable communication distribution
 6. Emergency services radio communication facilities
 7. Natural gas distribution
 8. Electric power transmission & distribution
 9. Public water supply purveyance & distribution
 10. Sanitary sewer lines
- E. Bulk regulations. Regulations set forth in Schedule B-1 for the Corridor Commercial (C-2) Zone shall govern.

[NOTE: The previous section has been added per Ordinance No. 03-035]

§ 404.09 C-6 – Route 33 East Commercial

- A. Purpose. The C-6 Zone District provides for business uses appropriate to the Route 33 highway corridor of Neptune Township situated east of Route 18.
- B. Permitted uses.
1. Radio, television & other electronics stores
 2. Computer & software stores
 3. Musical instrument Stores
 4. Music stores (CDs, cassettes, videos, records)
 5. Convenience stores
 6. Retail bakeries
 7. Delicatessens
 8. Butcher shops
 9. Fish & seafood markets
 10. Fruit & vegetable markets
 11. Beer, wine & liquor stores
 12. Pharmacies & drug stores
 13. Cosmetics, beauty supplies & perfume store
 14. Food (health) supplement stores
 15. Health & personal care stores
 16. Family clothing & apparel stores
 17. Lingerie and corset stores
 18. Swimwear stores
 19. Jewelry stores
 20. Shoe stores
 21. Hobby, toy & game stores
 22. Bicycle stores
 23. Sporting goods stores (exluding firearms)

24. Arts & craft shops
25. Family book stores
26. Magazine/newspaper stands
27. Florists / flower shops
28. Gift shops
29. Greeting card stores
30. Office equipment, supplies & stationery stores
31. Pet food & pet supplies stores
32. Pet stores
33. Tobacco shops
34. Art dealers
35. Antique shops
36. Commercial banking
37. Savings institutions
38. Bank
39. Credit unions
40. Consumer lending
41. Real estate credit
42. All other nondepository credit intermediation
43. Financial clearinghouse & reserve activities
44. Investment banking & securities dealing
45. Securities brokerage
46. Direct life Insurance carriers
47. Direct health & medical insurance carriers
48. Insurance agencies & brokerages
49. Claims adjusting
50. All other insurance related activities
51. Offices of real estate agents

52. Offices of real estate appraisers
53. Other activities related to real estate
54. Video tape & disc rental
55. Home health equipment rental
56. Musical instrument rental
57. Private or Public Elementary, Middle or High School
58. Early childhood education center
59. Computer training facility
60. Apprenticeship training
61. Sports & recreation instruction
62. Art, music, dance & martial-arts instruction
63. Offices of physicians (exc mental health)
64. Offices of physicians, mental health
65. Offices of dentists
66. Offices of chiropractors
67. Offices of optometrists
68. Offices of physical, occupational and speech therapists, and audiologists
69. Offices of podiatrists
70. All other outpatient care centers
71. Diagnostic Imaging centers
72. Home health care services
73. Child Care Center
74. Agents, managers for artists & other public entertainers
75. Independent artists, writers & performers
76. Marinas
77. Health and Fitness Club
78. Public Community Centers
79. Public Parks and recreational facilities

80. Community swimming pool, indoor
81. Theater, Motion Picture (indoor)
82. Theater, Performing Arts
83. Civic & social organizations
84. Professional organizations
85. Labor unions & similar labor organizations
86. Drinking places (alcoholic beverages)
87. Food service contractors / catering
88. Full-service restaurants
89. Restaurant
90. Restaurant, take-out
91. Barber & beauty shops, beauty salons & parlors, hairdressers
92. Cosmetic salons & cosmetology services
93. Hotel beauty parlors and beauty shops
94. Manicure salon or nail services
95. Wig grooming service
96. Diet & weight reducing centers
97. Baths (steam, Turkish, vapor, mineral)
98. Depilatory salons (hair removal)
99. Ear piercing services
100. Body piercing services
101. Electrologist's studio
102. Electrolysis studio
103. Massage parlor
104. Scalp treatment
105. Hair replacement
106. Tanning salons
107. Musical instrument repair shop

- 108. Leather goods repair services
- 109. Shoe repair and shoeshine parlors
- 110. Bicycle repair shops
- 111. Locksmiths
- 112. Dry-cleaning & laundry services (excluding coin-op)
- 113. Tailor and mending of garments
- 114. Film developing services, retail
- 115. Pet grooming services
- 116. Offices of lawyers
- 117. Offices of certified public accountants
- 118. Other accounting services
- 119. Architectural services
- 120. Landscape architectural services
- 121. Professional planning services
- 122. Engineering services
- 123. Building inspection services
- 124. Testing laboratories
- 125. Custom computer programming services
- 126. Computer systems design services
- 127. Computer facilities management services
- 128. Other computer related services
- 129. Administration & general management consulting services
- 130. Other scientific & technical consulting services
- 131. Advertising agencies
- 132. Other services related to advertising
- 133. Photography studios & videography services
- 134. Corporate, subsidiary & regional managing office
- 135. Office administrative services

- 136. Private mail centers
 - 137. Quick printing
 - 138. All other business support services
 - 139. Travel agencies
 - 140. Investigation and security services
 - 141. Security systems services (except locksmiths)
 - 142. Municipal facilities
 - 143. Fire department facilities
 - 144. Public safety facilities
 - 145. First aid facilities
 - 146. Board of Education facilities
 - 147. Frozen specialty food manufacturing
 - 148. Newspaper publishers
 - 149. Book publishers
 - 150. Software publishers
 - 151. Film & sound recording studios
- C. Conditional uses.
- 1. Restaurant, drive-through
 - 2. Public Utility Facility
 - 3. Electricity regulating substations
- D. Accessory uses.
- 1. Uses customarily incidental and accessory to a principal permitted use
 - 2. Outdoor Displays and Sales
 - 3. Educational support services
 - 4. Recreational clubhouse, concession stand
 - 5. Outdoor Dining Facility
 - 6. Parking for principal use
 - 7. Telephone communication distribution

8. Coaxial cable communication distribution
 9. Emergency services radio communication facilities
 10. Natural gas distribution
 11. Electric power transmission & distribution
 12. Public water supply purveyance & distribution
 13. Sanitary sewer lines
- E. Bulk regulations. Regulations set forth in Schedule B-1 for the Town Commercial (B-1) Zone shall govern.

[NOTE: The previous section has been added per Ordinance No. 03-035]

§ 404.10 C-7 – Route 35 Commercial

- A. Purpose. The C-7 Zone District provides for business uses appropriate to the Route 35 highway corridor of Neptune Township situated south of the West Lake Avenue Town Commercial Zone.
- B. Permitted uses.
1. Furniture stores
 2. Floor covering stores
 3. Home furnishings stores
 4. Household appliance stores
 5. Radio, television & other electronics stores
 6. Computer & software stores
 7. Musical instrument Stores
 8. Music stores (CDs, cassettes, videos, records)
 9. Hardware stores
 10. Grocery (except convenience) stores
 11. Convenience stores
 12. Retail bakeries
 13. Delicatessens
 14. Butcher shops
 15. Fish & seafood markets

16. Fruit & vegetable markets
17. Beer, wine & liquor stores
18. Pharmacies & drug stores
19. Cosmetics, beauty supplies & perfume store
20. Food (health) supplement stores
21. Health & personal care stores
22. Family clothing & apparel stores
23. Lingerie and corset stores
24. Swimwear stores
25. Jewelry stores
26. Shoe stores
27. Hobby, toy & game stores
28. Bicycle stores
29. Sporting goods stores (excluding firearms)
30. Arts & craft shops
31. Family book stores
32. Magazine/newspaper stands
33. Florists / flower shops
34. Gift shops
35. Greeting card stores
36. Office equipment, supplies & stationery stores
37. Pet food & pet supplies stores
38. Pet stores
39. Tobacco shops
40. Art dealers
41. Antique shops
42. Commercial banking
43. Savings institutions

44. Bank
45. Credit unions
46. Consumer lending
47. Real estate credit
48. All other nondepository credit intermediation
49. Financial clearinghouse & reserve activities
50. Investment banking & securities dealing
51. Securities brokerage
52. Direct life Insurance carriers
53. Direct health & medical insurance carriers
54. Insurance agencies & brokerages
55. Claims adjusting
56. All other insurance related activities
57. Offices of real estate agents
58. Offices of real estate appraisers
59. Other activities related to real estate
60. Video tape & disc rental
61. Home health equipment rental
62. Musical instrument rental
63. Art, music, dance & martial-arts instruction
64. Community Shelter
65. Agents, managers for artists & other public entertainers
66. Independent artists, writers & performers
67. Public Community Centers
68. Theater, Motion Picture (indoor)
69. Theater, Performing Arts
70. Civic & social organizations
71. Professional organizations

72. Labor unions & similar labor organizations
73. Drinking places (alcoholic beverages)
74. Food service contractors / catering
75. Banquet facilities
76. Full-service restaurants
77. Restaurant
78. Restaurant, take-out
79. Barber & beauty shops, beauty salons & parlors, hairdressers
80. Cosmetic salons & cosmetology services
81. Hotel beauty parlors and beauty shops
82. Manicure salon or nail services
83. Wig grooming service
84. Diet & weight reducing centers
85. Baths (steam, Turkish, vapor, mineral)
86. Depilatory salons (hair removal)
87. Ear piercing services
88. Body piercing services
89. Electrologist's studio
90. Electrolysis studio
91. Massage parlor
92. Scalp treatment
93. Hair replacement
94. Tanning salons
95. Funeral homes
96. Musical instrument repair shop
97. Leather goods repair services
98. Shoe repair and shoeshine parlors
99. Bicycle repair shops

100. Locksmiths
101. Dry-cleaning & laundry services (excluding coin-op)
102. Tailor and mending of garments
103. Film developing services, retail
104. Pet grooming services
105. Offices of lawyers
106. Offices of certified public accountants
107. Other accounting services
108. Architectural services
109. Landscape architectural services
110. Professional planning services
111. Engineering services
112. Building inspection services
113. Testing laboratories
114. Custom computer programming services
115. Computer systems design services
116. Computer facilities management services
117. Administration & general management consulting services
118. Other scientific & technical consulting services
119. Advertising agencies
120. Other services related to advertising
121. Photography studios & videography services
122. Corporate, subsidiary & regional managing office
123. Office administrative services
124. Ocean Grove Camp Meeting Association (OGCMA) facilities in accordance with permitted, conditional and accessory uses in the district
125. Private mail centers
126. Quick printing

127. All other business support services
 128. Travel agencies
 129. Investigation and security services
 130. Security systems services (except locksmiths)
 131. Beverage Wholesale
 132. Newspaper publishers
 133. Book publishers
 134. Software publishers
 135. Film & sound recording studios
- C. Conditional uses.
1. Reserved (no conditional uses specified in use schedule)
- D. Accessory uses.
1. Uses customarily incidental and accessory to a principal permitted use
 2. Outdoor Dining Facility
 3. Telephone communication distribution
 4. Coaxial cable communication distribution
 5. Natural gas distribution
 6. Electric power transmission & distribution
 7. Public water supply purveyance & distribution
 8. Sanitary sewer lines
- E. Bulk regulations. Regulations set forth in Schedule B-1 for the Town Commercial (B-1) Zone shall govern.

[NOTE: The previous section has been added per Ordinance No. 03-035]

§ 404.11 LI - Light Industrial

- A. Purpose. The LI Zone District provides for light industrial uses, as well as office uses according to design standards set forth in this Chapter.
- B. Permitted uses.
1. Planned Commercial Development [editorial note: see §404.11.F]

2. Christmas tree sales (outdoor)
3. Heating/fuel oil dealers & distributors
4. Commercial banking
5. Savings institutions
6. Bank
7. Credit unions
8. Consumer lending
9. Real estate credit
10. All other nondepository credit intermediation
11. Financial clearinghouse & reserve activities
12. Investment banking & securities dealing
13. Securities brokerage
14. Direct life Insurance carriers
15. Direct health & medical insurance carriers
16. Insurance agencies & brokerages
17. Claims adjusting
18. All other insurance related activities
19. Offices of real estate agents
20. Offices of real estate appraisers
21. Computer training facility
22. Apprenticeship training
23. Other technical & trade schools
24. Sports & recreation instruction
25. Art, music, dance & martial-arts instruction
26. All other miscellaneous schools & instruction
27. Offices of physicians (exc mental health)
28. Offices of physicians, mental health
29. Offices of dentists

30. Offices of chiropractors
31. Offices of optometrists
32. Offices of physical, occupational and speech therapists, and audiologists
33. Offices of podiatrists
34. All other outpatient care centers
35. Diagnostic Imaging centers
36. Home health care services
37. Ambulance and first aid services
38. Nonresidential services for elderly & disabled persons, including adult day care
39. Child Care Center
40. Health and Fitness Club
41. Indoor recreational facility
42. Public Community Centers
43. Public Parks and recreational facilities
44. Grantmaking foundations
45. Civic & social organizations
46. Professional organizations
47. Labor unions & similar labor organizations
48. Hotels (excluding casino hotels)
49. Hotels, Extended Stay Lodging Facilities
50. Full-service restaurants
51. Restaurant
52. Snack & nonalcoholic beverage bars
53. General automotive repair & maintenance (mechanical & electrical systems)
54. Automotive body repair, painting & interior repair & maintenance
55. Automotive oil change & lubrication shops
56. Installation of auto phones
57. Automotive Body Repair and Painting

58. Automotive Service Station
59. Welding shops and blacksmiths
60. Machine shops
61. Offices of lawyers
62. Offices of certified public accountants
63. Other accounting services
64. Architectural services
65. Landscape architectural services
66. Professional planning services
67. Engineering services
68. Building inspection services
69. Testing laboratories
70. Custom computer programming services
71. Computer systems design services
72. Computer facilities management services
73. Other computer related services
74. Administration & general management consulting services
75. Other scientific & technical consulting services
76. Advertising agencies
77. Other services related to advertising
78. Veterinary services / animal hospital
79. Photography studios & videography services
80. All other professional, scientific & technical services
81. Corporate, subsidiary & regional managing office
82. Office administrative services
83. Facilities support services
84. Employment placement agencies
85. Private mail centers

86. Quick printing
87. All other business support services
88. Travel agencies
89. Investigation and security services
90. Security systems services (except locksmiths)
91. Janitorial services
92. Landscaping maintenance services
93. Carpet & upholstery cleaning services
94. Other services to buildings & dwellings
95. Municipal facilities
96. Fire department facilities
97. Public safety facilities
98. First aid facilities
99. Board of Education facilities
100. Public works facilities
101. Plumbing, heating & AC contractors
102. Painting & wall covering contractors
103. Electrical contractors
104. Masonry & stone contractors
105. Carpentry contractors
106. Floor laying & other floor contractors
107. Roofing, siding, & sheet metal contractors
108. Concrete contractors
109. Structural steel erection contractors
110. Glass & glazing contractors
111. Excavation contractors
112. Landscaping contractors
113. Building equipment & other machine installation contractors

- 114. All other special trade contractors
- 115. Frozen specialty food manufacturing
- 116. Animal slaughtering
- 117. Meat processed from carcasses
- 118. Rendering & meat by-product processing
- 119. Commercial wholesale bakeries
- 120. Knit fabric & lace mills
- 121. Canvas & related product mills
- 122. All other miscellaneous textile product mill
- 123. Lumber millwork (including flooring)
- 124. Commercial lithographic printing
- 125. Other commercial printing
- 126. Prepress services
- 127. Medicinal & botanical manufacturing
- 128. Research Laboratory
- 129. Pharmaceutical preparation manufacturing
- 130. All other miscellaneous chemical product & prep manufacturing
- 131. Fabricated structural metal manufacturing
- 132. Sheet metal work manufacturing
- 133. Electroplating, polish, anodize, color
- 134. Industrial mold manufacturing
- 135. Other metalworking machinery manufacturing
- 136. Radio, TV broadcast & wireless communications equipment manufacturing
- 137. Other electronic component manufacturing
- 138. Automatic environmental control manufacturing
- 139. Surgical & medical instrument manufacturing
- 140. Dental laboratories
- 141. Sign manufacturing

- 142. All other miscellaneous light manufacturing
- 143. Automobile & other motor vehicle wholesale
- 144. Furniture wholesale
- 145. Home furnishing wholesale
- 146. Computer & peripheral equip & software wholesale
- 147. Other professional equipment & supplies wholesale
- 148. Metal service centers & offices wholesale
- 149. Electrical equipment, wiring supplies, construction materials wholesale
- 150. Other electronic parts & equipment wholesale
- 151. Hardware wholesale
- 152. Refrigeration equipment & supplies wholesale
- 153. Industrial machinery & equipment wholesale
- 154. Industrial supplies wholesale
- 155. Service establishment equipment & supplies wholesale
- 156. Recyclable material wholesale
- 157. Other miscellaneous durable goods wholesale
- 158. Stationery & office supplies wholesale
- 159. Industrial & personal service paper wholesale
- 160. Drugs & druggists' sundries wholesale
- 161. Women's, children's, infants' clothing wholesale
- 162. General line grocery wholesale
- 163. Packaged frozen food wholesale
- 164. Dairy product (excluding dried or canned) wholesale
- 165. Poultry & poultry product wholesale
- 166. Fish & seafood wholesale
- 167. Meat & meat product wholesale
- 168. Fresh fruit & vegetable wholesale
- 169. Other grocery & related products wholesale

- 170. Plastics materials & basic forms, shapes wholesale
 - 171. Flower, nursery stock, florists' supplies
 - 172. Tobacco & tobacco product wholesale
 - 173. Other miscellaneous nondurable goods wholesale
 - 174. General freight trucking, long-distance (Truckload)
 - 175. General freight trucking, long-distance (Less Than Truckload LTL)
 - 176. Long term storage of wholesale goods
 - 177. Flex storage space
 - 178. Household & office goods moving
 - 179. Business & other motor vehicle transit systems
 - 180. Taxi service
 - 181. School & employee bus transportation operations
 - 182. Motor vehicle towing operations
 - 183. Freight transportation arrangement
 - 184. Couriers
 - 185. Local messengers & local delivery
 - 186. Newspaper publishers
 - 187. Book publishers
 - 188. Software publishers
 - 189. Film & sound recording studios
 - 190. Television & radio antenna broadcasting
 - 191. Data Center
- C. Conditional uses. [Editorial Note: retail type uses specified below are subject to conditional use standards prescribed in §415, entitled Retail Sales and Service]
- 1. Mobile home park
 - 2. Floor covering stores
 - 3. Home furnishings stores
 - 4. Household appliance stores

5. Radio, television & other electronics stores
6. Computer & software stores
7. Musical instrument Stores
8. Music stores (CDs, cassettes, videos, records)
9. Building material and plumbing supply dealers
10. Power equipment stores
11. Cosmetics, beauty supplies & perfume store
12. Food (health) supplement stores
13. Health & personal care stores
14. Family clothing & apparel stores
15. Lingerie and corset stores
16. Swimwear stores
17. Jewelry stores
18. Shoe stores
19. Hobby, toy & game stores
20. Bicycle stores
21. Sporting goods stores (excluding firearms)
22. Arts & craft shops
23. General merchandise stores
24. Office equipment, supplies & stationery stores
25. Pet food & pet supplies stores
26. Electronic shopping & mail-order houses
27. Restaurant, drive-through
28. Self-storage facility
29. Billboard
30. Centralized telephone utility installations
31. Centralized coaxial cable utility installations
32. Public Utility Facility

- 33. Electricity regulating substations
- 34. Wireless telecommunications facility
- D. Accessory uses.
 - 1. Uses customarily incidental and accessory to a principal permitted use
 - 2. Health and fitness club as an accessory use to a principal permitted office or hotel use
 - 3. Helistops
 - 4. Surface level parking lots or multi-level parking structures
 - 5. Energy facilities located on or within principal buildings. Facilities may not exceed the height of the principal structure by more than twenty-five (25) feet and may generate no more than 250% of the energy demanded by said principal use, or 50 kilowatts per year per square foot of space.
- E. Bulk regulations. See Schedule B-1.
- F. Planned commercial development. Planned Commercial Development in the LI Zone shall conform to the requirements set forth at Section 414 and the design standards set forth in §414.D.

[NOTE: The previous section has been amended and reassigned with a new section number per Ordinance No. 03-035; prior section number was §404.06]

§ 405 PLANNED UNIT DEVELOPMENT ZONE DISTRICT

- A. Purpose. The objectives of the following regulations and standards are to encourage innovations in residential, commercial and public development and redevelopment to achieve greater variety in type, layout and siting of buildings and the conservation and more efficient use of open space ancillary to those buildings or tracts of land under a comprehensive plan of development. Such comprehensive control over an entire development, rather than lot-by-lot regulations, should produce a well designed development that will have a beneficial effect upon the health, safety, general welfare and morals of the Township and the neighboring areas. Zoning Ordinance regulations specific to Planned Commercial Development in the LI and C-1 Zone Districts are contained in §414.
- B. Regulations. [NOTE: The following use regulations, §405.B.1, 2, & 3, have been amended as prescribed by an Amended Schedule A-2 per Ordinance No. 03-035]
 - 1. Permitted uses.
 - (a) Adult Retirement Community
 - (b) Detached Single Family Residence
 - (c) Multi-family Dwellings
 - (d) Townhouses

- (e) Commercial uses in conjunction with a Planned Unit Development (P.U.D.) to the extent such non-residential use is designed and intended to be compatible with the Planned Unit Development (P.U.D.), including:
 - (i) Floor covering stores
 - (ii) Home furnishings stores
 - (iii) Household appliance stores
 - (iv) Radio, television & other electronics stores
 - (v) Computer & software stores
 - (vi) Musical instrument Stores
 - (vii) Music stores (CDs, cassettes, videos, records)
 - (viii) Home centers
 - (ix) Hardware stores
 - (x) Outdoor lumberyards
 - (xi) Building material and plumbing supply dealers
 - (xii) Power equipment stores
 - (xiii) Grocery (except convenience) stores
 - (xiv) Convenience stores
 - (xv) General stores
 - (xvi) Retail bakeries
 - (xvii) Delicatessens
 - (xviii) Butcher shops
 - (xix) Fish & seafood markets
 - (xx) Fruit & vegetable markets
 - (xxi) Beer, wine & liquor stores
 - (xxii) Pharmacies & drug stores
 - (xxiii) Cosmetics, beauty supplies & perfume store
 - (xxiv) Food (health) supplement stores
 - (xxv) Health & personal care stores
 - (xxvi) Family clothing & apparel stores

- (xxvii) Lingerie and corset stores
- (xxviii) Swimwear stores
- (xxix) Jewelry stores
- (xxx) Shoe stores
- (xxxi) Hobby, toy & game stores
- (xxxii) Bicycle stores
- (xxxiii) Sporting goods stores (excluding firearms)
- (xxxiv) Arts & craft shops
- (xxxv) Family book stores
- (xxxvi) Magazine/newspaper stands
- (xxxvii) Department stores
- (xxxviii) General merchandise stores
- (xxxix) Florists / flower shops
- (xl) Gift shops
- (xli) Greeting card stores
- (xlii) Seasonal holiday stores
- (xliii) Christmas tree sales (outdoor)
- (xliv) Office equipment, supplies & stationery stores
- (xlv) Pet food & pet supplies stores
- (xlvi) Pet stores
- (xlvii) Membership warehouse club (retail)
- (xlviii) Tobacco shops
- (xlix) Art dealers
- (l) Antique shops
- (li) Commercial banking
- (lii) Savings institutions
- (liii) Bank
- (liv) Credit unions

- (lv) Consumer lending
- (lvi) Real estate credit
- (lvii) All other nondepository credit intermediation
- (lviii) Financial clearinghouse & reserve activities
- (lix) Investment banking & securities dealing
- (lx) Securities brokerage
- (lxi) Direct life Insurance carriers
- (lxii) Direct health & medical insurance carriers
- (lxiii) Insurance agencies & brokerages
- (lxiv) Claims adjusting
- (lxv) All other insurance related activities
- (lxvi) Offices of real estate agents
- (lxvii) Offices of real estate appraisers
- (lxviii) Other activities related to real estate
- (lxix) Consumer electronics & appliances rental
- (lxx) Video tape & disc rental
- (lxxi) Home health equipment rental
- (lxxii) Consumer goods rental
- (lxxiii) Musical instrument rental
- (lxxiv) General rental centers
- (lxxv) Offices of physicians (exc mental health)
- (lxxvi) Offices of physicians, mental health
- (lxxvii) Offices of dentists
- (lxxviii) Offices of chiropractors
- (lxxix) Offices of optometrists
- (lxxx) Offices of physical, occupational and speech therapists, and audiologists
- (lxxxi) Offices of podiatrists

- (lxxxii) All other outpatient care centers
- (lxxxiii) Diagnostic Imaging centers
- (lxxxiv) Home health care services
- (lxxxv) Ambulance and first aid services
- (lxxxvi) Nonresidential services for elderly & disabled persons, including adult day care
- (lxxxvii) Child Care Center
- (lxxxviii) Family Day Care
- (lxxxix) Agents, managers for artists & other public entertainers
 - (xc) Independent artists, writers & performers
 - (xci) Amusement arcades
 - (xcii) Bowling centers
 - (xciii) Billiards / pool halls
 - (xciv) Golf course, full size
 - (xcv) Golf course, miniature
 - (xcvi) Golf course driving range
 - (xcvii) Indoor recreational facility
 - (xcviii) Public Community Centers
 - (xcix) Public Parks and recreational facilities
 - (c) Theater, Motion Picture (indoor)
 - (ci) Theater, Performing Arts
 - (cii) Places of Worship
 - (ciii) Grantmaking foundations
 - (civ) Civic & social organizations
 - (cv) Professional organizations
 - (cvi) Labor unions & similar labor organizations
 - (cvii) Food service contractors / catering
 - (cviii) Banquet facilities

- (cix) Full-service restaurants
- (cx) Restaurant
- (cxi) Restaurant, take-out
- (cxii) Snack & nonalcoholic beverage bars
- (cxiii) Barber & beauty shops, beauty salons & parlors, hairdressers
- (cxiv) Cosmetic salons & cosmetology services
- (cxv) Hotel beauty parlors and beauty shops
- (cxvi) Manicure salon or nail services
- (cxvii) Wig grooming service
- (cxviii) Diet & weight reducing centers
- (cxix) Depilatory salons (hair removal)
- (cxx) Ear piercing services
- (cxxi) Electrologist's studio
- (cxxii) Electrolysis studio
- (cxxiii) Scalp treatment
- (cxxiv) Hair replacement
- (cxxv) Tanning salons
- (cxxvi) Funeral homes
- (cxxvii) Consumer electronics repair & maintenance
- (cxxviii) Household item repair and maintenance
- (cxxix) Computer & office machine repair & maintenance
- (cxxx) Communication equipment repair & maintenance
- (cxxxii) Commercial equipment (excluding auto & electrical) repair & maintenance
- (cxxxiii) Appliance repair & maintenance
- (cxxxiv) Furniture cleaning, refinishing and repair shops
- (cxxxv) Musical instrument repair shop
- (cxxxvi) Leather goods repair services

- (cxxxvi) Shoe repair and shoeshine parlors
- (cxxxvii) Bicycle repair shops
- (cxxxviii) Locksmiths
- (cxxxix) Welding shops and blacksmiths
- (cxl) Machine shops
- (cxli) Gunsmiths (no retail)
- (cxlii) Swimming pool cleaning and maintenance services
- (cxliii) Coin-operated laundries & drycleaners
- (cxliv) Dry-cleaning & laundry services (excluding coin-op)
- (cxlv) Linen supply
- (cxlvi) Tailor and mending of garments
- (cxlvii) Film developing services, retail
- (cxlviii) Pet grooming services
- (cxlix) Offices of lawyers
- (cl) Offices of certified public accountants
- (cli) Other accounting services
- (clii) Architectural services
- (cliii) Landscape architectural services
- (cliv) Professional planning services
- (clv) Engineering services
- (clvi) Building inspection services
- (clvii) Testing laboratories
- (clviii) Custom computer programming services
- (clix) Computer systems design services
- (clx) Computer facilities management services
- (clxi) Other computer related services
- (clxii) Administration & general management consulting services
- (clxiii) Other scientific & technical consulting services

- (clxiv) Advertising agencies
- (clxv) Other services related to advertising
- (clxvi) Veterinary services / animal hospital
- (clxvii) Photography studios & videography services
- (clxviii) All other professional, scientific & technical services
- (clxix) Corporate, subsidiary & regional managing office
- (clxx) Office administrative services
- (clxxi) Facilities support services
- (clxxii) Employment placement agencies
- (clxxiii) Private mail centers
- (clxxiv) Quick printing
- (clxxv) All other business support services
- (clxxvi) Travel agencies
- (clxxvii) Investigation and security services
- (clxxviii) Security systems services (except locksmiths)
- (clxxix) Janitorial services
- (clxxx) Landscaping maintenance services
- (clxxxii) Carpet & upholstery cleaning services
- (clxxxii) Other services to buildings & dwellings
- (clxxxiii) Municipal facilities
- (clxxxiv) Fire department facilities
- (clxxxv) Public safety facilities
- (clxxxvi) First aid facilities
- (clxxxvii) Board of Education facilities
- (clxxxviii) Soil preparation, planting, & cultivating (for profit)
- (clxxxix) Commercial nurseries
- (cxc) Greenhouses
- (cxci) Silviculture

2. Conditional uses.
 - (a) Assisted Living Facility
 - (b) Homes for the elderly
 - (c) Restaurant, drive-through
 - (d) Electricity regulating substations

3. Accessory uses.
 - (a) Uses customarily incidental and accessory to a principal permitted use
 - (b) Home Occupation
 - (c) Home Professional Office
 - (d) Swimming pools, private
 - (e) Tennis courts, private
 - (f) Health and Fitness Club
 - (g) Recreational clubhouse, concession stand
 - (h) Parking for principal use
 - (i) Telephone communication distribution
 - (j) Coaxial cable communication distribution
 - (k) Emergency services radio communication facilities
 - (l) Natural gas distribution
 - (m) Electric power transmission & distribution
 - (n) Public water supply purveyance & distribution
 - (o) Sanitary sewer lines

4. General development standards. The following general development standards shall be met by any P.U.D.:

GENERAL DEVELOPMENT STANDARDS	
Minimum gross area	100 acres
Minimum section or phase area	10 acres
Maximum P.U.D. overall residential density	2.4 dwelling units per acre
Minimum number of dwelling units per section or phase	50
Minimum floor area for commercial uses	10,000 square feet, singly or in combination
Adult Retirement Community	
Maximum density for adult retirement community	Six (6) dwelling units per acre; per section or phase
Bulk requirements per detached single family residential lot	Interior lots shall conform to R-4 Zone requirements and corner lots shall conform to R-3 Zone requirements
Minimum gross area for adult retirement community	10 acres

5. A P.U.D. in excess of 100 acres shall include a golf course as part of its overall development.
6. In order to encourage and enable a P.U.D. of desirable and imaginative design and to maintain the standards of this section, it is required that all sections or phases be developed in accordance with a comprehensive final plan for the overall development of the property as approved by the Planning Board. If developed in sections or phases, the first section or phase shall include, at a minimum, the golf course and all improvements necessary to serve the golf course, residential and commercial components of this section or phase. This is to ensure that each section or phase can be self supported and complete.
7. Residential development.
- (a) The residential area in which the dwelling units are constructed which will be over the entire P.U.D., excluding the acreage fronting on State Highway 66 to a depth of 500 feet, which is designated for commercial use (as to the Jumping Brook site approximately 14.98 acres) and excluding 104 acre golf course, shall include sixteen (16) single family homes, which must be adjacent to the R-1 Zone. The residential component of the P.U.D. shall be constructed in accordance with the following standards:
- (i) The residential development shall be permitted on any portion of the development except any portion that fronts on State Highway 66 to a depth of five hundred (500') feet.
- (ii) Compatible commercial uses shall be allowed, in the area described in subparagraph a. above, but shall be a golf course, clubhouse, restaurant, banquet facility or hotel. An adult retirement community shall provide a clubhouse or other community facility to allow for active recreation and social opportunities

- (iii) Coverage of the residentially developed portion of the site, by buildings, shall not exceed thirty (30%) percent.
- (iv) In a townhouse development, there shall not be more than eight (8) nor less than four (4) attached townhouses in any row.
- (v) No townhouse structure shall exceed a height of three (3) stories or thirty-five (35) feet.
- (vi) No structure containing a group of attached townhouses shall exceed a length of two hundred (200) feet.
- (vii) The minimum floor area for attached townhouse shall be at least 1,200 square feet for one (1) story structures and 1,600 square feet for two (2) story structures. Detached single family dwellings shall have a minimum floor area 1,400 square feet for one (1) story structures 1,700 square feet for two (2) story structures.
- (viii) A minimum distance of thirty (30) feet shall be maintained between each building not located on a detached single family lot. Buildings not located on a detached single family lot shall have a minimum setback of thirty (30) from any detached single family lot line. Buildings not located on a detached single family lot shall have a minimum front yard setback area of ten (10) feet, measured as the distance between the front building line and the street right-of-way line, private roadway & utility easement or parking lot, whatever the case may be.
- (ix) There shall be a perimeter setback of at least fifty (50') feet from all sides of the residential developed portion of the site. Where the development abuts existing residences, this buffer area shall be landscaped to provide a visual screen.
- (x) Inner courts shall be prohibited; the minimum width of outer courts shall be thirty (30') feet; the depth thereof shall not exceed its width.
- (xi) For each dwelling unit there shall be provided at least two (2) on-site parking spaces as defined in this chapter and one (1) of the two (2) parking spaces shall be contained in a fully enclosed garage. In addition, there shall be provided at least one (1) visitor parking space for every three (3) dwelling units, distributed in locations throughout the entire development that will be most convenient for callers to the residents in the development. Wherever open surface parking spaces are provided for four (4) or more vehicles, such spaces shall be individually identified by pavement markings and shall be screened by a substantial wall, fence of a design compatible with that of the principal buildings or a thick hedge four (4') feet in height above the average finished grade of the parking area. No parking spaces shall be located in any part of the required perimeter minimum setback area.
- (xii) All townhouse units and buildings shall be of designs which are compatible with other residential structures in the neighborhood

to achieve a maximum of architectural harmony. In siting rows of townhouses, individual dwelling units contained within each row must be staggered to avoid a monotonous, uniform appearance.

- (xiii) Every dwelling unit within the residential development shall be served by public water and public sanitary sewer facilities which shall be installed by and at the expense of the developer. In addition, the developer shall, at his own expense, install and maintain roads, driveways, guest parking facilities, street lights, fire hydrants, landscaping and recreation facilities and any other improvements such as drainage facilities as required according to the standards of the Township and as provided for major subdivisions and site plans under Section 40:55D-1 et seq. of the Municipal Land Use Law.
- (xiv) All utilities within a residential development shall be installed underground.
- (xv) Garbage and refuse storage and collection shall be provided at appropriate and convenient locations by the developers.
- (xvi) When seventy-five (75) percent of the dwelling units of an approved phase of the development are occupied, the control of the Condominium Association shall be turned over to the Homeowners' Association.

- (b) Golf Course. A golf course shall have an area of at least one hundred four (104) acres and shall contain eighteen (18) holes. In the case of the Jumping Brook site the golf course shall contain at least the same playing yardage 6,479 yards as currently exists. Owners of residential units in the P.U.D. shall have a right to be members of the golf course and the golf course shall be owned and maintained by an Association. The golf course shall remain as open space in perpetuity and nothing shall be constructed on its playing area except for necessary and appropriate structures such as maintenance sheds. The provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-43 shall be in effect with respect to an open space organization.
- (c) Additions to P.U.D. No construction permit shall be issued for construction of an addition to the P.U.D. except in areas having a minimum size of one hundred fifty (150) acres.

8. Commercial Land Uses. Commercial land uses shall be permitted subject to the following standards:

- (a) Commercial uses, excluding a golf course, shall not occupy more than fifteen (15) percent of the P.U.D. With the exception of a golf course, clubhouse, restaurant, nightclub, banquet facility or hotel which may be located anywhere on the site that the Planning Board deems appropriate, all of the commercial development of the site shall only take place along that portion of the site which has frontage along State Highway 66 to a depth of 500 feet; as to the Jumping Brook site approximately 14.98 acres.
- (b) The Planning Board may in its discretion permit expansion of the area of the site to be developed commercially, so long as the total amount of

- property used for commercial purposes, excluding the golf course, does not exceed twenty (20) percent of the P.U.D.; as to the Jumping Brook site not to exceed approximately forty (40) acres. The Planning Board may only permit the expansion of the commercial area pursuant to this subparagraph so long as the expansion does not reduce the area reserved for the golf course as set forth in paragraph d. of this section.
- (c) Commercial uses, as described above, shall be limited to the following: general office buildings, computer centers, research laboratories, banking facilities, hotels, restaurants and designed shopping centers which include retail and service establishments. Outdoor displays and outdoor storage of goods and/or merchandise are specifically prohibited.
 - (d) A minimum front yard setback of fifty (50) feet shall be provided from New Jersey State Highway 66.
 - (e) Minimum side yards of twenty-five (25) feet shall be provided.
 - (f) A minimum rear yard of fifty (50) feet shall be provided. This rear yard buffer shall be landscaped to provide a screen for the residential portion of the development; landscaping shall be located entirely on the commercial portion of the site.
 - (g) A maximum building height of six (6) stories or sixty-five (65) feet shall be allowed.
 - (h) A minimum building floor area of five thousand (5,000) square feet shall be allowed.
 - (i) A maximum lot coverage, by buildings, of thirty (30) percent shall be allowed.
 - (j) Parking for office, retail and services uses shall be a minimum of four (4) spaces for each one thousand (1,000) square feet of gross floor area.
 - (k) Parking for hotels and motels shall be a minimum of one (1) space for each room plus one (1) space for each full time employee.
 - (l) Parking for restaurants shall be a minimum of one (1) space for each forty (40) square feet devoted to patron use plus one (1) space for each full time employee.
 - (m) Loading facilities shall be provided in accordance with the standards set forth in Article IV.
 - (n) Signs shall be provided in accordance with the standards set forth in Article IV.
9. Common Open Space. There shall be provided at least twenty (20) percent of the gross area of a P.U.D. for open space use, in such dimensions and locations as to be utilized to the maximum extent for active and passive recreation facilities. The common open space requirement may be reduced to ten (10) percent in conjunction with an adult retirement community, provided adequate active recreation facilities are provided. Open space set-asides shall be in addition to parking and loading areas, streets, pedestrian walks or principal recreational land uses such as a golf course, swim club, etc. The type of

improvement and the organization having responsibility for maintenance of the open space, including the golf course, shall be clarified as required in this section and included in the Master Deed and reviewed and approved by the Planning Board and State Department of Community Affairs.

10. Open Space, Streets and Other Requirements. All open spaces between buildings shall be protected by fully recorded covenants running with the land, conveyances or dedications. The right-of-way and pavement widths for all internal streets, roads or other access ways for vehicles and/or pedestrians shall be determined on the basis of the Township's planning and engineering standards and shall be based on the projected needs of the full development of all land uses, proposed in the comprehensive final plan, and the traffic to be generated by such land use as well as the need for access for fire fighting, ambulances and other emergency vehicles.
11. Common Open Spaces and Other Common Uses. Every structure, use or land designated for common private usage or in common ownership or control by occupants or which functions as an independent corporate property owner or agent of management shall be located on a plot of land which shall be fully dimensioned and designated as representing the area of responsibility and extent of such ownership or management on the final plan or a plan for a section or stage of a P.U.D. and the Master Deed.
12. Responsibility for Utilities and Services. Within the P.U.D., all private roads, walkways, services, utilities, maintenance and expenses which are comprised of or incurred in any of the interior sections of the P.U.D. shall be the obligation of the unit owners, and under no circumstances shall an application be considered, whether to the Planning Board or to the governing body, which seeks to have the Township agree to pay all or any portion of such expenses. Services, utilities and maintenance shall be defined to mean all those services normally rendered by the municipality (except Police, Fire and First Aid to the extent normally provided), including but not limited to garbage collection, snow-plowing, lighting changes, road, sanitary sewer and storm sewer maintenance and replacement, water hydrants, etc. Each contract of sale and deed of conveyance for units in the P.U.D. shall specifically set forth a complete copy of this paragraph (with sufficient identifying language) so that all purchasers shall be aware of the conditions therein set forth.

C. Tentative Approval.

1. Pre-Application Conference. Prior to official submittal of an application for consideration of a P.U.D., the applicant shall meet with the Planning Board, or duly designated officer thereof, for a pre-application conference as to the location, scope and nature of the proposed development.
2. All planning and subdivision data relating to the platting, use and development of the P.U.D. and subsequent modifications of the regulations relating thereto, shall be determined and established by the Planning Board.
3. The application and development plan for tentative approval shall include plans and data as required in Articles VII and VIII of this Chapter, in addition to the following information:
 - (a) Location and size of the site and the nature of the applicant's interest in the land proposed to be developed.

- (b) An accurate topographic and boundary line map of the site; if applicable, areas to be filled and evidence that such treatment would be in accordance with the ordinances of the Township.
 - (c) Density computations of all land uses proposed for various parts of the site, number of dwelling units and other similar data pertinent to a comprehensive evaluation of the proposed development.
 - (d) Use, type, approximate bulk, height and location of proposed structures.
 - (e) Location and size of any common open space and the form of organization proposed to own and maintain such open space.
 - (f) Copy of the proposed organizational structure related to Property Owners Association, protective covenants, deeds of dedication, by-laws, regulations and master deeds, proposed easements or grants for public utilities.
 - (g) Proposals for the sanitary waste and storm water disposal systems as they affect the P.U.D. site and surrounding property.
 - (h) Proposed public and private roads, driveways and parking and loading facilities, drawn to scale. A traffic study, which discusses potential impacts and mitigation measures, shall be submitted.
 - (i) Location of any golf course or other recreation facility to be retained, if applicable.
 - (j) Proposed schedule within which applications for final approval of all sections of the P.U.D. are intended to be filed.
 - (k) Variations, if any, from land use regulations otherwise applicable to subject property.
 - (l) The substance of covenants, grants of easement or other restrictions imposed on the use of land and buildings.
4. The fee for P.U.D. applications shall be as determined in Article X of this Chapter.
5. The application shall include a written statement by the applicant setting forth the reasons why, in his opinion, a P.U.D. would be consistent with the purposes and objectives set forth in this Subsection.
6. Prior to approval of an application for P.U.D., the Planning Board shall find the following facts and conclusions:
- (a) That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards set forth for Planned Unit Developments;
 - (b) That the proposals for maintenance and conservation of the common open space are reliable and the amount, location and purpose of the common open space are adequate;

- (c) That provisions through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic and the amenities of light and air, recreation and visual enjoyment are adequate;
- (d) That the proposed planned development will not have an unreasonable adverse impact upon the area in which it is proposed to be established;
- (e) In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.
- (f) Review and approval of an application for P.U.D. shall be in accordance with the procedures for site plan approval as contained in the Zoning Ordinance of the Township and the Municipal Land Use Law.

[NOTE: Section 405 has been amended per Ordinance No. 02-42]

§ 406 PUBLIC USE ZONE DISTRICT

§ 406.01 C - Civic

- A. Purpose. The C Zone District intends to provide for public and quasi-public uses, as well as community and service facilities that serve a general public purpose.

[NOTE: The following use regulations, §406.01.B, C, and D have been amended as prescribed by an Amended Schedule A-2 per Ordinance No. 03-035]

- B. Permitted uses.

1. Adult Retirement Community
2. Detached Single Family Residence [Editorial note: see §406.01.F]
3. Commercial banking
4. Savings institutions
5. Bank
6. Credit unions
7. Consumer lending
8. Real estate credit
9. All other nondepository credit intermediation
10. Financial clearinghouse & reserve activities
11. Investment banking & securities dealing

12. Securities brokerage
13. Direct life Insurance carriers
14. Direct health & medical insurance carriers
15. Insurance agencies & brokerages
16. Claims adjusting
17. All other insurance related activities
18. Offices of real estate agents
19. Offices of real estate appraisers
20. Other activities related to real estate
21. Private or Public Elementary, Middle or High School
22. Early childhood education center
23. Vocational School
24. Computer training facility
25. Sports & recreation instruction
26. Art, music, dance & martial-arts instruction
27. All other miscellaneous schools & instruction
28. Offices of physicians (exc mental health)
29. Offices of physicians, mental health
30. Offices of dentists
31. Offices of chiropractors
32. Offices of optometrists
33. Offices of physical, occupational and speech therapists, and audiologists
34. Offices of podiatrists
35. All other outpatient care centers
36. Diagnostic Imaging centers
37. Home health care services
38. Ambulance and first aid services
39. General medical & surgical hospitals

40. Hospital
41. Assisted Living Facility
42. Homes for the elderly
43. Long term care facility
44. Nursing care facilities
45. Other residential care facilities
46. Nonresidential services for elderly & disabled persons, including adult day care
47. Child Care Center
48. Family Day Care
49. Golf course, full size
50. Golf course, miniature
51. Golf course driving range
52. Indoor recreational facility
53. Public Community Centers
54. Public Parks and recreational facilities
55. Theater, Performing Arts
56. Places of Worship
57. Offices of lawyers
58. Offices of certified public accountants
59. Other accounting services
60. Architectural services
61. Landscape architectural services
62. Professional planning services
63. Engineering services
64. Building inspection services
65. Testing laboratories
66. Custom computer programming services
67. Computer systems design services

68. Computer facilities management services
69. Other computer related services
70. Administration & general management consulting services
71. Other scientific & technical consulting services
72. Advertising agencies
73. Other services related to advertising
74. Veterinary services / animal hospital
75. Photography studios & videography services
76. All other professional, scientific & technical services
77. Corporate, subsidiary & regional managing office
78. Office administrative services
79. Facilities support services
80. Employment placement agencies
81. Private mail centers
82. Quick printing
83. All other business support services
84. Municipal facilities
85. Fire department facilities
86. Public safety facilities
87. First aid facilities
88. Board of Education facilities
89. Public works facilities
90. Medicinal & botanical manufacturing
91. Research Laboratory
92. Pharmaceutical preparation manufacturing
93. Dental laboratories
94. Taxi service
95. School & employee bus transportation operations

- 96. Couriers
- 97. Local messengers & local delivery
- C. Conditional uses.
 - 1. Centralized telephone utility installations
 - 2. Centralized coaxial cable utility installations
 - 3. Wireless telecommunications facility
 - 4. Public Utility Facility
 - 5. Electricity regulating substations
 - 6. Sanitary sewer treatment plant
- D. Accessory uses.
 - 1. Uses customarily incidental and accessory to a principal permitted use
 - 2. Home Occupation
 - 3. Home Professional Office
 - 4. Swimming pools, private
 - 5. Tennis courts, private
 - 6. Educational support services
 - 7. Recreational clubhouse, concession stand
 - 8. Helistops
 - 9. Parking for principal use
 - 10. Telephone communication distribution
 - 11. Coaxial cable communication distribution
 - 12. Emergency services radio communication facilities
 - 13. Natural gas distribution
 - 14. Electric power transmission & distribution
 - 15. Public water supply purveyance & distribution
 - 16. Sanitary sewer lines
- E. Bulk regulations. See Schedule B-1.

- F. Single-family detached residential development. Pre-existing nonconforming single-family detached residential development in the C Zone District shall conform to the bulk requirements set forth for the R-1 Zone District per Schedule B-1.

§ 407 HISTORIC ZONE DISTRICTS

§ 407.01 HD-R-1 – Historic District Single Family Residential

- A. Purpose. The HD-R-1 Zone District provides for single-family residential development at a density not exceeding 24.2 dwelling units per acre that is consistent with the established scale and pattern of development in the Ocean Grove portion of the Township.
- B. Permitted uses.
1. Community center
 2. Community shelter
 3. Detached single family residence
 4. Park
 5. Place of worship
 6. Ocean Grove Camp Meeting Association (OGCMA) facilities in accordance with permitted, conditional and accessory uses in the district
- C. Conditional uses.
1. Professional Office
- D. Accessory uses.
1. Uses customarily incidental and accessory to a principal permitted use
 2. Family day care
 3. Home occupation
 4. Home professional office
- E. Bulk regulations. See Schedule B-1.

§ 407.02 HD-O – Historic District Oceanfront

- A. Purpose. The HD-O Zone District recognizes the character and historic land use pattern of the oceanfront blocks in the Ocean Grove portion of the Township, east of Central Avenue. All zoning regulations applicable in the HD-O Zone District are intended to protect, preserve and perpetuate the historical framework in Ocean Grove. This framework includes single-family residences, bed and breakfasts, and historic hotels.

- B. Permitted uses.
 - 1. Community shelter
 - 2. Detached single-family dwellings
 - 3. Park
 - 4. Ocean Grove Camp Meeting Association (OGCMA) facilities in accordance with permitted, conditional and accessory uses in the district
- C. Conditional uses.
 - 1. Bed & breakfast guesthouse
 - 2. Bed & breakfast homestay
 - 3. Historic hotel
 - 4. Historic hotel restaurant/retail
- D. Accessory uses.
 - 1. Uses customarily incidental and accessory to a principal permitted use
 - 2. Family day care
 - 3. Home professional office
- E. Bulk regulations. See Schedule B-1.

§ 407.03 HD-R-2 – Historic District Multi-family Residential

- A. Purpose. The HD-R-2 Zone District provides for single-family and multi-family residential development at a density of 48 dwelling units per acre, limited to areas that are already devoted to this use.
- B. Permitted uses.
 - 1. Detached single-family dwellings
 - 2. Long-term care facility
 - 3. Multi-family dwellings
 - 4. Park
 - 5. Townhouses
 - 6. Ocean Grove Camp Meeting Association (OGCMA) facilities in accordance with permitted, conditional and accessory uses in the district
- C. Conditional uses.
 - 1. Assisted living facility

- D. Accessory uses.
 - 1. Uses customarily incidental and accessory to a principal permitted use
 - 2. Family day care
 - 3. Home professional office
- E. Bulk regulations. See Schedule B-1.

§ 407.04 HD-B-1 – Historic District Mixed-use

- A. Purpose. The HD-B-1 Zone District serves as the commercial core for the Ocean Grove portion of the Township, and intends to serve the specific retail sales and service needs of local residents and seasonal visitors. This Zone District also acknowledges the suitability of residential uses located at upper stories of mixed-use buildings, with the ground story devoted to permitted uses in the district.

[NOTE: The following use regulations, §407.04.B, C, and D have been amended as prescribed by an Amended Schedule A-2 per Ordinance No. 03-035]

- B. Permitted uses.
 - 1. Detached Single Family Residence
 - 2. Furniture stores
 - 3. Floor covering stores
 - 4. Home furnishings stores
 - 5. Household appliance stores
 - 6. Radio, television & other electronics stores
 - 7. Computer & software stores
 - 8. Musical instrument Stores
 - 9. Music stores (CDs, cassettes, videos, records)
 - 10. Hardware stores
 - 11. Convenience stores
 - 12. General stores
 - 13. Retail bakeries
 - 14. Delicatessens
 - 15. Butcher shops
 - 16. Fish & seafood markets

17. Fruit & vegetable markets
18. Pharmacies & drug stores
19. Cosmetics, beauty supplies & perfume store
20. Food (health) supplement stores
21. Health & personal care stores
22. Family clothing & apparel stores
23. Swimwear stores
24. Jewelry stores
25. Shoe stores
26. Hobby, toy & game stores
27. Bicycle stores
28. Sporting goods stores (excluding firearms)
29. Arts & craft shops
30. Family book stores
31. Magazine/newspaper stands
32. General merchandise stores
33. Florists / flower shops
34. Gift shops
35. Greeting card stores
36. Seasonal holiday stores
37. Office equipment, supplies & stationery stores
38. Art dealers
39. Antique shops
40. Commercial banking
41. Savings institutions
42. Bank
43. Credit unions
44. Consumer lending

45. Real estate credit
46. All other nondepository credit intermediation
47. Financial clearinghouse & reserve activities
48. Investment banking & securities dealing
49. Securities brokerage
50. Direct life Insurance carriers
51. Direct health & medical insurance carriers
52. Insurance agencies & brokerages
53. Claims adjusting
54. All other insurance related activities
55. Offices of real estate agents
56. Offices of real estate appraisers
57. Other activities related to real estate
58. Consumer electronics & appliances rental
59. Video tape & disc rental
60. Home health equipment rental
61. Consumer goods rental
62. Musical instrument rental
63. General rental centers
64. Sports & recreation instruction
65. Art, music, dance & martial-arts instruction
66. All other miscellaneous schools & instruction
67. Offices of physicians (exc mental health)
68. Offices of physicians, mental health
69. Offices of dentists
70. Offices of chiropractors
71. Offices of optometrists
72. Offices of physical, occupational and speech therapists, and audiologists

73. Offices of podiatrists
74. All other outpatient care centers
75. Diagnostic Imaging centers
76. Home health care services
77. Ambulance and first aid services
78. Nonresidential services for elderly & disabled persons, including adult day care
79. Child Care Center
80. Public Parks and recreational facilities
81. Theater, Performing Arts
82. Grantmaking foundations
83. Civic & social organizations
84. Professional organizations
85. Labor unions & similar labor organizations
86. Full-service restaurants
87. Restaurant
88. Restaurant, take-out
89. Snack & nonalcoholic beverage bars
90. Barber & beauty shops, beauty salons & parlors, hairdressers
91. Cosmetic salons & cosmetology services
92. Hotel beauty parlors and beauty shops
93. Manicure salon or nail services
94. Wig grooming service
95. Diet & weight reducing centers
96. Scalp treatment
97. Consumer electronics repair & maintenance
98. Household item repair and maintenance
99. Computer & office machine repair & maintenance
100. Communication equipment repair & maintenance

101. Commercial equipment (excluding auto & electrical) repair & maintenance
102. Appliance repair & maintenance
103. Furniture cleaning, refinishing and repair shops
104. Musical instrument repair shop
105. Leather goods repair services
106. Shoe repair and shoeshine parlors
107. Bicycle repair shops
108. Locksmiths
109. Coin-operated laundries & drycleaners
110. Dry-cleaning & laundry services (excluding coin-op)
111. Linen supply
112. Tailor and mending of garments
113. Film developing services, retail
114. Offices of lawyers
115. Offices of certified public accountants
116. Other accounting services
117. Architectural services
118. Landscape architectural services
119. Professional planning services
120. Engineering services
121. Building inspection services
122. Custom computer programming services
123. Computer systems design services
124. Computer facilities management services
125. Other computer related services
126. Administration & general management consulting services
127. Other scientific & technical consulting services
128. Advertising agencies

- 129. Other services related to advertising
- 130. Photography studios & videography services
- 131. All other professional, scientific & technical services
- 132. Office administrative services
- 133. Ocean Grove Camp Meeting Association (OGCMA) facilities in accordance with permitted, conditional and accessory uses in the district
- 134. Facilities support services
- 135. Employment placement agencies
- 136. Private mail centers
- 137. Quick printing
- 138. All other business support services
- 139. Travel agencies
- 140. Couriers
- 141. Local messengers & local delivery

C. Conditional uses.

- 1. Accessory apartments

[NOTE: The previous section has been amended per Ordinance No. 03-035]

D. Accessory uses.

- 1. Uses customarily incidental and accessory to a principal permitted use
- 2. Outdoor Displays and Sales
- 3. Educational support services
- 4. Recreational clubhouse, concession stand
- 5. Outdoor Dining Facility
- 6. Telephone communication distribution
- 7. Coaxial cable communication distribution
- 8. Emergency services radio communication facilities
- 9. Natural gas distribution
- 10. Electric power transmission & distribution

- 11. Public water supply purveyance & distribution
- 12. Sanitary sewer lines
- E. Bulk regulations. See Schedule B-1.

§ 407.05 HD-R – Historic District Recreation

- A. Purpose. The HD-R Zone District intends to provide for the active and passive recreational use of land by the general public in the Township’s Historic District. All uses, including parking and amenities for the use and comfort of residents and visitors to the District should be consistent with, and representative of, the historic character of the area.
- B. Permitted uses.
 - 1. Beach and beach related uses
 - 2. Boardwalk and fishing pier
 - 3. Non-Commercial Recreational facilities
 - 4. Parks
 - 5. Ocean Grove Camp Meeting Association (OGCMA) facilities in accordance with permitted, conditional and accessory uses in the district
- C. Conditional uses.
 - 1. Light food concessions
 - 2. Parking
- D. Accessory uses.
 - 1. Drinking fountains and rest rooms
 - 2. Pavilion, not fully enclosed, for passive recreation use only
 - 3. Benches, street lamps and other street furniture
 - 4. Fences for tennis courts, volleyball courts and tot lots to a maximum height of twelve (12) feet shall be permitted as an accessory use in the area zoned HD-R along the entire length of Fletcher Lake from the southerly extension of the easterly boundary of Ocean Avenue to Pennsylvania Avenue and Blocks 78 and 107 on Inskip Avenue. Privacy slats or other barrier to vision in or on such fences are prohibited.
- E. Bulk requirements.
 - 1. Minimum lot depth: Sixty (60) feet
 - 2. Maximum building height: Thirty-five (35) feet

§ 408 SCHEDULE A-1 – USE REGULATIONS - RESIDENTIAL ZONING DISTRICTS

§ 409 SCHEDULE A-2 – USE REGULATIONS – MIXED USE AND NON-RESIDENTIAL ZONE DISTRICTS

§ 410 SCHEDULE B – ZONING DISTRICT BULK REGULATIONS

§ 411 SUPPLEMENTARY ZONING REGULATIONS FOR RESIDENTIAL ZONES

§ 411.01 Adult Retirement Communities

Adult Retirement Communities for adults aged at least fifty-five (55) years or older shall be permitted in the Civic and PUD/R1 District in accordance with the standards governing residential development in the Planned Unit Development Zone District as set forth in Section 405 of this Land Development Ordinance.

[NOTE: The previous section has been amended per Ordinance No. 03-035]

§ 411.02 Community Shelters

Community Shelters. Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be allowed in any residential district permitting single family detached housing, provided that:

- A. No more than six (6) persons, excluding resident staff, shall occupy the premises except as permitted herein.
- B. The facility is duly licensed pursuant to N.J.S. 30:11B-1 et seq. for community residences for the developmentally disabled, N.J.S. 30:14-1 et seq. for community shelters for victims of domestic violence, and N.J.S. 30:11B-1 et seq. for community residences for persons with head injuries.
- C. The residential character of the building shall remain unchanged.
- D. Community shelters as described herein may exceed the permitted number of persons allowed above. upon issuance of a conditional use permit by the Planning Board provided that the following conditions have been met:
 1. No more than fifteen (15) persons, including resident staff, shall occupy the premises.
 2. The facility shall be duly licensed.
 3. The residential character of the building and lot shall remain unchanged.
 4. Adequate off-street parking sufficient for resident staff shall be provided. If staff exceeds 5 persons, buffering of the parking lot shall be provided in accordance with the provisions of this Chapter.
 5. No such facility shall be located within 1,500 feet of another such facility.

- E. All other applicable regulations of this Ordinance shall apply.

§ 411.03 Home Occupations and Home Professional Offices

Home occupations and home professional offices shall be permitted as an accessory use to any residence in the Township, unless otherwise specified below and in Zoning Schedules A-1 and A-2. All such uses shall require an approved zoning permit prior to commencement of use and are subject to the following provisions:

- A. Home occupations and home professional offices shall only be permitted provided they do not change the character of the principal residence from a home to a business or change in any way whatsoever the character of the surrounding neighborhood from a residential neighborhood to a commercial neighborhood. Specifically, the characteristics of the home occupation cannot differ from that expected in a residential neighborhood in the following areas of concern:
 - 1. The appearance of the premises, including color, materials, construction, or lighting;
 - 2. The risk of physical harm to persons or property due to the nature or volume of any materials stored on site;
 - 3. The creation of noise, vibration, dust, smoke, odor, glare, radiation or electrical interference;
 - 4. The volume and frequency of vehicular or pedestrian traffic.
- B. No more than one home occupation or home professional office may be conducted within a single dwelling unit. Said home occupation or home professional office shall not involve more than thirty (30) percent of one (1) floor of the principal dwelling unit, including the floor area of an attached garage.
- C. No person other than the occupants of the dwelling may be involved or employed on the premises in the home occupation or home professional office.
- D. The home occupation or home professional office must be conducted entirely within the principal residence and cannot involve outdoor storage.
- E. The home occupation cannot involve commercial vehicles, other than as permitted in Section 411.04, and/or an occasional cartage vehicle for the delivery of materials related to the home occupation to or from the premises.
- F. A zoning permit shall be required prior to initiating a home occupation or home professional office.
- G. Family day care homes are permitted home occupations. Child-care centers shall not be considered permitted home occupations. In order to provide for the safety of the children in the family day care homes, the following regulations must be followed:
 - 1. Family day care is permitted only in single family residential dwellings.
 - 2. The provider must be the resident of the premises, and must present the Zoning Officer with documentation of substantial compliance with all Division of Youth and Family Services requirements on an annual basis. The family day care home must be registered pursuant to the "Family Day Care Provider Registration Act," per N.J.S.A. 46:8D-1 et seq.

3. Any side or rear yard which is utilized for recreation activity must be fenced in accordance with this Ordinance. No recreation area may be located in a front yard area. Any associated equipment shall be restricted to the fenced yard.
 4. The facility shall comply with all applicable BOCA, State of New Jersey and Township building safety regulations.
- H. In the case of a dwelling unit which is part of an apartment complex or a community in which at least some of the property is owned in common by all of the residents, the provisions of this section shall not be deemed to supersede any deed restriction, covenant, agreement, master deed, by-laws, lease, rental agreement or other documents which prohibit a family home occupation within a dwelling unit.

§ 411.04 Motor Vehicle Parking in Residential Areas

The following regulations shall apply to motor vehicle parking on any lot located in a residential district or used for residential purposes. See Section for applicable regulations in Historic zone districts.:

- A. Permitted motor vehicles. Motor vehicles registered as passenger vehicles, livery vehicles and commercial vehicles having a gross weight of 7,000 pounds or less shall be permitted to be parked on such lots, with the following exceptions:
1. Passenger and livery vehicles. One passenger or livery vehicle having a gross weight in excess of 7,000 pounds, but not exceeding 10,000 pounds, may be parked in a garage or a driveway in a side or rear yard, provided that such is substantially screened from view from all adjacent lot lines and the street line. Such screening shall consist of a six (6) foot high solid wooden fence and/or minimum six (6) foot- high evergreen shrubs or trees. Any such screening shall be approved by the Zoning Officer prior to installation to ensure that such will provide necessary screening to satisfy the intent of this provision.
 2. One commercial vehicle having a gross weight in excess of 5,000 pounds, but not exceeding 8,000 pounds, may be parked in a wholly enclosed garage. Such vehicle shall be stored in the garage at all times when such is parked on the lot. In no instance shall any person other than the resident of the property on which the commercial vehicle is parked operate such vehicle. Additionally, no materials, tools, equipment or other items used in connection with the business that such commercial vehicle is associated with shall be stored anywhere on the residential property, except in or on the commercial vehicle itself.
- B. Permitted motor vehicle dimensions. No motor vehicle shall be parked on such lot with linear dimensions exceeding the following:
1. Twenty (20) feet in length;
 2. Eight (8) feet in width, excluding rearview mirrors;
 3. Eight (8) feet in height, excluding radio antennas;
- C. Prohibited motor vehicles. Trucks, tractors, trailers, semitrailers, tow trucks and buses may not be parked on a lot primarily used for residential purposes, except as provided in §411.06 Parking of Trucks and Buses.
- D. Recreational vehicles, trailer coaches, campers and boats.

1. One recreational vehicle, trailer coach, camper and/or boat may be stored or parked on any lot used solely as a single-family residence, provided that such vehicle shall be stored in a garage or in a side or rear yard and substantially screened from view from all adjacent lot lines and the street line. In the case of corner lots, said vehicle must be screened from view from all street lines bounding the lot. No such vehicles shall be occupied for living, sleeping or recreational purposes while stored or parked on such lot.
 2. Must be registered to occupant of that premises.
- E. Driveways. No motor vehicle shall be parked in the side or front yards of such lot, except in a driveway located pursuant to the requirements of this Chapter.
- F. Corner lots. Nothing herein shall permit the parking or storage of any vehicle on a corner lot property that obstructs, impairs or obscures vision of motor vehicle traffic at an intersection, as determined by the Chief of Police.

§ 411.05 Number of Principal Buildings and Principal Uses in a Residential Zone District

Unless otherwise specified in this Ordinance, not more than one principal dwelling or principal building shall be permitted on one lot in any residential zone district.

§ 411.06 Parking of Trucks and Buses

Parking of Trucks and Buses in Residential Zones. No trucks or buses shall be regularly parked in any residential district, except that one truck or bus of a rated capacity not exceeding 5 tons (10,000 lb.) gross vehicle weight (manufacturer's rating), owned or used by a person resident on the premises, shall be permitted to be regularly garaged on a residential lot which also contains the primary residence of the owner, or on a residential lot which is contiguous to and also owned by the owner of the primary residence. This provision shall not be deemed to limit the number of vehicles used in the operation of a farm, or construction equipment in active use during the time of construction on a lot approved for development.

§ 411.07 Porches and Decks

- A. Applicability. This Subsection includes regulations for attached, accessory porches and decks located on properties used for residential purposes outside the historic zone districts. Subsection §413.06 includes applicable regulations associated with porch locations in historic zone districts.
- B. Deck setbacks. For single family dwellings, a deck may extend no further than fifteen (15) feet into a required rear yard setback area, provided the principal structure conforms to minimum rear yard setback requirements. In no instance shall a deck be closer than ten (10) feet to a rear or side lot line. No deck for a single-family dwelling may extend into a side setback area. No deck shall be located in a front yard area. No deck associated with a multi-family residential use may extend into any required setback area.
- C. Porch setbacks. For single family dwellings, a porch may extend no more than eight (8) feet into the required front and/or rear setback area. No porch for a single-family dwelling may extend into a side setback area. No porch associated with any multi-family residential use may extend into any setback area. The front yard setback of a porch shall not be considered the front yard setback of the principal building to which it is attached.
- D. Enclosure. A porch shall not be heated or air-conditioned and at least fifty (50) percent of the exterior wall area shall be open and non-glazed.

- E. Entry platforms. An entry platform not more than six (6) feet in height above the average finish grade, nor greater than fifty (50) square feet in area, may project six (6) feet into a required front yard and not more than four (4) feet into any required side yard.

§ 411.08 Private Garages

Private garages, where permitted on single-family residential lots shall comply with the following provisions:

- A. The garage must be a fully enclosed detached accessory structure, or a portion of a principal building, used primarily for the storage of no more than two (2) motor vehicles owned or used by the occupant of the principal structure.
- B. A one car parking garage, not to exceed 14' x 28', or 392 sq. ft., for a single-family unit, or a two car garage not to exceed 28' by 28', or 784 sq. ft., for a two- family dwelling unit, shall be provided for all new residential dwellings. A two car garage may be constructed on a single family dwelling lot provided it does not exceed the above maximum garage size (784 sq. ft.).
- C. A detached garage may be placed at least five (5) feet from a side property line and at least five (5) feet from a rear property line, except in historic zone districts. Attached garages must conform to principle building setback requirements. Any private, detached garage or accessory building is specifically prohibited in a required front yard area.

§ 411.09 Recreational Vehicle Storage

The following requirements apply to recreational vehicle storage:

- A. Trailers, boats or boat trailers which are twenty-one (21) feet or less in length as measured from outside dimensions, shall be parked or stored inside the confines of a building only.
- B. All trailers, boats or boat trailers shall be stored in side or rear yard areas only; no trailer, boat, or boat trailer shall be parked or stored in the front yard area of a lot.
- C. Each occupied single-family residential property may have outside parking or storage upon it for one recreational vehicle or trailer, in safe and effective operating condition. All recreational vehicles and trailers shall display thereon a current State license and/or registration. No self-propelled recreational vehicle stored on the property shall exceed forty (40) feet in length unless within the confines of a building.
- D. Any trailer, boat or boat trailer parked in the side or rear yard area of any lot shall meet the applicable zoning district regulations governing setbacks of accessory buildings from property lines and buildings.
- E. To obscure from public view to the maximum extent possible, any trailer, boat or boat trailer parked or stored in a side or rear yard area and not in an enclosed building shall be screened by evergreen plantings at least six (6) feet in height, spaced three (3) feet apart, or as necessary to form a 100% visually impervious buffer after two (2) years.
- F. At no time shall any recreational vehicle parked or stored on any lot be used for living, sleeping or housekeeping purposes.

§ 411.10 Satellite Dish and Ham Radio Antennas

- A. Satellite Dish Antennas. No satellite dish antenna larger than one (1) meter in diameter shall be installed in any residential zone except that one (1) satellite dish antenna may be permitted as an accessory use to a single family dwelling or multifamily apartment use pursuant to Federal Communication Commission (FCC) regulations, subject to the following standards:
1. The requirements of this section shall apply to all satellite dish antennas, regardless of diameter, proposed to be located in historic districts subsequent to the designation thereof in the Neptune Township Master Plan and successful petition to the Federal Communications Commission by the Township for a waiver of preemption.
 2. Except where otherwise specified herein, the reflective surface of the satellite dish shall not exceed six (6) feet in diameter.
 3. A freestanding satellite dish regulated by this section shall be subject to the same location requirements as other principal buildings in the same zoning district. No roof-mounted antenna of any kind shall be located on any part of the roof facing the front yard of the dwelling or apartment building or exceed the height provisions of set forth by Article IV of this Ordinance.
 4. A freestanding satellite dish shall be located as close to the center of the rear yard and rear facade of a principal building as possible without causing significant interference with reception. A waiver may be sought from the board of jurisdiction for a location within the required yard area of a principal building, but in no case shall it be permitted nearer to a property line than is allowed for accessory buildings in the zoning district. For aesthetic and safety purposes, the rear yard shall be enclosed with a fence that is opaque to a height of at least four (4) feet and that otherwise conforms to the fence requirements of the Township of Neptune. The perimeter of the base of the supporting structure shall be landscaped with appropriate plant materials to a height of three (3) feet or the lowest part of a dish antenna, whichever is higher.
 5. A freestanding satellite dish antenna shall not exceed ten (10) feet in height measured from the base to the top of the antenna in an upright position.
 6. Satellite dish antennas and supporting structures shall be maintained in good physical condition and comply with all applicable building and safety codes
- B. Ham Radio Antenna. A ham radio antenna is permitted as an accessory use to a single family dwelling pursuant to FCC regulations and in accordance with the following:
1. A freestanding ham radio antenna shall be subject to the same location requirements as a principal building in the same zoning district and as further provided herein, and shall not exceed the average height of principal buildings on adjoining lots by more than fifteen (15) feet to a maximum of fifty (50) feet in height
 2. No roof-mounted antenna of any kind shall be located on any part of the roof facing the front yard of the dwelling or apartment building or exceed the height provisions of Article IV of this Ordinance.
 3. A freestanding ham radio antenna shall be located as close to the center of the rear yard and rear facade of a principal building as possible without causing

significant interference with reception. A waiver may be sought from the board of jurisdiction for a location within the required yard area of a principal building, but in no case shall it be permitted nearer to a property line than is allowed for accessory buildings in the zoning district. For aesthetic and safety purposes, the rear yard shall be enclosed with a fence that is opaque to a height of at least four (4) feet and that otherwise conforms to the fence requirements of the Township of Neptune. The perimeter of the base of the supporting structure shall be landscaped with appropriate plant materials to a height of three (3) feet.

4. Ham radio antennas and supporting structures shall be maintained in good physical condition and comply with all applicable building and safety codes.

§ 411.11 Storage Sheds

Private residential storage sheds shall comply with the following regulations:

- A. Size. No shed shall exceed 175 square feet in floor area.
- B. Height. No shed shall exceed fifteen (15) feet in height.
- C. Location. No shed shall be located in a front yard.
- D. Setback. Sheds may be placed no closer than five (5) feet from a side or rear property line, except in historic zone districts. Sheds in historic zone districts must conform to principal building setback requirements.
- E. Quantity. No more than one (1) tool shed per lot shall be permitted, except that on lots 12,500 square feet or larger, two (2) tool sheds may be permitted.

§ 411.12 Swimming Pools and Tennis Courts

Swimming pools and tennis courts shall be permitted on all lots used for single family dwellings in residential districts and on any tract developed for multi-family development. Swimming pools and tennis courts are considered accessory structures, and shall require an approved zoning permit prior to construction, and shall be subject to the following provisions:

- A. Location. Any swimming pool or tennis court shall only be permitted in a rear or side yard area.
- B. Coverage. The surface area of a swimming pool or tennis court shall be considered impervious. Tennis courts consisting primarily of grass shall not be considered impervious. Swimming pools and tennis courts shall be subject to the applicable lot coverage requirements set forth in this Ordinance. Any area paved with concrete, asphalt, brick or other solid surface which functions as a walkway to or completely surrounds a swimming pool or tennis court shall also be considered impervious.
- C. Setbacks. No part of the surface area of a swimming pool or tennis court, including structures attached thereto, or any pool filtering equipment whether or not such is attached, shall be closer than ten (10) feet to any side or rear lot line. Any impervious area which functions as a walkway to or completely surrounds a swimming pool or tennis court shall be setback a minimum of three (3) feet from any lot line.
- D. Swimming pool fencing. A continuous fence consisting of a minimum of four (4) feet in height shall enclose the perimeter of the entire swimming pool area. Such fence shall be designed to securably control access to the swimming pool area. Where such fence is located on a corner lot, and the fence on the side facing the street is non-solid, that

portion of the fence shall be adequately screened with evergreen shrubs not less than four (4) feet in height.

- E. Tennis court fencing. A fence consisting of a minimum of eight (8) feet in height to a maximum of twelve (12) feet in height for tennis courts shall be required. Said fence may not be located within a required setback area.
- F. Swimming Pool Drainage. No swimming pool shall drain into a public sanitary sewer or be located in such a manner that water from the pool or filtering equipment drains onto another property.

§ 411.13 Yard and Garage Sales

Yard and garage sales shall be permitted in any residential district for a period not to exceed three (3) days. Such sales shall not exceed two (2) in any one calendar year.

§ 412 SUPPLEMENTARY ZONING REGULATIONS APPLYING TO ALL DISTRICTS

The following supplementary regulations shall be deemed to be appended to the Schedule of Bulk Regulations for Neptune Township (Schedules B-1 and B-2) and are hereby adopted as a part thereof.

§ 412.01 Accessory Buildings and Structures

Unless otherwise specified in this Chapter, all accessory buildings and structures (principal or accessory) shall conform to the regulations and standards contained in this Land Development Ordinance which govern the principal building for the applicable zone district within which they are located.

[NOTE: The previous section has been amended per Ordinance No. 03-035]

§ 412.02 Boatyards

Seasonal storage of boats and marine related vehicles not being serviced or repaired on the premises shall be permitted in the B-3 Zone only as an accessory use to a marina or a marine related sales and services establishment subject to the following supplementary regulations:

- A. The boatyard shall be located on a parcel that is contiguous with the principally permitted use or on a non-contiguous parcel located within sixty (60') feet of the parcel devoted to the principal use.
- B. A boatyard situated on a parcel that is non-contiguous to the principal use parcel shall be no greater than one (1) acre in area.
- C. The height of watercraft storage shall not exceed three (3) boats stacked vertically and thirty-five (35) feet.
- D. Storage areas shall be set back at least ten (10) feet from any lot line, however, whenever a buffer from a use other than a boatyard is required, the minimum buffer width, as set forth in this subsection, shall govern as the minimum setback requirement to said adjacent use.
- E. When located adjacent to any property devoted to a use other than a boatyard, the boatyard establishment shall maintain the following between any outdoor activity and the adjacent property:

1. A fifteen (15) foot wide buffer area. Said buffer area shall be placed in a conservation easement.
 2. A six (6) foot high stockade or board-on-board fence to be located at least fifteen (15) feet from the adjoining property line. Said fence may not be located within a front yard setback area.
 3. A landscaped screening located in the buffer area consisting of evergreen plantings with a minimum height of ten (10) feet at the time of planting, spaced fifteen (15) feet on-center.
- F. Site triangle required. No outdoor storage or display area shall be located within a required site triangle as defined elsewhere herein.
- G. An adequate quantity of off-street automobile parking spaces shall be provided. Automobile parking areas shall be black-topped and used only for the parking of automobiles associated with patrons and employees.
- H. Designated areas for boat or marine related vehicle storage or display need not conform to standards for parking lot paving and design standards but, shall be segregated from parking areas by means of a raised concrete curb of at least six (6) inches in height. Concrete wheel stops shall not be utilized to meet this curbing requirement.
- I. Seasonal or long term storage of cars, trucks, trailers, or other vehicles not marine related shall not be permitted in a boatyard.
- J. No derelict, discarded or junked boats, no parts, scrap, partially dismantled boats, boat motors, or trailers shall be stored out-of-doors.
- K. Designated fifteen (15') foot wide fire lanes shall be provided at regular intervals and shall be maintained and open at all times. Said fire lanes shall be subject to the approval of the Township Fire Official.
- L. All applicable requirements of any State or Federal agency including local health and fire authorities having jurisdiction shall be met.

§ 412.03 Cemeteries

Buildings associated with principal cemetery uses shall be permitted provided the following requirements are met:

- A. Building setbacks.
1. Minimum front yard shall be forty (40) feet
 2. Minimum Side yard shall be twenty (20) feet
 3. Minimum rear yard shall be twenty five (25) feet
- B. Height. Maximum building height shall be twenty five (25) feet.
- C. Fence or wall. A wrought-iron fence or stone wall may be provided at the perimeter of a cemetery tract. Said fence or wall may not exceed five (5) feet in height, except that intermittent piers may reach six (6) feet in height. A main entrance gate may exceed the permitted fence or wall height by 50%.

§ 412.04 Child Care Centers

Child care centers shall be permitted in any nonresidential district. In those districts combining residential and nonresidential areas under a unified plan for development, the child care center shall be permitted only in the non-residential area. Any child care center shall be duly licensed pursuant to N.J.S. 30:5B-1 et seq. A child care center functionally integrated within a non-residential development owned or operated for the benefit of their employees, their tenant's employees, or employees within an office or business park or research and development complex shall not be required to provide additional off-street parking for the use. In the calculation of any floor area ratio applicable to an office or business park or research and development complex, the area occupied by a child care center shall not be included.

§ 412.05 Corner and Through Lots

Whenever a lot shall be bounded by more than one (1) street line, the following provisions shall apply (see also Appendix A):

- A. All provisions of this Ordinance with respect to setbacks and all other restrictions and regulations relating to street lines and front yards shall apply to each street line as a front yard.
- B. For the purposes of determining the rear yard on a corner lot, the interior lot line opposite the street line with the shortest frontage shall be considered to be the rear lot line and any remaining interior lot lines shall be considered side lot lines.
- C. Each lot shall have a rear yard. In an instance of a through lot and in an instance of a corner lot where the frontage is equal, the yard opposite the street address of the property shall be deemed the rear yard.
- D. In an instance where a lot is bound by three (3) or more streets, the property shall contain multiple front yards and at least one (1) side yard.

§ 412.06 Driveways

- A. No non-residential driveway shall be located within ten (10) feet of an existing adjacent residential property nor within five (5) feet of any other property line, unless otherwise regulated in this Chapter.
- B. Access to a commercial parking garage or parking area for twenty-five (25) or more vehicles shall not be closer to the intersections of any two (2) streets than fifty (50) feet.
- C. No access drive or driveway shall be located in any residential district to provide access to uses other than those permitted in such residential zone.
- D. No driveway shall serve any use other than the permitted use on the lot upon which the driveway is located.
- E. A barrier-free walkway system shall be provided to allow pedestrian access to a building or use from both a parking lot within the site and from the Township sidewalk system.
- F. No lot containing a detached single-family dwelling shall contain more than one (1) principal driveway. In the case of a through lot, a driveway is to be provided only within the front yard area.

- G. New driveways shall be prohibited in all Historic Zone Districts.
- H. For other specific driveway design standards, see Article V.

§ 412.07 Fences and Walls

Fences and walls shall be permitted in all districts, but shall be considered structures requiring an approved zoning permit prior to construction. Adequate surveys, plans and details are to be submitted to the Zoning Officer in accordance with Article X in order for a determination to be made as to the proposed fence zoning conformance.

- A. Fences and walls in historic zone districts. Fences and walls in historic zone districts shall be permitted accessory structures subject to the following provisions (see also Appendix B):
 - 1. Design guidelines. All fences and walls are subject to the review and approval of the Historic Preservation Commission for conformity to its Guidelines and for compatibility with the particular design and style of the structure on the lot.
 - 2. Prohibited locations. No fence or wall shall be erected in any required flared setback area, as described elsewhere herein, east of Central Avenue. For all properties east of Central Avenue, no fence or wall shall be erected in a front yard area or on front yard lot lines.
 - 3. Front yard fence height. Fences located in a front yard area or on lot lines abutting a front yard area, where permitted, shall not exceed a height of two and one-half (2 ½) feet. The height of any decorative elements, articulated corners, gateways and posts shall be included in the fence height measurement.
 - 4. Front yard fence type. Fences located in a front yard area or on lot lines abutting a front yard area, where permitted, shall be constructed so that at least fifty (50) percent thereof is non-solid and open. Fence types such as stockade and board-on-board shall be considered solid fences and are prohibited in or along front yards.
 - 5. Side yard fence height. Fences located in or along a side yard area shall not exceed a height of four (4) feet. The height of any decorative elements, articulated corners, gateways and posts shall be included in the fence height measurement.
 - 6. Rear yard fence height. Fences located in a rear yard area or on lot lines abutting a rear yard area shall not exceed a height of five (5) feet. The height of any decorative elements, articulated corners, gateways and posts shall be included in the fence height measurement.
 - 7. Wall height. Walls located in or along any front, side or rear yard, where permitted, shall not exceed thirty (30) inches in height. The height of decorative elements, articulated corners, gateways and wall piers shall be included in the wall height measurement.
 - 8. Finished exterior side. All fences or walls shall be constructed so that a finished side, with no fully exposed structurally supporting members, is located on the exterior facing outward away from the property upon which it is located.
 - 9. Prohibited materials. Chain link type fences shall be prohibited in any historic zone district. In addition, no fence or wall shall be constructed or installed with

barbed wire, metal spikes or topped with concertina or razor wire, broken bottles or similar materials so as to be dangerous to humans or animals.

10. Drainage. Fences and walls shall be constructed in a manner so as to permit the continued flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding, either on the property upon which such is located or on any adjacent lot. Those applying for a zoning permit to erect a fence or decorative wall may consult with the Township Engineer to ensure compliance with this provision.
 11. Retaining walls. Any permitted wall proposed to be used as a retaining wall shall be required to be reviewed by the Township Engineer prior to the issuance of a zoning permit.
 12. Use of vegetation. Except where specifically prohibited under the terms of this chapter or any other applicable ordinance or regulations of the Township, nothing herein shall be construed to prohibit the use of hedges, trees or other planting anywhere on the lot.
 13. Utility easement. Prior to installing a fence in a utility easement area, a property owner shall secure written approval from the appropriate utility company or appropriate public body. Evidence of approval shall be submitted as a prerequisite to issuance of a zoning permit.
 14. Fence height sketch. Appendix B represents the maximum permitted height for fences relative to their location on the property.
- B. Fences and walls in non-historic zone districts. Fences and walls in non-historic zone districts shall be permitted accessory structures subject to the following provisions:
1. Front Yards.
 - (a) For residential uses, fences shall be permitted to be located in front yards, provided such fences shall not exceed four (4) feet in height, as measured from ground level, and shall be constructed so that at least fifty (50) percent thereof is non-solid and open. Fence types such as board-on-board and stockade shall be considered solid fences. Decorative walls are permitted to be located in front yards for residential uses, provided such shall not exceed two and one half (2 ½) feet in height, as measured from ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed five (5) feet in height.
 - (b) For non-residential uses, fences and decorative walls may be erected in the front yard extending to the rear or side lot lines, provided:
 - (i) When such fences and walls are located within fifteen (15) feet of a street line they shall not exceed four (4) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways shall not exceed five (5) feet in height.
 - (ii) When such fences and walls are located more than fifteen (15) feet from a street line they shall not exceed six (6) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways shall not exceed seven (7) feet in height.

- (c) Chain link fences shall be prohibited in front yards in all zone districts.
2. Side and Rear Yards.
 - (a) For residential uses, both solid and non-solid fences shall be permitted to be located in side or rear yards, provided such shall not exceed six (6) feet in height, as measured from the ground level. Decorative walls for residential uses are permitted to be located in side or rear yards, provided such shall not exceed four (4) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed seven (7) feet in height.
 - (b) For non-residential uses, both decorative walls and solid or non-solid fences shall be permitted to be located in side or rear yards, provided such shall not exceed six (6) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed seven (7) feet in height.
 3. Finished Exterior Side. All fences or walls shall be constructed so that a finished side, with no fully exposed structurally supporting members, is located on the exterior facing outward away from the property upon which it is located.
 4. Materials. No fence or wall shall be constructed or installed with barbed wire, metal spikes, or topped with concertina or razor wire, broken bottles or similar materials so as to be dangerous to humans or animals. In addition, chain link fences are specifically prohibited in front yard in all zones.
 5. Drainage. Fences and decorative walls shall be constructed in a manner so as to permit the continued flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding, either on the property upon which such is located or on any adjacent lot. Those applying for a zoning permit to erect a fence or decorative wall may consult with the Township Engineer to ensure compliance with this provision.
 6. Obstruction. No fence shall be constructed within any sight triangle as defined in this article, or installed so as to constitute a hazard to traffic or public safety.
 7. Utility easement. Prior to installing a fence in a utility easement area, a property owner shall secure written approval from the appropriate utility company or appropriate public body. Evidence of approval shall be submitted as a prerequisite to issuance of a zoning permit.
 8. Retaining Walls. Any permitted wall proposed to be used as a retaining wall may be required to be reviewed by the Township Engineer prior to the issuance of a zoning permit.
 9. Exceptions. Fences or walls that constitute a permitted buffer area screen approved as part of a site plan application shall be excepted from the above height and location provisions. In addition, fencing required to enclose a tennis court shall be excepted from the above maximum height provisions. Said fence shall not exceed twelve (12) feet in height, as measured from ground level, and may not be located within a required setback area.

§ 412.08 Frontage on Public Street

Every principal use shall be located on a lot with frontage upon a public street which has been improved in accordance with the applicable Township standards or for which such improvement has been insured by the posting of a performance guarantee in accordance with this Ordinance.

§ 412.09 Helistops

The following regulations shall apply to helistops where permitted as an accessory use to principal office and/or hospital uses in the LI, C-1 or C Zone Districts:

- A. A statement detailing the proposed use of the site including a description of the proposed level of activity measured in flights per hour or per day, hours of operation and any other pertinent information shall be provided.
- B. Helistops shall be permitted only upon site plan review by the appropriate board of jurisdiction. A plan, drawn to scale, depicting the layout of the site shall be provided, inclusive of the following:
 - 1. Site security measures, including a fence of not less than four (4) feet in height on three sides and/or security personnel, employed by the applicant, to supervise take-offs and landings for safety purposes, subject to the approval of the New Jersey Office of Aviation (NJOA);
 - 2. Marking indicators at each corner of the landing area pursuant to minimum requirements of the Federal Aviation Administration (FAA) and New Jersey Office of Aviation (NJOA);
 - 3. Wind sock or equivalent;
 - 4. Passenger shelters and walkways, if any;
- C. The helistop shall not include the fueling or maintenance of helicopters and helicopters shall not be parked at the helistop except when loading or discharging passengers.
- D. A helistop may not be located within 100' of an adjacent residential property line.
- E. The hours of operation of the helistop within the C-1 Zone District shall not include flights prior to 6:00 A.M. or after 10:00 P.M., unless under special circumstances approved by the board of jurisdiction.
- F. Any approved passenger shelters shall not exceed sixteen (16) feet in height.
- G. The approval of a helistop shall be subject to favorable determination by the NJOA after impact tests and public hearings conducted during the nine-month period of that agency's Temporary Permit.

§ 412.10 Holiday Sales

Christmas Tree Sales. The annual sale of Christmas trees is permitted in any non-residential zone between the Friday after Thanksgiving and December 25, inclusive.

§ 412.11 Light Fixture Mounting Height

Lighting shall be provided by fixtures with a mounting height not more than fourteen (14) feet or the height of the building, whichever is less, measured from the ground level to the centerline of the light source.

§ 412.12 Loading Requirements

- A. Loading space requirements. In all zone districts in connection with every commercial, institutional and industrial use, there shall be provided, at the time that any building or structure is erected, enlarged, increased in capacity or has a change of use, loading spaces in accordance with the requirements of the following schedule:

TABLE 4.1: LOADING BERTH STANDARDS

USE	TOTAL FLOOR AREA (in square feet)	NUMBER OF LOADING BERTHS
Funeral homes	Up to 5,000	1
	5,000 or more	2
All other businesses and commercial uses	Up to 10,000	0
	From 10,001 to 23,999	1
	From 24,000 to 39,999	2
	40,000 or more	3
Light industrial and warehouses	Up to 5,000	1
	5,000 to 9,999	2
	10,000 to 19,999	3
	20,000 to 39,999	4
	40,000 or more	5 + 1 for each additional 20,000 square feet

- B. Loading space dimensions. Standard institutional and light industrial/warehouse loading spaces shall measure at least fifteen (15) feet wide by sixty (60) feet long, with a height clearance of not less than twenty (20) feet. All other loading spaces shall measure at least fifteen (15) feet wide by forty-five (45) feet long, with a height clearance of not less than fifteen (15) feet.
- C. All loading areas shall be located on the same lot as the use being served.
- D. No loading area shall be located in a front yard.
- E. There shall be no loading in a yard abutting, or in a public right-of-way.
- F. No loading space shall be located within forty (40) feet of an intersection of any two public right-of-ways. The off-street loading space shall be located on the property so as to permit any vehicle to be parked in the loading space with no portion of the vehicle extending into the public street.

§ 412.13 Marinas

Marinas shall be permitted in the B-3 Zone District provided that such uses satisfy the supplementary regulations set forth in this section as follows:

- A. At least one (1) off-street parking street parking space shall be provided for each boat dockage space. When a marina includes launching facilities, the parking space shall be large enough to accommodate boat trailers.
- B. Adequate land space shall be provided for the loading of supplies.
- C. The purveyance of goods or services not including boats or motors shall take place in an enclosed structure.
- D. A seasonal boatyard shall be permitted as an accessory use provided that the number of boats stored does not exceed the total number of boat slips in the marina and provided that all of the supplementary regulations for a boatyard are satisfied.
- E. Storage or display of rental watercraft shall be permitted as an accessory use to a marine related sales and service establishment, provided it does not take place within a setback area.
- F. A marine related sales and services establishment shall be permitted as an accessory use provided that all of the conditional use standards for a marine related sales and services establishment are satisfied.
- G. Automobile parking areas shall be black-topped. Designated motor vehicle parking areas shall be used only for the parking of vehicles associated with customers and employees.
- H. All applicable requirements of any State or Federal agency including local health and fire authorities having jurisdiction shall be met.

§ 412.14 Marine Related Sales and Services

Marine related sales and services shall be permitted in the B-3 Zone District provided that such uses satisfy the supplementary regulations set forth in this section as follows:

- A. The purveyance of goods or services not including boats or motors shall take place in an enclosed structure.
- B. Principal setbacks. The following shall be located on-site within the principal building envelope:
 - 1. Any building, including accessory buildings, within which sales, repair, service or other work shall take place.
 - 2. Designated outdoor areas where repair, service or other work shall take place.
 - 3. Storage of watercraft and marine related apparatus left by customers to await service.
 - 4. Storage of any boat or marine related vehicle requiring hull repairs, body work or which is inoperable because of major repairs.
 - 5. Storage of mechanical or repair equipment necessary for the operation of the principal use. All equipment shall be stored indoors unless it can be shown that outdoor storage of particular equipment is the only reasonable method of storage in which case such equipment shall be stored on a paved surface.
- C. Outdoor display and storage.

1. Outdoor sales display areas and temporary storage of watercraft (dry-dock storage) shall be set back at least ten (10) feet from any lot line, however, whenever a buffer from a use other than a marine related sales and services establishment is required, the minimum buffer width, as set forth in this subsection, shall govern as the minimum setback requirement to said adjacent use.
 2. The height of watercraft storage shall not exceed three (3) boats stacked vertically and thirty-five (35') feet.
 3. No derelict, discarded or junked boats shall be stored out-of-doors nor shall any parts, scrap, partially dismantled boats, boat motors, or trailers.
 4. Storage of cars, trucks, trailers, or other vehicles not marine related shall not be permitted unless such storage activity is approved by the board of jurisdiction for that purpose.
 5. The seasonal storage of boats or any other marine related vehicles not being serviced, repaired or sold on the premises shall be deemed to be a boatyard and must conform to regulations for such.
 6. Storage or display of rental watercraft is permitted as an accessory use to a marine related sales and services establishment. Such storage or display may not take place in a setback area.
- D. Buffer requirements. When located adjacent to any property devoted to a use other than a marine related sales and services establishment, the marine related sales and services establishment shall maintain the following between any outdoor activity and the adjacent property:
1. A fifteen (15) foot wide buffer area. Said buffer area shall be placed in a conservation easement.
 2. A six (6) foot high stockade or board-on-board fence to be located at least fifteen (15) feet from the adjoining property line. Said fence may not be located within a front yard setback area.
 3. A landscaped screening located in the buffer area consisting of Spruces or Douglas Firs with a minimum height of ten (10) feet at the time of planting, spaced fifteen (15) feet on-center.
- E. Site triangle required. No outdoor storage or display area shall be located within a required site triangle as defined elsewhere herein.
- F. All loading or unloading of watercraft and marine related apparatus shall occur on-site.
- G. All permitted uses and activities established in conjunction with marine related sales and services uses shall be clearly accessory in nature.
- H. Automobile parking areas shall be black-topped. Designated motor vehicle parking areas shall be used only for parking of vehicles associated with customers and employees.
- I. Designated areas for boat or marine related vehicle storage or display need not conform to standards for parking lot paving and design standards but, shall be segregated from parking areas by means of a raised concrete curb of at least six (6) inches in height. Concrete wheel stops shall not be utilized to meet this curbing requirement.

- J. Watercraft transport services shall be permitted as an accessory use to a marine related sales and services establishment.
- K. All new boat construction shall be carried on within an enclosed building.
- L. Designated fifteen (15) foot wide fire lanes shall be provided at regular intervals and shall be maintained and open at all times. Said fire lanes shall be subject to the approval of the Township Fire Official.
- M. All applicable requirements of any State or Federal agency including local health and fire authorities having jurisdiction shall be met.

§ 412.15 Multifamily Development in B-3 Zone

- A. Any development located between the northerly and southerly legs of Seaview Circle opposite Spray Lane shall provide a roadway connection between said northerly and southerly legs.
- B. Multifamily residential development shall conform to the bulk requirements set forth in the R-5 Zone District.
- C. Multifamily Development shall be permitted on lots within a maximum of five hundred (500) feet of NJ Route 35.

§ 412.16 Minimum Improvable Lot Area

- A. The building envelope on a lot as defined by the minimum yard requirements for the location of a principal building, or, in the case of uses other than single-family residential, the location of an off-street parking lot, or a loading area, shall enclose a contiguous improvable area, as defined herein, which is not less than the minimum improvable area required by Schedule B-1 and B-2, "Zoning District Bulk Regulations."
- B. The contiguous improvable area shall be of such dimensions that it shall be able to contain within it the shape of a circle whose minimum diameter is not less than as prescribed by Schedule B, "Zoning District Bulk Regulations," for the diameter of the minimum improvable area.
- C. Any existing detached single-family dwelling which is a conforming use but which is on a lot made nonconforming by the provisions of this subsection, may be enlarged or expanded within its improvable area provided that such expansion conforms to all other zone district regulations.

§ 412.17 Parking Requirements

- A. The total number of off-street parking spaces and loading spaces required for all uses or combination of uses shall be provided as specified in this Section. Any building or site containing more than one use shall meet the combined parking space and loading requirements for all uses, based on the area utilized for each separate use. The parking space schedule and loading space schedule in this Section represents general parking and loading requirements acceptable to the Township. Since a specific use may generate parking usage and/or loading/unloading activities that deviates from the requirements enumerated in this Section, documentation and testimony shall be presented to the Board as to the anticipated parking usage and loading activities. The parking requirements for any use not specifically indicated shall be determined by the

Board based on evidence presented at the time of the application and based on requirements for similar type uses. Based upon the above, the Board may take action as follows:

1. Grant a variance from parking requirements to permit a lesser number of spaces, provided, however, that spaces shall be shared by two or more separate uses with non-conflicting parking usage schedules;
 2. Grant a variance from parking space requirements contingent upon the applicant obtaining a specified number of reserved off-street parking spaces from another source, including, but not exclusively, the Township of Neptune;
 3. Require construction of a greater number of spaces.
- B. Parking space dimensions. Standard parking spaces shall measure nine (9) feet wide by eighteen (18) feet long. Handicapped parking spaces shall measure twelve (12) feet wide by eighteen (18) feet long.
- C. Multi-level parking structure.
1. Building coverage and floor area ratio. That portion of a multi-level parking structure specifically designed to accommodate parking and driveway areas shall not be included in determining the maximum permitted building coverage and/or maximum floor area ratio (F.A.R.) on a particular tract.
 2. Standards. Where allowed as an accessory structure for a permitted principal use in the C-1, LI, PUD and C Zones, a multi-level parking structure shall conform to the following requirements:
 - (a) The structure shall not exceed six (6) levels and fifty-five (65) feet. In no instance shall a multi-level parking structure exceed the height of the principal structure.
 - (b) The required setbacks for multi-level parking structures shall be the same as those set forth for principal permitted structures. No multi-level parking structure may be located closer to a residential property line than a distance equal to the height of the structure.
 - (c) A security office and/or attendant area not to exceed five-hundred (500) square feet in area may be located within the multi-level parking structure.
 - (d) The architectural design for the facades of parking structures shall incorporate features such as articulated parapet walls, ornamental projections, varied planter widths and similar items to add visual interest and improve the overall appearance of the structure as viewed from the street.
 - (e) Adequate lighting shall be provided at all levels of a multi-level parking structure to ensure motorist and pedestrian safety and security. Bollard-style light fixtures are encouraged at the uppermost level of the structure to mitigate off-site light spillage. The maximum mounting height of a light fixture as measure from the uppermost level of the structure shall be twelve (12) feet.

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- D. Number of parking spaces. In all zone districts, except for uses in designated historic zone districts, there shall be provided, at the time that any building or structure is erected, enlarged, increased in capacity or has a change of use, parking spaces in accordance with the requirements in Table 4.2.

TABLE 4.2: PARKING REGULATIONS

USE	OFF-STREET PARKING REQUIREMENT
Residential Single-family or Multifamily	SEE RSIS STANDARDS except for residential historic districts
Uses in historic zone districts	No off-street parking permitted or required, except for new historic hotels as note below.
Assisted living facility	1 space per 3.5 rooms
Automobile service station	1 space per 3 gas dispenser
Automotive body repair and painting	2 spaces per bay and work area
Automotive sales (indoor)	2.5 spaces per 1,000 square feet per gross floor area of interior sales space + 3 spaces per service bay
Bank	1 space per 250 square feet of gross floor area
Bed & breakfast homestay	None
Bed & breakfast guesthouses and inns	None
Car wash	5 spaces per washing lane + 1 space per full-time employee
Community center	1 space per 250 square feet of gross floor area
Community residence for the developmentally disabled	1 space per employee
Computer training facility	1 space per computer training terminal space + 1 space per 400 square feet of gross floor area
Family day care	1 space per employee
Funeral home	1 space per 200 square feet of gross floor area
Garden center/nursery	1 space per 300 square feet of gross floor area + 2.5 spaces per 1,000 square feet of outdoor storage or nursery area
Health club	1 space per 75 square feet of gross floor area
Historic hotel	0.4 space per room for historic hotels on lots 40,000 square feet or larger
Home Occupation	1 space per employee + applicable RSIS requirements based on dwelling unit type
Hospital	3 spaces per bed
Hotel	1 space per guest room + 1 space per 300 square feet of banquet, restaurant and conference space
Laundromat	1 space per 3 washer or dryer machines
Long-term care facility	1 space per 3 beds
Manufacturing and assembly	1 space per 1,500 square feet of gross floor area
Marina	1 off-street parking street parking space for each boat dockage space
Marine related sales and service	1.5 spaces per 1,000 square feet per gross floor area + 1 space per full-time employee
Nightclub	1 space per 50 square feet
Office	1 space per 300 square feet of gross floor area
Office / Flex Space	1 space per 800 square feet of gross floor area
Personal service	1 space per 250 square feet of gross floor area

USE	OFF-STREET PARKING REQUIREMENT
Place of worship	1 space per 4 seats; Every three (3) feet of a pew measured horizontally shall be considered a seat.
Research	1 space per 1,000 square feet of gross floor area
Restaurant	1 space per 3 seats
Restaurant, take-out	<ul style="list-style-type: none"> • Freestanding & freestanding drive-through: 1 space per 60 square feet of gross floor area, plus one space per employee on peak shift • Other than freestanding or freestanding drive-through: 1 space per 250 square feet of gross floor area
Retail sales and service	1 space per 250 square feet of gross floor area
School	1 space per classroom and other rooms used by students and/or faculty + 0.25 per student over driving age
Self-storage facility	1 space per employee + 1 space per 10,000 square feet of gross floor area
Shopping center	1 space per 250 square feet of gross floor area
Tavern	1 space per 2 seats
Theater	1 space per 3 seats
Warehouse & distribution facility	1 space per 2,500 square feet of gross floor area

- E. Design standards. Standards for the design of parking lot areas are located at §514.
- F. For uses not specifically described herein, parking requirements shall be determined by the approving authority during a public hearing. These requirements are considered minimum standards, and parking may be provided in excess of these requirements, but in no case shall the provided parking for non-residential uses exceed these minimum requirements by more than twenty (20%) percent. This restriction shall not apply to single-family dwelling units.
- G. All permitted and required accessory off street parking spaces shall be located on the same lot as the use to which the spaces are accessory, or upon an adjacent lot in common ownership.

§ 412.18 Parking in Front Setback

For all uses except single-family dwellings in non-historic zone districts, individual parking spaces shall be prohibited in any front yard setback area. Parking is prohibited in all districts on lawn areas within front yard setback.

§ 412.19 Places of Worship

Places of worship shall be permitted as specified in Article IV in accordance with the following supplementary regulations:

A. Setbacks.

1. Bulk requirements. Places of worship shall conform to the following bulk requirements:

- (a) Minimum lot area: 12,500 square feet
- (b) Maximum height: 35' and 2.5 stories
- (c) Min. front yard setback: 15'
- (d) Min. side yard setback: 20'
- (e) Min. rear yard: 20'
- (f) Any building shall be set back from any residential property line at least one-and-one-half (1-1/2) times the height of the main roof line, or the applicable zone district requirement, whichever is greater.

2. Parking lots shall be properly screened and shall meet the following requirements:

- (a) No parking lot shall be permitted in a front yard; however, this shall not exclude drop off and pick up lanes.
- (b) Parking lots shall be setback from any side property line twenty (20) feet and any rear yard line ten (10) feet.

B. Residential use. A detached accessory single-family dwelling shall comply with the yard requirements for such uses in the respective zone. A single accessory apartment within the principal structure may be provided.

C. Child-care facility.

1. An accessory child-care facility that meets the definition of same as provided herein shall be permitted.

2. Adequate and safe provisions shall be made for on-site drop-off and pick-up areas.

- (a) The provider must be the resident of the premises, and must present the Zoning Officer with documentation of substantial compliance with all Division of Youth and Family Services requirements on an annual basis. The family day care home must be registered pursuant to the "Family Day Care Provider Registration Act," per N.J.S.A. 46:8D-1 et seq.
- (b) Any side or rear yard which is utilized for recreation activity must be fenced in accordance with this Ordinance. No recreation area may be located in a front yard area. Any associated equipment shall be restricted to the fenced yard.

§ 412.20 Setbacks for Buildings in the B-1 Zone

In the B-1 Zone District, the side yard setback requirement may be reduced to 0' along any portion of a side lot line where a building on an adjacent lot is built at a 0' setback to the same side lot line. Either the required 10' minimum side setback requirement or the reduction to 0' shall be permitted. The remaining

side yard shall meet the combined side yard setback requirement for the B-1 Zone District as set forth in Schedule B-1.

§ 412.21 Temporary Trailers

Nothing in this section shall be construed to prohibit trailers hauling, loading or unloading merchandise in the course of their customary function. No trailer shall be used except as specified hereunder.

- A. Natural calamity. Trailers used for temporary residency by any occupant of a dwelling that is being reconstructed due to damage from a fire, flood, or other natural calamity shall be subject to the following provisions:
1. The trailer is placed only on the same lot which contains the dwelling that is being reconstructed.
 2. An approved zoning permit shall be obtained from the Zoning Officer prior to the placement of such temporary trailer on the site. The Zoning Officer, under the advisement of the Construction Code Official and Chief of the Fire Department shall be responsible for determining the most practical location for such trailer.
 3. The time period of occupancy of such trailer shall not exceed six (6) months, provided however, that the Zoning Officer may extend the time period of occupancy for an additional time period of up to three (3) months due to exceptional circumstances that prevent the reconstruction and re-occupancy of the damaged building within the initial six (6) month time period. However, in no instance shall such trailer be occupied for a time period to exceed nine (9) months, unless extended by the Zoning Board of Adjustment.
- B. Construction and storage trailers. Trailers used for construction offices and for storage of materials and supplies on a job site may be used during the period of construction only. Such trailers may be used only during the construction phase of a development. All material storage and construction office trailers must be removed if no site work or construction activity has occurred on-site for forty-five (45) days or more, or if construction activity has substantially slowed. Such trailers must be removed upon the completion or final occupancy of the new structure(s).
- C. Office and classroom trailers. Trailers for temporary use including but not limited modified mobile homes for office use and classroom space may be placed on a lot in a non-residential zone provided that:
1. "Temporary use" means use prior to final occupancy of a permanent structure;
 2. The temporary use is in conjunction with a principal building and a permitted use being undertaken, or approved to be undertaken on the lot;
 3. Trailers are not be located between a principal structure and the front street line and all required setbacks and yards specified for the respective zone are observed;
 4. On a corner lot, trailers shall not be located between a principal building and any adjacent street line and shall observe all required setbacks and yards specified for the respective zone;

5. Site plan approval for a permanent principal structure on the same lot is obtained prior to placement of a trailer;
6. Use of a trailer permitted under this section does not commence prior to site plan approval and does not exceed one year from the date of such site plan approval unless extended by Planning Board;
7. The time period of occupancy of such trailer shall not exceed six (6) months, provided however, that the Zoning Officer may extend the time period of occupancy for an additional time period of occupancy for an additional time period of up to three (3) months due to exceptional circumstances within the initial six (6) month time period. However, in no instance shall such trailer be occupied for a time period to exceed nine (9) months, unless extended by the Planning Board.

D. Sales offices.

1. In subdivisions and site plans approved for residential construction, the Zoning Officer may permit a temporary sales office, provided that, prior to issuance of a construction permit for such temporary sales office, final approval for the tract upon which the temporary sales office is to be located shall be effective. Only one (1) temporary sales office is permitted per tract.
2. A site plan must be submitted to the Zoning Officer for review for compliance with all area and yard requirements and all design standards required in the zone district where it is located. Any relief from the aforesaid requirements or standards may only be granted by the appropriate board of jurisdiction.
3. Parking on other than accepted public roadways. The following minimum on-site parking spaces must be provided
 - (a) One (1) space for each employee
 - (b) One (1) space for each ten (10) units or portion thereof for the first fifty (50) units in any project
 - (c) One (1) space for each twenty-five (25) additional units or portion thereof in any project greater than fifty (50) units

The parking area surface may be gravel if maintained in a dust-free manner. However, the area of the driveway at least twenty-five (25) feet from the street cartway shall be constructed of bituminous asphalt to prevent tracking of stone or dirt onto the public street.

4. A zoning permit and a certificate of occupancy are required for all temporary sales offices.
5. The temporary sales office may only be located on the site until the 15th or final certificate of occupancy is issued for the dwelling units, whichever occurs first. At that time, the developer shall have thirty (30) days to remove the temporary sales office and any appurtenances from the site and restore any area disturbed. If the developer desires to continue a sales office use, it must thereafter be from within a proposed dwelling unit.
6. Sales shall be limited to dwelling units being marketed in the tract on which the temporary sales office is located; sales of off-tract dwelling units are prohibited.

Building materials and all other materials except those directly related to the promotion and sale of dwellings in the tract, such as decorating samples, brochures and office supplies, may not be stored in the sales office. Use of the sales office for living quarters is prohibited

7. The municipal agency may also approve a temporary sales office in conjunction with its review and approval of the site plan or subdivision application, provided that the site plan and traffic control plan therefor have been submitted.
- D. Storage. No trailer may be temporarily or permanently used for storage of materials in any zone district.

§ 412.22 Yards

- A. No building erected on any lot need be set back farther from the street line than the average alignment of existing buildings within 200 feet on each side of the lot and within the same block front and district; however, regardless of the alignment of neighboring buildings, no building erected between two existing buildings on immediately adjacent lots need be set back farther than that of the two said buildings which is farther from the street line.
- B. No open space provided around any principal building for the purposes of complying with the front, side, or rear yard requirements of this Ordinance shall be considered as providing for the required yard areas of another principal building.
- C. For special yard requirements particular to properties located in historic zone districts, see Section 413.
- D. Yard setback requirements within the LI zone east of Route 35 shall be fifty percent (50%) less than required setbacks in all other LI zones.

§ 412.23 Senior Citizen Apartment Buildings in the B-1 Zone

Senior citizen apartment buildings shall be permitted in the B-1 Zone District east of State Highway 35 on lots with frontage of West Lake Avenue in accordance with the following regulations which shall be deemed to supplement the underlying zoning regulations. Where a regulation contained herein conflicts with an underlying zoning regulation, the regulation herein shall apply.

- A. The maximum permitted floor area ratio (FAR) shall be no greater than the sum of one and one-tenth (1.10) and the FAR specified for the B-1 Zone.
- B. Minimum Setbacks.
 1. Minimum Front Yard: Ten (10) feet.
 2. Minimum Rear Yard: Fifteen (15) feet.
- C. The maximum building coverage shall be no greater than forty-five percent (45%).
- D. The maximum building height as measured by the number of stories shall be no greater than four (4) stories.
- E. No dwelling unit shall have a floor area less than five-hundred and fifty (550) square feet (minimum floor area design standards for multifamily dwelling units shall not apply).

- F. Outdoor seating areas shall be provided with an aggregate minimum area that is no less than two (2) square feet per one (1) dwelling unit.
- G. Alternative parking standards to those required by Residential Site Improvement Standards (RSIS) shall be accepted if the applicant demonstrates that the proposed parking standard better reflects local conditions and household characteristics.

[NOTE: The previous section, 412.23, has been added per Ordinance No. 02- 14]

§ 413 SUPPLEMENTARY REQUIREMENTS IN HISTORIC DISTRICTS

§ 413.01 Alcoholic Beverages

The sale of alcoholic beverages either in packaged form or in by-the-drink shall be prohibited in all historic zone districts.

§ 413.02 Flared Avenue Open Space Areas

- A. Purpose. The HD-O Zone District is subject to special setback provisions dating to the late 1870's, providing for a flared setback that widens toward the ocean from Central Avenue to Ocean Avenue. This flared setback is a unique and invaluable resource that is recognized within planning, urban design and historic preservation circles as one of the first evidences of this type of streetscape treatment in the country.
- B. Ornamentation. Aside from an access walkway and sidewalk no greater than six feet (6') in width, shrubbery, flowers and other similar ornamentation installed and maintained at a height of less than thirty (30) inches, no structures may be placed within, or may project into, the area defined as the Historic Flared Avenue Open Space area. The area between the curb and the sidewalk shall be maintained as a planted grass strip.
- C. Vehicles. No vehicles of any type may be parked within a flared avenue open space area. This shall not preclude the parking of vehicles within the established public right-of-way.

§ 413.03 Outdoor Commercial Displays and Sales

Purpose. This Subsection acknowledges that business owners and consumers will benefit from what are commonly known as "sidewalk sales" and that the proper regulation of such sales is required.

- A. Location. Sidewalk sales may be held only in the HD-B-1 Zone District.
- B. Limitations and Regulations.
 - 1. The merchandise to be sold must be directly related to the retail establishment.
 - 2. The display of merchandise shall be restricted to the regular hours of the business' operation and shall be removed at the close of business each day.
 - 3. The display area must be immediately adjacent to the building façade or curbline and shall not extend more than four (4) feet beyond the façade or curbline.
 - 4. The area devoted to the display shall be a maximum of 100 square feet for a linear distance not to exceed twenty-five (25) feet or the entire length of the façade, whichever is smaller.

5. The display shall not obstruct doorways nor impede pedestrian traffic or wheelchair accessibility. When displays are located adjacent to curb areas, a four (4) foot wide passage shall be provided between on-street parking and the sidewalks area every twenty (20) feet.
6. No display shall be allowed in off-street parking areas, loading areas or emergency lanes.
7. The retail merchandise shall not be displayed in cardboard boxes, but rather shall be placed either on the sidewalk itself or upon a display table or rack as appropriate to the nature of the merchandise.
8. No more than one (1) temporary sign, banner or flag not to exceed sixteen (16) square feet in size shall be permitted on-site in conjunction with a sidewalk sale. No off-site signage shall be permitted.

§ 413.04 Outdoor Dining Facilities

- A. The intent of this subsection is to establish regulations for establishing an outdoor dining establishment accessory to a principal restaurant use.
 1. The area utilized for dining must be accessory in nature to a fully enclosed eating establishment.
 2. All service areas shall be inside the enclosed restaurant area, or suitably screened.
 3. Walkways with a minimum forty-two (42) inch width shall be provided to facilitate patron and employee circulation.
 4. An outdoor dining facility shall require approval of the Zoning Officer for compliance with streetscape standards.
 5. All furniture, equipment, signs, and other furnishings shall be subject to the guidelines of the Ocean Grove Streetscape Standards and this ordinance.
 6. Outdoor dining shall be restricted to the regular hours of the business' operation and the tables, chairs and associated furniture shall be removed at the end of the business day.

§ 413.05 Prior Non-conforming Hotels

- A. Any hotel located east of Central Avenue, which at the time of adoption of this subsection, is a legal non-conforming use, shall be deemed to be a principal permitted use to the extent the of the use which exists at any such hotel at the time of adoption of this subsection. However, any expansion of the use which exists at any such hotel at the time of adoption of this subsection shall be deemed non-conforming and would thus require a variance pursuant to NJSA:55D-70-d2 of the Municipal Land Use Law.
- B. The construction of additional cubic volume on the existing footprint of hotels subject to this section shall not be considered an expansion of the existing hotel use, provided it does not result in the creation of additional guestrooms. In the event of fire, damage or any other casualty, hotels subject to this section shall have the right to rebuild or repair the structure in accordance with its legal use as specified in this section.

§ 413.06 Yard Requirements

- A. For lots in the HD-R-1 Zone District, west of Central Avenue, the front building line shall have a minimum front yard setback of ten (10) feet back from the street line and the front porch line shall be set back at a minimum distance of four (4) feet from the street line, except as modified by Paragraph D hereunder.
- B. For lots east of Central Avenue, except those fronting Olin and McClintock Streets, the front building line shall have a minimum front yard setback that is created by a line running directly from a point ten (10) feet back from the property line at the corner of Central Avenue to a point two (2) feet back from the property line at the corner of Ocean Avenue, except as modified by Paragraph D hereunder.
- C. For lots fronting Olin and McClintock Streets, the front building line shall have a minimum front yard setback that is created by a line running directly from a point ten (10) feet back from the property line at the corner of Central Avenue to a point six (6) feet back from the property line at the corner of Ocean Avenue, except as modified by Paragraph D hereunder.
- D. No building line or front porch line need be set back farther than the average alignment of those front building and front porch lines of existing buildings within 200 feet on each side of the lot and within the same block front and within the same Zone District. This provision does not permit the encroachment of buildings or porches into the flared open space area.
- E. For lots east of Central Avenue, except those fronting Olin and McClintock Streets, the lot area and lot depth requirement shall be measured from the curb line rather than the property line. A calculation of building and lot coverage requirements shall be based on the resultant lot area. These provisions shall not affect any of the required yard setbacks.
- F. All buildings and porches shall be so located that the roofs, steps or extensions of the same shall not extend upon or overhang any public street, public avenue, public sidewalk, or any other lot unless permission is granted by that lot owner.

§ 414 PLANNED COMMERCIAL DEVELOPMENT REGULATIONS

- A. Purpose. While the Zone Plan for the Township is effective in providing for a variety of land uses and in separating conflicting land uses, it is in the best interests of the Township to provide an alternative method to the development of larger sites which permits a greater variety and mix of land uses pursuant to a coordinated plan. Such Planned Developments may consist of several different types of uses, open space, an on-site circulation system for vehicles, bicyclists and pedestrians and facilities for community services, such as recreation, social activities and security to benefit the users of the Planned Development. Finally, Planned Developments are intended to enable creative design and development of larger sites without adversely impacting surrounding land uses, particularly existing residential neighborhoods.
- B. Applicability.
 - 1. This Section contains requirements for Planned Commercial Development in the C-1 and LI Zone Districts. Section 405 contains requirements and guidelines particular to Planned Unit Development in the PUD Zone District.
 - 2. The requirements for Planned Commercial Developments provided in this Section apply where Planned Commercial Developments are listed as Permitted Uses in the applicable zoning district. To the extent that the following provisions

differ from the requirements of the zoning district(s) otherwise applicable to the site or other requirements of the Township's Land Development Ordinance, the provisions of this Section shall govern.

C. Standards.

The following standards shall apply to Planned Commercial Developments as defined in this Chapter.

1. Development regulations.
 - (a) Permitted uses within a Planned Development shall be those uses listed as permitted uses in the zoning district. Accessory uses not specifically listed in these zones but which are supportive services and customarily incidental to a principal use are also permitted.
 - (b) Wireless Telecommunication Facilities shall be considered permitted uses in a planned development with a minimum tract size of 10 acres.
 - (c) Except as otherwise provided herein, Planned Commercial Developments shall be permitted only if the land which is to be used for the Planned Development is located in the Planned Commercial Development (C-1) or Light Industrial (LI) Zone Districts.
 - (d) Minimum Improvable Area requirements shall not apply to Planned Developments.
 - (e) Bulk requirements. Bulk zoning requirements for Planned Commercial Development in the C-1 and LI Zone Districts shall be in accordance with the following tables:

TABLE 4.3: BULK REGULATIONS FOR PLANNED COMMERCIAL DEVELOPMENT IN THE LIGHT INDUSTRIAL (LI) ZONE DISTRICT

Minimum total Planned Commercial Development area	80 acres
Minimum tract area	5 acres
Office	
Maximum F.A.R.*	2.7
Maximum principal building height/stories	150' / twelve (12) stories
Maximum height of accessory structures	60'
Front building setback	50'
Building setback from all other tract boundary lines	75'
Minimum separation between buildings	50'
Maximum building coverage*	40%
Maximum impervious coverage	70%
Hotel or Extended Stay Lodging Facility	
Maximum principal building height/stories	150' / twelve (12) stories
Maximum height of accessory structure	50'
Minimum front building setback	75'
Minimum building setback from all other tract boundary lines	100'
Minimum separation between buildings	30'
Maximum building coverage*	40%
Maximum impervious coverage	70%

TABLE 4.4: BULK REGULATIONS FOR PLANNED COMMERCIAL DEVELOPMENT: (C-1) ZONE DISTRICT

Minimum total Planned Commercial Development area	20 acres
Minimum tract area	2.5 acres
Office	
Maximum F.A.R.*	2.7
Maximum principal building height/stories	150' / twelve (12) stories
Maximum height of accessory structures	50'
Front building setback	40'
Building setback from all other tract boundary lines	50'
Minimum separation between buildings	50'
Maximum building coverage*	30%
Maximum impervious coverage	70%
Hotel or Extended Stay Lodging Facility	
Maximum principal building height/stories	150' / twelve (12) stories
Maximum height of accessory structure	50'
Minimum front building setback	40'
Minimum building setback from all other tract boundary lines	50'
Minimum separation between buildings	30'
Maximum building coverage*	40%
Maximum impervious coverage	70%
Retail sales and services	
Maximum principal building height/stories	40' and two (2) stories
Maximum F.A.R.*	0.35
Minimum front building setback	40'
Minimum building setback from all other tract boundary lines	30'
Minimum separation between buildings	50'
Maximum building coverage*	35%
Maximum impervious coverage	75%

* That portion of a multi-level parking structure specifically designed to accommodate parking and driveway areas shall not be included in determining the maximum permitted building coverage and/or maximum floor area ratio (F.A.R.) on a particular tract.

2. Accessory uses.
 - (a) Uses customarily incidental and accessory to principal permitted uses.
 - (b) Helistops

- (c) Hotels or extended stay lodging facilities may provide up to 3,000 square feet of retail space within the principal structure. Retail uses are limited to those businesses that are commonly found in hotels, and provide services or shopping opportunities to hotel guests and the public.
 - (d) Planned office developments may include accessory uses such as coffee shops, deli/restaurants, newspaper/ stationary shops and teller bank machines within principal structures provided:
 - (i) Such uses shall be included as tenants within the various principal office buildings and shall not occupy separate buildings
 - (ii) Not more than ten percent (10%) of the gross floor area of any principal office building may be occupied by accessory uses.
 - (iii) No accessory use shall have an individual outside entrance, except for fire/ service access, nor shall there be any display of outside signage, except as part of the overall building identification directory.
3. Perimeter buffers.
- (a) Planted buffers shall be provided along the perimeter of any Planned Development in accordance with the minimum width parameters of Table 4.5 below. As set forth in Table 4.5 where a A proposed use≡ (vertical column) within a Planned Development is located near a tract boundary line that is common with an abutting use (horizontal row), the buffer width indicated in Table 4.5 shall be provided except as otherwise provided for herein. Where Route 18 or Route 66 serve as a zone district boundary, no buffering is required along such boundary. Where a tract boundary line is also a streetline, the buffer and screening requirements set forth in Article V (Design and Performance Standards) shall apply.
 - (b) Every required buffer may contain berms, deciduous and evergreen trees and shrubs, inclusive of ornamental trees and shrubs, as well as groundcovers or a combination of these features to achieve an effective landscape screen. Design of buffer areas to achieve an effective landscape screen shall follow the guidelines and standards outlined in Section 503 below. The number, type and size of buffer plantings shall be shown on the site plan.
 - (c) To the extent that environmental constraints and physical or Planned Development design conditions dictate, a variable width planted buffer may be provided. The Board may approve a buffer width less than the minimum prescribed in Table 4.5 provided that a commensurate buffer width greater than the minimum requirement is provided elsewhere on the site and that site cross-sections depicting a proposed landscape buffer design treatment between a Planned Development and abutting residentially zoned lands indicates that an effective landscape screen can be achieved. No buffer shall be less than ten (10) feet unless the abutting use is permanently reserved open space.

TABLE 4.5: MINIMUM BUFFER REQUIREMENTS AT TRACT PERIMETER OF PLANNED DEVELOPMENTS

<i>Abutting Use</i>	<i>Office</i>	<i>Industrial Warehouse</i>	<i>Residential</i>	<i>Quasi-Public/Institutional</i>
<i>Proposed Use</i>				
Hotel/Extended Stay	10 feet	25 feet	50 feet	25 feet
Office	10 feet	25 feet	50 feet	25 feet
Retail Commercial	25 feet	10 feet	50 feet	25 feet
Quasi-Public/Institutional	25 feet	50 feet	25 feet	10 feet
Other	25 feet	10 feet	50 feet	25 feet

4. **Building Height Exceptions Within Planned Developments.** In order to encourage distinctive architectural designs which integrate and effectively screen rooftop mechanical equipment, elevator penthouses, stair enclosures, and similar features, screened mechanical equipment enclosures may either be ten (10) feet from the perimeter walls of a building or integral with the front facade of the building if designed as an architectural extension of the facade containing similar building materials. Such rooftop screening structures may exceed the permitted building height by up to sixteen (16) feet, provided that the mechanical equipment and appurtenances in the aggregate do not exceed twenty (20) percent of the roof area on which they are located.

5. **Parking and Loading Requirements for Planned Developments.** Parking shall be provided within Planned Developments in accordance with the following:
 - (a) **Non-Residential Uses.** Parking for office uses located within Planned Industrial Developments and Planned Commercial Developments shall provide off-street parking at a ratio of three (3) parking spaces per 1,000 square feet of gross leasable floor space. Other permitted uses within a Planned Development shall provide parking in accordance with the Parking Requirements of Section §412 of the Land Development Ordinance.
 - (b) Parking shall be distributed to minimize the walking distance to building entrances. Parking decks and parking garages are encouraged. Parking lots shall be designed to minimize the opportunities to cut across parking aisles through the use of planting islands. Provisions for safe pedestrian circulation between buildings and between buildings and parking shall be included in the design for the Planned Development.
 - (c) **Multi-level parking structure.** That portion of a multi-level parking structure specifically designed to accommodate parking and driveway areas shall not be included in determining the maximum permitted building coverage and/or maximum floor area ratio (F.A.R.) on a particular tract.

- (d) The layout of parking areas shall be in accordance with Article V.
- 6. Off-Street Loading Requirements. Loading spaces shall be provided for Planned Developments in accordance with Section 412.12 of the Land Development Ordinance. Loading spaces may occupy a side or rear yard if such spaces are effectively screened to shield such spaces from public view to the extent practicable at the closest access street frontage.
- 7. Landscaping Requirements.

- (a) Design of Buffer Areas. All required buffer areas that include existing wooded areas that are less than 100 feet in width and containing a plant association dominated by deciduous trees of 6-inch caliper or greater shall be supplemented along the exterior edge within the required buffer area by landscape material that may include naturalized groupings of native shrubs, evergreen trees (Eastern Red Cedar, American Holly, indigenous conifers) or combinations of such plantings to the extent allowed by current environmental regulations. Buffer areas without existing wooded areas that abut existing residential uses shall be designed to form an effective landscape screen between non-residential and residential uses.

For purposes of this Ordinance, an effective screen shall mean that vision from an abutting residential lot line is screened to a point where parking areas within the Planned Development will be substantially blocked from view and filtered views of buildings is achieved. The Board may approve fencing or hedges where appropriate to supplement or replace a naturalized screen planting.

- (b) Parking Area Buffers. Landscaped buffers of not less than twenty-five (25) feet in width shall separate all off-street parking areas from the nearest streetline of a public street. When such street separates the tract from a residential zone, the required buffer shall be fifty (50) feet. Treatment of such buffers may contain berms, groupings of trees and shrubs and groundcovers or a combination of these features to achieve an effective screen adjacent to such parking areas. Street trees shall be planted at a minimum size of 3-inch caliper and spaced at intervals of thirty (30) feet or in an alternate spacing pattern depending on tree specie and overall site design theme proposed for the Planned Development. Where berming is provided, it shall be designed with side slopes not to exceed 3:1 and shall undulate and overlap where space allows.
- (c) Interior Roads. Interior roads within a Planned Development shall be landscaped with street trees pursuant to the requirements of Article V of the Land Development Ordinance.
- (d) Preserved Open Space. To the greatest extent possible, preserved open space should be designed into the Planned Development where the maximum preservation of significant natural features can be achieved without the need for extensive replacement planting. Where new plantings are necessary, they should be shown on the Landscape Plan submitted with the Preliminary Major Site Plan submission. The Landscape Plan must be professionally prepared and incorporate a balanced mix of trees and shrubs appropriate to the use of the open

space.

- (e) Tree replacement. Planned development shall be subject to the tree replacement requirements set forth in Section 525 of the Land Development Ordinance.

8. Traffic Circulation.

- (a) Planned Commercial Development may include new public and private roadways in accordance with the standards set forth in this ordinance.
- (b) Planned Commercial Development in the LI Zone District shall have principal vehicular access from a Minor Arterial roadway as classified by the Circulation Element of the Master Plan. Secondary and/or emergency access may be provided from a Collector Road.
- (c) Planned Commercial Development in the C-1 Zone shall have principal vehicular access from a Major Arterial roadway as classified by the circulation element of the Master Plan. Secondary and/or emergency access may be provided from a Collector Road. Access to a Planned Commercial Development shall not be provided via existing local roads that primarily serve residential uses.

9. Utility Installations. All utilities for Planned Developments shall be installed underground at a depth and at such location as will minimize risk or interruption of services. All utilities shall be installed in accordance with the applicable ordinances, regulations and standards of any Federal, State, or local governmental agency, authority or utility unless otherwise authorized by the regulating entity.

10. Impact Studies.

- (a) A thorough and detailed traffic engineering impact analysis to determine the adequacy of existing streets and intersections in the immediate vicinity of the Planned Development and the effect of the additional traffic on the environs and surrounding areas.
- (b) A comprehensive fiscal impact analysis.

- D. Design Guidelines for Planned Commercial Developments. In addition to complying with the performance standards and design guidelines set forth in Article V, Planned Commercial Development shall be designed according to the following guidelines:

- 1. Clustering of buildings and the provision of structured parking are strongly encouraged to minimize the amount of site disturbance and stormwater runoff, preserve open space, provide more efficient distribution of infrastructure and encourage pedestrian circulation on the site.
- 2. Buildings shall be designed in accordance with an architectural theme, including signage, which is coordinated with site lighting, street furniture, landscaping, architectural project identity features, and other appurtenances in order to create a sense of place.
- 3. Loading areas and docks should be designed into building corners or otherwise be located so as to be at least partially hidden from view.

4. Each facade shall be finished with compatible materials and design treatments.
5. Smaller support businesses and services should either be incorporated within the ground floor of office buildings or designed to front along connecting interior roads where short term street parking is permitted in front of businesses without precluding necessary access by emergency vehicles.
6. Buildings should be arranged to enable and encourage pedestrian movement between uses and buildings. The site plan should include a pedestrian and bicycle pathway plan, inclusive of paver crosswalks with appropriate signage.
7. Open space within office or industrial developments shall include sitting and outdoor eating areas. Provision for active and passive recreational facilities is encouraged.

§ 415 CONDITIONAL USE CRITERIA

§ 415.01 Adult Entertainment Uses

Adult entertainment uses may be permitted when authorized as a conditional use by the Planning Board in the C-2 Zone District in accordance with the following conditions:

- A. In the C-2 Zone District, no adult entertainment use shall be permitted within 1,000 feet of another adult entertainment use, any lot or building used partially or wholly for residential purposes, a hospital, a nursing home, an assisted living facility, a school, a public facility, a day care or child-care center.
- B. An adult entertainment use shall not be permitted in any area other than the C-2 Zone District.

§ 415.02 Assisted Living Facilities

Assisted living facilities may be permitted when authorized as a conditional use by the Planning Board in the R-4, PUD/R-1, C-3 and HD-R-2 Zone Districts in accordance with the following conditions:

[NOTE: The C-3 Zone has been added as prescribed by an Amended Schedule A-2 per Ordinance No. 03-035]

- A. The facility shall provide individual apartment units with, at a minimum, one (1) unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance;
- B. A Certificate of Need from the New Jersey Department of Health and Senior Services shall be demonstrated;
- C. Bulk requirements.
 1. Minimum lot area: One (1) acre
 2. Minimum front yard setback: Twenty (20) feet
 3. Minimum side yard setback: Twenty (20) feet or the maximum height of the building, whichever is greater

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- 4. Minimum rear yard: Fifteen (15) feet
 - 5. Maximum height: Forty (40) feet and three (3) stories
 - D. A buffer area of at least fifteen (15) feet in width shall be provided to adjacent residential uses, consisting of massed evergreen and deciduous plantings.
 - E. A porte-cochere' may project fifteen (15) feet into the front yard setback area, provided adequate landscaping is provided between said porte-cochere' and the front yard line.

§ 415.03 Automotive Body Repair and Painting

Automotive body repair and painting may be permitted when authorized as a conditional use by the Planning Board in the C-2 and C-3 Zone Districts in accordance with §415 as follows:

[NOTE: The C-3 Zone has been added as prescribed by an Amended Schedule A-2 per Ordinance No. 03-035]

- A. All lubrication, repair, painting, or similar activities shall be performed in a fully enclosed building. No exterior display or storage of parts shall be permitted.
- B. No junked motor vehicle or part thereof, or such vehicles incapable of normal operation upon the highway, shall be permitted on the premises of the repair garage.
- C. No vehicle awaiting repair or disposition at the repair garage shall be permitted on the premises for a period exceeding ten (10) days.
- D. No more than thirty (30) percent of the lot may be utilized for temporary outdoor vehicle storage. Regardless of lot area, a maximum of 15,000 square feet may be devoted to temporary outdoor vehicle storage.
- E. A designated temporary outdoor storage area shall be enclosed by a continuous solid fence at least eight (8) feet in height for screening purposes. The perimeter of said fence shall be generously landscaped with ornamental landscaping.
- F. No temporary outdoor storage area shall be located within twenty (20) feet of a residential zone district.
- G. In addition to landscaping that is otherwise required pursuant to the provisions of this Ordinance, a minimum of twenty-five (25) percent of the front yard shall consist of landscape screening of the building and front yard parking.
- H. No exterior display of motor vehicles, recreational vehicles, boats, other forms of transportation, or equipment for sale shall be permitted.

§ 415.04 Automotive Service Station and Gasoline Fueling Station

- A. Automotive service stations may be permitted when authorized as a conditional use by the Planning Board in the C-3 Zone District in accordance the following conditions:
 - 1. Notwithstanding the applicable zone district requirements, the minimum lot size for service stations shall be 30,000 square feet and the minimum lot frontage shall be 150 feet.
 - 2. Such use shall only be combined on the same site with another principal use provided the other use is a principal use permitted in the applicable zone district.

In addition, a gasoline fueling station may be permitted on the same site provided: (a) the gasoline fueling station is a conditional use permitted in the applicable zone district; and, (b) the gasoline fueling station components of the site conform to all of the conditional use standards specified for an automotive fueling station.

3. Notwithstanding any other provision to the contrary, service stations shall be permitted two curb cuts – an entrance and an exit – on one street frontage but not to exceed three per lot.
4. No service station shall be located within 500 feet of any firehouse, school, playground, church, hospital or public building.
5. All facilities including but not limited to repair appliances, pits, product and part storage areas, work areas, storage tanks for used automotive fluids, and trash facilities shall be within a building or under a roofed structure.
6. All lubrication, repair, maintenance or similar activities shall be performed in a fully enclosed building. No dismantled parts or vehicle assemblies shall be displayed outside of an enclosed building.
7. No junked motor vehicle or part thereof, or such vehicles incapable of normal operation upon the highway, shall be permitted on the premises of the repair garage. No motor vehicles awaiting repair or disposition at an automotive service station shall be permitted on the premises for a period exceeding seven (7) days of business operation, except that up to three (3) inoperable vehicles in an enclosed building may be permitted without a time restriction.
8. A designated temporary outdoor storage area for vehicles awaiting repair and/or service during off-business hours shall be provided, unless all vehicle storage can be accommodated inside a building. Such temporary outdoor storage area shall be:
 - (a) Distinct and separate from visitor and employee parking and of sufficient size to accommodate the anticipated number of vehicles to be stored onsite;
 - (b) Graded and paved to meet applicable Township design standards as approved by the Township Engineer;
 - (c) Located outside of a front yard area or a front yard setback area;
 - (d) Located a minimum distance of fifteen (15) feet from an adjacent property situated in a residential zone district;
 - (e) Located in a minimum distance of five (5) feet from an adjacent property situated in a nonresidential zone district; and,
 - (f) Enclosed by a continuous solid fence, which is at least eight (8) feet in height for screening purposes. The perimeter of said fence shall be generously landscaped with ornamental landscaping.
9. No more than thirty (30) percent of the lot area may be utilized for temporary outdoor vehicle storage. Regardless of lot area, a maximum of 15,000 square feet of outdoor area may be devoted to temporary outdoor vehicle storage.

10. In addition to landscaping that is otherwise required pursuant to the provisions of this Ordinance, a minimum of twenty-five (25%) percent of the front yard shall consist of landscape screening of the building and front yard parking.
 11. No exterior display of motor vehicles, recreational vehicles, boats, other forms of transportation, or equipment for sale shall be permitted.
- B. Gasoline fueling stations may be permitted when authorized as a conditional use by the Planning Board in the C-3 Zone District in accordance with the following conditions:
1. Notwithstanding the applicable zone district requirements, the minimum lot size for gasoline fueling stations shall be 40,000 square feet and the minimum lot frontage shall be 200 feet.
 2. A gasoline fueling station may be combined on the same site with another principal use provided the other use is a principal use permitted in the applicable zone district.
 3. An automotive service station may be permitted on the same site provided:
 - (a) The automotive service station is a conditional use permitted in the applicable zone district; and
 - (b) The automotive service station components of the site conform to all of the conditional use standards specified for an automotive service station.
 4. Notwithstanding any other provision to the contrary, fueling stations shall be permitted two curb cuts – an entrance and an exit – on each street frontage but not to exceed four per lot.
 5. No fueling station shall be located within 500 feet of any firehouse, school, playground, church, hospital or public building.
 6. All facilities including product storage areas, product display areas, vending machines, public telephone and trash facilities other than gasoline filling pumps, vacuum cleaner stations or air pumps shall be within a building or under a roofed structure.
 7. A cantilevered cover or freestanding canopy may be permitted to extend into the required front yard, provided that it is at least fifteen (15) feet from any front yard line.
 8. Gasoline filling pumps, air pumps vacuum cleaner stations shall be permitted within the required front yard setback area of service stations but shall be not closer than twenty (20) feet to any street line. No gasoline filling pump, air pump or vacuum cleaner station shall be located within a required buffer area or within a required principal building side yard or rear yard setback area.
 9. All fuel tanks shall be installed below grade in accordance with all applicable local, state and federal regulations. No fuel tank or vent pipe shall be located within a required buffer area or within any required principal building setback area.

[NOTE: The previous section has been amended per Ordinance No. 03-035]

§ 415.05 Bed & Breakfast Guesthouses and Homestays

Bed and Breakfast guesthouses and homestays shall be permitted in the HD-O and B-3 Zone Districts provided the following supplementary regulations are met:

[NOTE: The B-3 Zone has been added as prescribed by an Amended Schedule A-2 per Ordinance No. 03-035]

- A. The building is comprised of a structure originally constructed as a private residence, hotel or a bed and breakfast;
- B. Guesthouses shall include individual sleeping accommodations for fifteen (15) or fewer guests;
- C. Homestays shall include individual sleeping accommodations for five (5) or fewer guests;
- D. At least one (1) dwelling unit is occupied by the owner of the facility as his/her place of residence during any time the facility is being used for the lodging of guests;
- E. The principal structure has not less than three hundred (300) square feet of common area for the exclusive use of guests, including but not limited to parlors, dining rooms, libraries and solariums;
- F. Cooking and smoking in guests rooms is prohibited;
- G. The facility provides a meal to the guests in the forenoon of each day, but does not operate as a restaurant open to the general public;
- H. The facility is not a "rooming house" or "boarding house" as defined by N.J.S.A. 55:13B-3;
- I. The facility is not within two hundred (200') feet of an existing bed and breakfast on the same street; and,
- J. The facility does not allow:
 - 1. Any guest to remain for a period of more than one hundred twenty-four (124) days between May 15 and September 15 in given calendar year;
 - 2. Any guest to remain more than thirty (30) successive days, or more than sixty (60) days of any period of ninety (90) successive days between September 15 and May 15.
- K. Bed and Breakfast Guesthouses and Homestays shall be located north of Main Avenue, including those properties fronting on both sides Main Avenue.

§ 415.06 Billboards

Billboards may be permitted when authorized as a conditional use by the Planning Board in the LI Zone District in accordance with the following conditions:

- A. Maximum distance of 200 feet from the Route 18 right-of-way line;
- B. Maximum sign area showing to one direction shall be 700 square feet with copy extensions beyond the basic billboard sign not to exceed ten (10) of the basic billboard.

- C. The minimum setback from the Route 18 right-of-way shall be ten (10) feet. The minimum set back from all other lot lines shall be twenty-five (25) feet or equivalent to the height of the billboard, whichever is greater.
- D. Maximum billboard height shall be forty (40) feet as measured from the existing grade to the top of the billboard.
- E. No more than three (3) billboard structures shall be permitted on both sides of Route 18 within any linear mile. Minimum distance between billboards shall be 1,500 feet along the same side of the Highway.
- F. Billboards shall be located no closer than 800 feet to a residential zone.
- G. Billboards shall be designed and constructed so that the advertising surface is capable of being seen and comprehended without visual aid only by persons traveling on Route 18.
- H. Upon an application for a billboard, the items to be reviewed as part of such an application shall include traffic safety lighting landscaping visual impact drainage and other similar elements of site plan reviews. As part of its review the approving agency shall consider the impact of the proposed billboard on surrounding properties and Route 18 itself.
- I. Lighting for any billboard shall be designed to restrict any glare and spillover to the immediate area of the sign.
- J. Any application for construction of a billboard shall require the applicant to comply with the Roadside Sign Control and Outdoor Advertising Act as contained in N.J.S.A. 27:5-5. et seq., as well as any other applicable statutes law, and regulations related to billboards.
- K. No more than one billboard structure shall be permitted on any one tax lot.

§ 415.07 Community Centers

Community centers may be permitted when authorized as a conditional use by the Planning Board in the C-3, R-4 and R-5 Zone Districts in accordance with the following conditions:

[NOTE: The C-3 Zone has been added as prescribed by an Amended Schedule A-2 per Ordinance No. 03-035]

- A. The site includes or is in close proximity to open space which can be utilized for active recreation
- B. Direct access to at least a collector roadway to serve the use is available.
- C. All interior areas designed for potentially noisy activities are sufficiently sound-insulated or separated from adjacent residential structures so as to avoid any noise nuisance.
- D. On-site exterior areas designated for active recreational use shall be screened consistent with the requirements of §503.
- E. A twenty-five (25) foot wide planted screen meeting the standards contained in §503 shall be provided to all adjacent residential uses.

§ 415.08 Drive-through Restaurants

Drive-through restaurants may be permitted in the B-1, C-1, C-2, LI, PUD, and C-6 Zone Districts when authorized as a conditional use by the Planning Board in accordance with the following conditions:

[NOTE: The C-6 Zone has been added as prescribed by an Amended Schedule A-2 per Ordinance No. 03-035]

A. Bulk requirements.

1. Minimum lot area: 40,000 square feet
2. Minimum front yard setback: Thirty (30) feet
3. Minimum side yard setback: Twenty (20) feet
4. Minimum rear yard setback: Twenty-five (25) feet
5. Maximum total lot cover: Seventy-five (75) percent

B. Buffering.

1. A landscaped buffer area a minimum of twenty-five (25) feet in width to an adjacent residential zone district or residential property line shall be provided.
2. A six (6) foot high board-on-board fence shall be provided at the perimeter of the site at the board of jurisdiction's discretion. Said fence shall not be located within a front setback area.

C. Vehicular access.

1. Principal driveway access to a site containing a drive-through restaurant shall only be provided via a major arterial, minor arterial or collector roadway as identified by the Circulation Element of the Master Plan. Secondary and emergency access may be provided via a local roadway.
2. Planned unit development. Except for access points for emergency vehicles, driveway access shall not be provided from a public right-of-way to a drive-through restaurant in the P.U.D. Zone District. Vehicular access shall be provided either via a private roadway, or an internal connection to an adjacent retail or office parking area.

D. Drive-through areas.

1. A minimum of seventy-five (75) feet of queuing space shall be provided on-site, as measured from an ordering area.
2. Two (2) internally illuminated menu boards not to exceed twelve (12) square feet in area may be provided within the building envelope.
3. A "bail-out" lane shall be provided to allow cars in queue to freely move through the site.

4. No loudspeaker shall be permitted at yards that abut a residential zone district or residential property line.
 5. No drive-through area located within 150' of a residential zone district or residential property line shall be in use past 11:00 P.M. or before 7:00 A.M.
 6. A pedestrian area located in the vicinity of a drive-through facility shall be clearly delineated by raised sidewalk areas, painted crosswalks, distinct paving materials or any combination thereof. Appropriate signage alerting motorists to pedestrian areas shall be provided.
- E. Indoor recreation. An accessory indoor recreation area not to exceed fifteen (15) percent of the gross floor area may be included within the principal structure. Only access points to exterior areas for emergency access may be provided in the vicinity of an indoor recreation area.

§ 415.09 Historic Hotels

Historic hotels shall be permitted in the Historic District Oceanfront (HD-O) Zone District subject to the following conditions:

- A. All guest rooms shall include full, private bathroom facilities.
- B. All guest rooms shall average 175 square feet including required bathroom facilities.
- C. A minimum of fifteen (15%) percent of the total floor area of the historic hotel shall be devoted to common areas for the use and enjoyment of hotel guests and the general public.
- D. All service, garbage and loading facilities shall be located in the rear portion of the building, shall not be located in required yard setbacks and shall be suitably screened from adjacent properties.
- E. No exterior light levels which exceed 0.5 foot candles shall cross property lines.
- F. No parking facility or portion thereof shall be permitted in front yard areas.
- G. Pre-existing historic hotel structures which are non-conforming with respect to the bulk requirements set forth in Zoning Schedule B-1 shall be permitted to be altered, enlarged, or extended provided that all conditions of this subsection are complied with, and existing nonconforming bulk conditions are not increased.
- H. The minimum lot area for a newly constructed historic hotel lot shall be 10,000 square feet. The minimum lot area for a historic hotel utilizing an existing structure shall be 3,600 square feet.
- I. Cooking and smoking in rooms shall be prohibited.
- J. The structure shall not be a "rooming house" or "boarding house" as defined by N.J.S.A. 55:13B-3.
- K. The facility shall not allow any guest to remain more than thirty (30) days, or more than thirty (30) days of any period of sixty (60) successive days.
- L. Historic hotels shall be located north of Main Avenue, including those properties fronting on both sides Main Avenue.

- M. Parking shall only be provided for new historic hotels with a minimum lot area of 40,000 square feet or greater.

§ 415.10 Light Food Concessions

Light food concessions may be permitted in the HD-R Zone District when authorized as a conditional use by the Planning Board in accordance with the following conditions:

- A. A light food concession area shall be located on the beach
- B. A light food concession area shall be prohibited on boardwalk and pier.
- C. Each concession area shall provide restroom accommodations for men and women
- D. Light food concessions may also provide for the rental, and use of recreational and beach articles such as umbrellas, chairs, racquets and similar items and for the sale of beach related sundries.

§ 415.11 Mobile Home Parks

This Ordinance recognizes existing mobile home parks in the LI Zone District. A mobile home park existing at the time of the passage of this Ordinance is considered a conditional use in the LI Zone District, and shall be governed by the following regulations

- A. An open space at least fifteen (15) feet in width is to be provided between mobile home structures in order to ensure accessibility for emergency vehicles. Mobile homes may be located at least ten (10) feet from each other end.
- B. Clothes-drying and trash container areas shall be adequately screened, conforming to the screening provisions of this chapter
- C. No mobile home, lot or space shall be located further than one thousand (1,000) feet from a fire hydrant
- D. All roadways, sidewalks, curbs and storm drains within a mobile home park must comply with township standards
- E. Mobile home parks may be inspected by the Township Zoning Officer and Health Officer on an annual basis to determine compliance with all applicable health, fire and sanitary regulations.
- F. A zoning permit must be issued prior to the installation of a mobile home pad to determine compliance with the provisions of this section.
- G. Prior to the placement of a mobile home on an existing or new mobile home pad, the a valid certificate of occupancy shall be obtained, which includes the mobile home owner's name and serial number and the body type of the mobile home and pad number or street address of the pad site.
- H. No building or structure shall exceed thirty-five (35) feet in height, except as regulated by the height exception provisions of this Chapter
- I. All mobile homes shall be served by public potable water and sanitary sewer.

§ 415.12 Accessory Apartments in B-1 and HD-B-1 Districts

Accessory apartment dwelling units may be permitted when authorized as a conditional use by the Planning Board in the B-1 and HD-B-1 Zone District in accordance the following conditions:

- A. Apartments may be located at the second and third story levels of buildings in the B-1 and HD-B-1 Zone District, provided the first story level is devoted to a permitted use in the district.
- B. Principal access to a second or third story apartment shall be provided via a dedicated entranceway or vestibule at the building’s face. Apartments shall not be located at the first story level of buildings in the B-1 and HD-B-1 Zone District.
- C. Dwelling unit size. Minimum dwelling unit floor areas based on multi-family dwelling unit type shall be as follows:

DWELLING UNIT TYPE	MINIMUM FLOOR AREA (in square feet)
Studio/Efficiency Apartment	500 S.F.
One (1) Bedroom Apartments	850 S.F.
Two (2) Bedroom Apartments	1,000 S.F.
Apartments with three (3) or more bedrooms	1,150 S.F. + 150 S.F. per additional bedroom

[NOTE: The previous section has been amended per Ordinance No. 02-41 and 03-035]

§ 415.13 Professional Offices in Historic District

Professional Offices may be permitted in the HD-R-1 Zone District subject to the following conditions:

- A. The structure devoted to professional office use shall front Main Avenue and be located between New Jersey Avenue and New York Avenue.
- B. A maximum of one (1) dwelling unit may be located within a structure that contains an office use. The dwelling unit and office use must maintain individual primary entrances to a structure. This shall not preclude the operation of a home occupation or home professional office in accordance with this Ordinance.
- C. A structure containing a professional office shall have maximum floor area ratio (FAR) of for 1.7.

§ 415.14 Parking

Parking lots shall be permitted as a conditional use in the HD-R and R-5 Zone Districts as specified in Article IV in accordance with the following conditions:

- A. HD-R Zone
 - 1. Parking shall be provided in surface-level lots only.
 - 2. Parking lots shall be screened from public right of way by a hedge, with a minimum height of 2.5 feet, to maximum of height of adjacent boardwalk.
 - 3. The lot shall consist of a stabilized permeable surface of light colored gravel, stone or shell.

4. Lighting shall be provided in accordance with historic fixture design guidelines for the boardwalk area.
- B. R-5 Zone District
1. Parking areas shall be primarily associated with a public educational facility.
 2. The maximum permitted distance between the parking lot parcel and a public educational facility parcel shall be no greater than seven-hundred (700) feet.
 3. Parking shall be provided in fully-paved surface-level lots only.
 4. No individual parking space shall be located closer than five (5) feet from a front lot line. The parking lot, including driveways, shall be situated at least ten (10) feet from all lot lines other than a front lot line.
 5. Maximum impervious lot coverage shall not exceed eighty percent (80%).
 6. A minimum of ten percent (10%) of the lot area shall be devoted to useable public spaces, such as but not limited to seating areas, public art and plazas.
 7. Improvements shall include facilities to accommodate public transportation.

[NOTE: The preceding subsection B.1-7 has been added per Ordinance No. 02-14]

§ 415.15 Public Utility Facility

Public utility uses shall be permitted as a conditional use in the B-1, B-2, C-1, C-2, LI, PUD/R-1, C, C-3, C-4, C-5, C-6, R-2 and R-3 Zone Districts as specified in Article IV in accordance with the following conditions:

[NOTE: The B-2, C-1, C-2, LI, C-3, C-4, C-5, and C-6 Zone Districts have been added as prescribed by an Amended Schedule A-2 per Ordinance No. 03-035]

- A. Site plans, specifications and a statement setting forth the need and purpose of the installation are filed with the board of jurisdiction.
- B. Proof is furnished that the proposed installation in a specific location is necessary and convenient for the efficiency of the public or private utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is located.
- C. The design of any building utilized in connection with such facility conforms to the general character of the area and shall in no way adversely affect the adjacent properties. No building may exceed twenty (20) feet in height.
- D. A continuous six (6') foot high board-on-board fence shall be provided to screen the public utility facility from public view and to ensure security. Other fence types which provide 50% visibility may be used, provided adequate, continuous landscaping is provided at the fence perimeter. Said plantings shall be evergreen, and shall be six (6) feet high at the time of planting.
- E. A structure associated with a public utility facility in a non-residential zone district may not be located closer than fifty (50) feet to residential property line.

- F. Building or mounted lighting fixtures may be utilized, provided shielding is provided to reduce glare to adjacent properties. Motion-sensitive lighting is encouraged.
- G. Appropriate safety devices shall be provided at the public utility facility to ensure public safety.

§ 415.16 Restaurants And Retail Establishments in Historic Hotels

Fully enclosed eating establishments (excluding those which serve alcoholic beverages and offer live entertainment), and retail and personal service establishments shall be permitted only as an accessory use within a historic hotel in the HD-O Zone District provided that the following conditions are met:

- A. The accessory commercial establishments shall be secondary to the principal use of a historic hotel; shall be located entirely within the physical structure of the building and the access or exit shall be within the interior of the structure in which it is located; not more than twenty-five (25) percent of the total floor area of any historic hotel structure shall be allotted to or used for accessory commercial purposes. Properties fronting on Main Avenue may be permitted to use up to 50% of the total floor area for accessory commercial purposes.
- B. Any signs advertising the commercial establishments shall conform to the applicable sign controls for the specific historic zone district in which the structure is located.
- C. Where an owner of a hotel or other transient residential structure makes application on behalf of an accessory commercial establishment for a variance to provide access directly from a street, the means of access (or exit) shall be subject to review of the Historic Preservation Advisory Committee.
- D. Live, non-amplified, musical entertainment shall be permitted with the following restrictions: live, non-amplified, musical entertainment shall be permitted between the hours of noon and 10:30 p.m., Sunday to Thursday, and noon and 11:30 p.m., Friday to Saturday.
- E. Exterior kitchen equipment and exhaust fans shall be located according to the following setbacks:
 - 1. Side yard - minimum of ten (10) feet from any adjacent inhabited structure used as a dwelling unit.
 - 2. Rear yard - minimum of ten (10) feet from any adjacent inhabited structure used as a dwelling unit.

§ 415.17 Retail Sales and Services

Retail sales and services shall be considered a conditional use in the LI Zone District subject to the following regulations:

- A. Retail sales and services must be incidental and accessory to a principal permitted use.
- B. No more than fifteen (15) percent of the gross floor area of a principal building may be devoted to retail sales and services.
- C. Adequate parking in accordance with the standards set forth in §412 shall be provided for the accessory retail sales and service use, as well as for the principal permitted use.

- D. Goods sold and services provided by the retail component are to be goods and services traditionally provided by the principal use.
- E. An secondary building sign identifying the area devoted to retail use may be provided. Such sign may not exceed eighteen (18) square feet in area, and shall conform to all other standards set forth for building signs at §416.

§ 415.18 Self Storage Facility

Public self-storage facility may be permitted in the LI Zone District when authorized as a conditional use by the Planning Board in accordance with the following conditions:

- A. Such facility shall be limited to a maximum F.A.R. of 0.90.
- B. No storage of hazardous or combustible materials shall be permitted.
- C. No sale of material shall be permitted from the premises, except for the purpose of satisfying unpaid rent pursuant to law.
- D. No animals or livestock shall be permitted on the premises.
- E. No outside storage shall be permitted except that boats and recreational vehicles may be stored in the rear yard provided that they are properly screened from the traveling public in accordance with Section 503.
- F. Buildings shall be separated a minimum of thirty-five (35) feet except that the distance may be reduced to twenty-five (25) feet in instances where no access to individual storage facilities is proposed. The reduction only applies where no access is allowed on both sides of the drive aisle.
- G. The facility will be completely surrounded by architectural fencing or walls a minimum of six (6) feet in height.
- H. The facility shall be landscaped in accordance with Article V.
- I. A single residential unit for the use of a caretaker and immediate family shall be permitted.
- J. Any other provisions not herein modified shall apply.

§ 415.19 Wireless Telecommunication Facility

Wireless telecommunication facilities may be permitted in the C-1, C and LI Zone Districts when authorized as a conditional use by the Planning Board in accordance with this §415.20 as follows:

[NOTE: The C-1 Zone District has been added as prescribed by an Amended Schedule A-2 per Ordinance No. 03-035]

- A. General requirements.
 - 1. Principal or accessory use. Telecommunications antennas and towers may be considered either principal or accessory uses. Notwithstanding any other regulation, a different existing structure on the same lot shall not preclude the installation of an antenna or the co-location of an antenna on such lot. If a tower and its appurtenant structures constitute the sole use of the lot, the tower shall be

deemed to be the principal use.

2. Leased area. For purposes of determining whether the installation of a tower or antenna complies with zone regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
 3. State or federal requirements. All wireless communication facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of a wireless telecommunication facility shall bring such towers and antennas into compliance with such revised standards and regulations within ninety (90) days of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling federal or state agency. Failure to bring a wireless telecommunication facility into compliance with such revised standards and regulations shall constitute grounds for the removal of the wireless telecommunications facility at the owner's expense.
 4. Not essential services. Wireless telecommunication facilities shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.
 5. Site Plan required. Site plan approval shall be required for all new telecommunication facilities including modifications to addition of new telecommunication facilities to pre-existing towers, buildings or other structures.
- B. Antennas on existing structures. Any antenna that is not attached to a tower may be attached to any existing business, industrial, office, utility or institutional structure provided:
1. Side- and roof mounted personal wireless facilities shall not project more than ten (10) feet above the height of an existing building or structure nor project more than ten (10) feet above the height limit of the zoning district within which the facility is located. Personal wireless service facilities may locate on a building or structure that is legally nonconforming with respect to height, provided that the facilities do not project above the existing building or structure height.
 2. The antenna complies with all applicable FCC and FAA regulations.
 3. The antenna complies with all applicable building codes.
 4. Equipment structure. An equipment structure shall not contain more than 200 square feet of gross floor area or be more than ten (10) feet in height. In addition, for buildings and structures that are less than forty-eight (48) feet in height, the related unmanned equipment structure shall be located on the ground and shall not be located on the roof or other structure.
- C. Co-location and tower reconstruction. Co-location of antennas by more than one carrier on existing towers and the reconstruction of existing towers shall be consistent with the following:
1. A tower that is modified or reconstructed to accommodate the co-location of additional antenna shall be the same tower type as the existing tower, unless

- reconstruction of a monopole is proposed.
2. Height. An existing tower may be modified or rebuilt to a height no taller than the existing tower height.
 3. Reconstruction of existing towers.
 - (a) Setbacks. The following setback requirements shall apply to the reconstruction of an existing tower:
 - (i) Towers must be setback a distance equal to at least seventy-five (75) percent of the height of the tower from any adjoining non-residential lot line.
 - (ii) Towers must be setback a distance equal to the height of the tower from any adjoining residential zone or property line.
 - (iii) Guys and accessory buildings must satisfy the minimum zone district setback requirements.
 - (b) A tower that is being rebuilt to accommodate the co-location of an additional antenna may be relocated from its existing location, provided the foregoing setback requirements are met.
 - (c) After the tower is rebuilt to accommodate co-location, only one (1) tower may remain on the site.
 - (d) A reconstructed tower shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color to reduce visual obtrusiveness. The use of camouflage structures, materials and treatments ("trees, steeples, clock towers") shall be required in locations where vegetative conditions or architectural conditions warrants said treatment.
 4. Security. Towers shall be enclosed by security fencing not less than eight (8) feet in height. Towers shall also be equipped with anti-climbing measures.
 5. Lighting. No lighting is permitted on an existing or reconstructed tower except lighting that is specifically required by the FAA. Such required lighting shall be focused and shielded to reduce glare to adjacent and nearby properties to the greatest extent possible.
 6. Ancillary buildings.
 - (a) Any proposed building enclosing related electronic equipment shall not contain more than 200 square feet of gross floor area or be more than ten (10) feet in height.
 - (b) Only one (1) such building shall be permitted on the lot for each provider of wireless telecommunication services located on the site.
 - (c) Such buildings must satisfy the minimum zone district setback requirements.
 - (d) One (1) light may be provided at the entrance of the building, provided that the light is attached to the building, is focused downward and is

switched so that the light is turned on only when workers are at the site.

D. Abandonment or discontinuation of use.

1. At such time that a licensed carrier plans to abandon or discontinue operation of a wireless telecommunication facility, such carrier shall notify the Township Clerk by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (3) days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the wireless telecommunication facility shall be considered abandoned upon discontinuation of operations.
2. Upon abandonment or discontinuation of use, at the option of the Township, the carrier shall physically remove the facility within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
 - (a) Removal of antennas, mount, equipment shelters and security barriers for the subject property;
 - (b) Proper disposal of waste materials from the site in accordance with local, county and state solid waste disposal regulations;
 - (c) Restoring the location of the facility to its original and/or natural condition, except that any landscaping and grading shall remain in the after-condition as deemed appropriate by the Township Engineer.
3. If a carrier fails to remove a wireless telecommunication facility in accordance with this section, the Township shall have the authority to enter the subject property and physically remove the facility. The board of jurisdiction shall require the posting of a bond at the time of approval to cover the costs for the removal of the facility.

§ 416 SIGNS

§ 416.01 Purpose

The purpose of this Subsection is as follows:

- A. To protect the public health, safety and welfare by restricting signs which impair the public's ability to receive information, violate privacy, or which increase the probability of accidents by distracting attention or obstructing vision.
- B. To encourage signs that promote a desirable visual environment through creative yet orderly design arrangements.
- C. To encourage signs that aid orientation, identify activities, describe local history and character or serve other educational purposes.
- D. To encourage the replacement of nonconforming signs by conforming signs through the strict enforcement of the procedures and requirements of this Article.

§ 416.02 General Provisions

- A. Permit Required.
1. An application shall be made to the Zoning Officer for the issuance of a zoning permit by any person wishing to erect, alter, modify, or expand any sign, except exempt signs as described in this Article.
 2. A zoning permit and any other permits that may be required for the erection or modification of a sign may only be issued subsequent to the issuance of a zoning permit by the Zoning Officer.
 3. If the Zoning Officer determines that the proposed sign does not conform to the requirements contained herein, the Officer shall instruct the applicant that Planning Board or Zoning Board of Adjustment approval of an application for development is required, and the Officer shall further advise the applicant which Board has jurisdiction.
- B. Site plan. On properties involved in an application for site plan review, all signs shall be approved by the Board as part of the site plan application prior to the issuance of permits for signs.
- C. Measurement. For the purposes of this section, the size of any sign shall be computed by determining the total area of any sign board, sign face or sign background at its largest horizontal and vertical dimensions, including framing, trim or molding. Where there is no framing, the sign area shall be deemed to be the area of the smallest rectangular figure that can encompass all of the figures and their supporting logos or elements, if any. For double-faced signs, only one (1) display face shall be measured in computing the total sign area where the sign faces are parallel, or where the interior angles formed by the faces are forty-five (45) degrees or less. Maximum permitted size does not include the supporting structure, as long as the supporting structure is not designed to convey a message. The supporting structure shall not in itself convey any type of message, except for the property address and for permitted appurtenances specified in this section.
- D. Content. The content or advertising which may be displayed on signs shall be limited to the identification and location of the premises, identification of its owners or occupants and information concerning the activities conducted on the premises or the goods and services offered in connection therewith, unless specified otherwise herein.
- E. Maintenance. Signs shall be constructed of durable materials, maintained in good condition and not allowed to become dilapidated. All signs, together with all supports, braces, anchors and other parts, shall be kept in continual repair, including cleaning, painting, replacing of defective parts and otherwise maintaining a presentable condition. Lack of proper maintenance shall be considered abandonment, and the sign shall be repaired, painted, cleaned or otherwise returned to a presentable condition or removed within ten (10) days upon notification by the Zoning Officer or Construction Code Official.
- F. Appurtenances. Notwithstanding the restrictions found elsewhere in this article concerning sign face shape and area, sign appurtenances shall be permitted only when designed as an integral part of the sign, constructed of similar materials, and graphically compatible in color, shape, position, and scale with the permitted sign face. Sign appurtenances cannot increase the proposed sign area by greater than fifteen (15%) percent. Sign appurtenances cannot extend above or to the side of the sign face by a distance greater than forty (40%) percent of the sign face height. Sign appurtenances cannot project outward beyond the face of the proposed sign. Sign appurtenances for

Type B freestanding signs only may identify the name of a retail or office development in accordance with the foregoing standards.

- G. Setback. The sign setback shall be measured from the property line to the nearest part of the sign, including any base, frame or decorative elements. No freestanding type A or B sign may be located within fifteen (15) feet of adjacent residential use.
- H. Height. Sign height shall be measured between average grade immediately below the sign and the highest point of the highest element of the sign. Wall signs shall not project above the top or beyond the ends of the wall surface upon which they are placed, nor shall wall signs be placed on a parapet or similar architectural device such that the sign would project above the elevation of the roof behind such parapet or other device.
- I. Projection. No wall sign may project more than nine (9) inches from the outer face of a wall and shall not extend over any public right-of-way, unless otherwise provided for in this article. An awning shall not be construed in any way to be a wall sign.
- J. Change of use, occupancy or vacancy. Whenever any change of use, occupancy or vacancy occurs, all existing signs no longer relating to the current use and occupancy of the premises shall be immediately removed. In addition, any signs not conforming to any requirement of this Section and removed in accordance to this requirement shall not be replaced unless it conforms to all requirements of this article.
- K. Nonconforming signs. Any lawfully nonconforming sign may be altered as follows:
 - 1. Minor and nonstructural maintenance and/or repairs to the sign support structure and/or frame may be completed.
 - 2. Re-lettering of an existing sign face containing the same specific message or letters may be completed.
 - 3. An existing sign face may be replaced, provided there is no expansion in sign area, and provided the general provisions of this Subsection are satisfied.

§ 416.03 Design Requirements

- A. Illumination. Except for signs in historic zone districts regulated by municipality's regulations, signs may be floodlighted, spotlighted or internally illuminated from the rear with a diffused light source, unless such illumination is specifically prohibited elsewhere in this Ordinance. All illumination shall be subject to the following:
 - 1. All lighting sources shall be completely shielded from the view of vehicular traffic.
 - 2. Such illumination shall not project light above the highest elevation of the front wall of the building for wall-mounted signs or more than five feet above ground level for freestanding signs.
 - 3. Internally illuminated signs shall not have a white or light-colored background or signboard.
 - 4. Where a sign is located on a lot adjacent to a lot used primarily for residential purposes, such shall not be illuminated in a manner that permits any light to shine or cause a nuisance to the adjacent residential use.
 - 5. No illuminated sign located on a lot adjacent to or across the street from any residential district and visible from such residential district shall be illuminated

between the hours of 11:00 p.m. and 7:00 a.m., unless the use to which the sign pertains is open for business during those hours.

6. No sign shall contain exposed neon, blinking, flashing, flickering, tracer or sequential lighting. All signs shall remain stationary and constant in intensity and color at all times.
 7. All wiring for permanent illuminated signs shall be installed and maintained so that it is not within public view. The running of wiring or conduit along the exterior wall of a building to access a sign is specifically prohibited unless in the judgment of the Construction Official there is no practical way to run the conduit so that it is not within public view.
 8. No illuminated sign shall be of such a color or located in such a manner as to be confused with, or to diminish or detract in any way from, the effectiveness of any traffic signal or similar official safety or warning device.
- B. Landscaping. The base of a freestanding sign shall be liberally landscaped with a combination of shrubs, ground cover, flowers or other plant material.
- C. Painting and Cleaning Required. All signs shall be maintained in good condition and have a neat appearance. The owner of any painted sign shall be required to repaint the same when necessary to maintain the sign in good condition and give it a neat appearance.
- D. Skirting. Freestanding signs shall be skirted to enclose the supporting pole or pylon of the sign, except for signs in historic zone districts. The skirting shall extend the full dimensions of the sign at its lower edge from ground to sign. The skirting shall not be included in the sign size calculation unless it displays a message.

§ 416.04 Exempt Signs

The following signs are permitted and are exempt from zoning permit requirements:

- A. Real estate signs. Non-illuminated real-estate signs for residential uses, provided they do not exceed ten (10) square feet in area and four (4) feet in height; No more than one such sign shall be erected on a property. Real estate signs for residential uses must pertain to the property on which it is located, and may not be placed within any sight triangle or public right-of-way. Such sign shall be removed immediately upon execution of a contract and/or closing for the lease or sale of the property.
- B. Credit or charge card signs. Credit or charge card signs within window areas for commercial uses, or signs indicating membership in professional or trade organizations, provided such signs do not exceed one (1) square foot. Credit card signs may not be pole-mounted.
- C. Gasoline pumps signs. Signs not exceeding one (1) square foot attached to gasoline pumps, provided that their sole purpose is to communicate fuel prices;
- D. Traffic, parking, informational and street identification signs. Traffic, parking, informational and street identification signs that conform to the Manual of Uniform Traffic Control Devices (MUTCD) as approved by any Township agency or any county, state or federal agency shall be permitted in any district or public right-of-way. Any other signs required by any provision of law shall be permitted in any district or public right-of-way.

- E. Political signs. Any political sign that is protected under the free speech provisions of the United States and New Jersey Constitutions shall be permitted in any Zoning District, provided that such is not located in a public right-of-way.
- F. Temporary window advertising signs. Temporary window advertising signs shall be prohibited in all districts, with the exception of permitted ground level retail and personal service business uses and eating and drinking establishments located in the B-1 and HD-B-1 Zone Districts, subject to the following conditions:
1. Such signs may be constructed of paper, cardboard or plastic, and any written, numerical, graphic or photographic material or information shall constitute such a sign.
 2. Such signs shall be contained solely within the ground level window of the subject business.
 3. Maximum total area of such signs shall not exceed twenty-five (25) percent of the total area of ground level windows, excluding window portions of doors, fronting on a public street. For the purposes of this subsection, any window area covered with a permitted permanent window sign, pursuant to this article, shall be excluded from the calculation of the total area of all ground floor windows.
 4. Information on such signs shall be limited to advertisements for special promotions, temporary sales and other such similar nonpermanent sales promotions.
 5. Such signs shall be removed after a period of thirty (30) days and shall have the date of installation printed clearly in the lower right-hand corner of such, as viewed from the exterior.
 6. Such signs shall be maintained in an orderly manner at all times.
 7. This section shall not be interpreted in such a manner as to limit or prohibit any business from displaying merchandise in an interior window display area.
- G. Residential uses. Signs for residential uses, based on the type of residential structure pursuant to the following provisions.
1. Single-family dwellings and shall be permitted one residential nameplate sign indicating the name and/or address of the occupants. The maximum size of such sign shall not exceed one (1) square foot in area and shall not contain advertising of any kind. In addition, one informational sign indicating the private nature of a driveway, no trespassing or other such similar private property usage shall be permitted, provided the maximum size of such sign shall not exceed one (1) square foot in area.
 2. Apartments, townhouses, and other multifamily residential uses shall be permitted the following:
 - (a) One wall-mounted residential directory nameplate sign indicating the name and/or address of the occupants, provided it does not exceed five (5) square feet in area. Such sign must be located at the building's main entrance and may consist of either changeable lettering or individual nameplates. If the multifamily residential use cannot be accommodated by such directory sign, then individual exterior wall-mounted nameplate signs indicating the name and/or address of each dwelling unit shall be

permitted. Said individual nameplate signs shall not exceed forty-eight (48) square inches in area and must be located at the main entrance of the respective dwelling unit. Nameplate signs may not be illuminated and shall not contain advertising of any kind.

- (b) Two wall signs per building identifying the name or number of the multifamily structure, provided the maximum size of such sign shall not exceed two (2) square feet in area per sign. Such sign may be indirectly illuminated and shall not be backlighted. Or internally illuminated.
 - (c) One non-illuminated wall sign indicating the location of the management office, provided the maximum size of such sign shall not exceed one (1) square foot in area.
- H. Sandwich Board signs in B-1 and HD- B-1. Sandwich Board signs shall be permitted provided they not exceed twenty inches (20") in width, forty-two inches (42") in height and six (6) square feet in area.
- I. Ocean Grove Camp Meeting Association signs.
- 1. Public safety and informational signs.
 - 2. Bronze memorial signs.
 - 3. Street signs
 - (a) Standard street signs.
 - (b) Monument street sign not to exceed twenty-four inches (24") in height.
- J. Portable Location Signage. Portable location signage is permitted pursuant to the following standards:
- 1. Maximum height Three (3) feet
 - 2. Maximum width Twenty-four (24) inches
 - 3. Maximum area Four (4) square feet
 - 4. Maximum quantity One (1) per location
 - 5. Signage must be associated with a permitted use.

§ 416.05 Permitted Temporary Signs

The following temporary signs may be installed in all zone districts:

- A. Banners, pennants and bunting may be used for special promotional events, holidays and grand openings. Such banners, pennants and bunting may not be displayed more than two (2) times per calendar year, and may be in place for no more than two (2) months at a time. Banners, pennants and bunting may constitute an aggregate area not to exceed sixteen (16) square feet, must be attached flush to a wall, and may not be illuminated in any fashion.

- B. Project signs may be permitted for new major residential and non-residential development pursuant to final approval from the approving authority. No more than one (1) project sign shall be permitted on any lot identifying builders, contractors, architects, engineers or others associated with the construction of any building situated on any such lot. Such signs shall be set back at least ten (10) feet from all property lines, and shall not exceed twenty (20) square feet in area or twelve (12) feet in height. Project signs are to be removed within two (2) weeks of the completion of a project, or if work on the project has substantially slowed.
- C. Freestanding or wall mounted real-estate signs of up to twenty (20) square feet for non-residential uses may be erected in non-residential zones for a period of ninety (90) days. A window sign of up to twelve (12) square feet may be used for the same purposes. Freestanding signs must be setback from all property lines at least ten (10) feet. The Zoning Officer may extend the ninety (90) day period by an additional ninety (90) days if it is shown that this additional time period is necessary to facilitate the sale or rent of a particular site.
- D. Contractor signs are permitted in all zone districts to a maximum area of fifteen (15) square feet. Such sign shall be setback a minimum of ten (10) feet from all property line, and may not be illuminated. Contractor signs may be permitted for the duration of the exterior improvement activity, and must be removed within two (2) weeks of completion of improvement.
- E. All temporary signs shall require a zoning permit.

§ 416.06 Prohibited Signs

The following signs shall be prohibited in all zone districts within the Township of Neptune, unless otherwise specified within this Ordinance:

- A. Signs utilizing inert ionized gas sign lighting, commonly called neon, when the neon tube is visible, including window surrounds and similar inert gas illumination with or without a distinct message;
- B. Signs in the public right-of-way unrelated to the public health, safety and welfare;
- C. Signs which project more than nine (9) inches from a wall surface, except for projecting signs in historic zone districts which are governed by 416.08;
- D. Any sign for advertising purposes that mimics or is substantially similar to a public purpose sign;
- E. Signs with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsation;
- F. Signs within designated sight triangles, and signs which directly obstruct driver's lines-of-sight;
- G. Non-public banners that stretch across a public right-of-way between telephone poles, trees or other structure;
- H. Roof signs;
- I. Freestanding signs of any type in historic zone districts;
- J. Reader board signs;

- K. Any sign that, in the opinion of the Zoning Officer, presents an immediate danger to the public health, safety or welfare;
- L. Signs with visible moving, revolving or rotating parts or visible mechanical movement of any description or other apparent visible movement;
- M. Signs that advertise or identify a use which has ceased operation;
- N. Any illegal non-conforming sign, as defined herein;
- O. The continuous parking or storage of a motor vehicle or other mobile unit displaying an advertising message;
- P. Signs containing obscene, pornographic or lewd messages;
- Q. Signs that obstruct a fire escape, door, window or other required access way;
- R. Signs that are not accessory to a principal use on a property;
- S. Signs for a commercial purpose painted on a wall;
- T. Any sign not expressly permitted by this Ordinance is prohibited;

§ 416.07 Permitted Signs

The following signs shall be permitted in all zones except historic zone districts per Zoning Schedule C. Standards for permitted signs in historic zone districts are contained in §416.08.

- A. Freestanding signs. Freestanding signs may be located within the Township according to the regulations set forth below (see also Appendix C):
 - 1. Freestanding Type A. Freestanding Type A signs may be erected as follows:
 - (a) Size: 24 square feet maximum
 - (b) Height: 8' maximum
 - (c) Quantity: 1 maximum
 - (d) Setback: 5' minimum
 - (e) Horizontal dimension: 8' maximum
 - 2. Freestanding Type B. Freestanding Type B signs may be erected as follows:
 - (a) Size: 48 square feet maximum
 - (b) Height: 15' maximum
 - (c) Quantity: 1 maximum
 - (d) Setback: 10' minimum
 - (e) Horizontal dimension: 10' maximum

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3. Freestanding Type C. Freestanding Type C signs may be as follows:
 - (a) Size: 24 square feet
 - (b) Height: 6' maximum
 - (c) Quantity: 1 maximum
 - (d) Setback: 8' minimum
 - (e) Horizontal dimension: 8' maximum
 4. No more than a total of two (2) Freestanding Type A, B or C signs in any combination may be constructed on a single lot except as provided in this chapter.
 5. An additional Freestanding Type B sign may be erected for properties in the B-1 Zone District with 1,000' or more of uninterrupted street frontage as follows:
 - (a) Size: 72 square feet
 - (b) Height: 15' maximum
 - (c) Setback: 10' minimum
 - (d) Horizontal dimension: 8' maximum
 6. An additional Freestanding Type B sign may be erected by Planned Commercial Development in the PUD ,C-1 and LI Zone District as follows:
 - (a) Size: 72 square feet
 - (b) Height: 15' maximum
 - (c) Setback: 10' minimum
 - (d) Horizontal dimension: 12' maximum
 - (e) Such signs may be situated so as to be visible only from a Major Arterial roadway as identified by the Township Master Plan.
- B. Wall-mounted signs. Wall-mounted signs may be constructed as follows (see also Appendix D):
1. Single tenant structures.
 - (a) Size: 48 square feet, or one-and-two tenths (1.2) square feet for each lineal foot of wall face that the sign is mounted on, whichever is less.
 - (b) Mounting Height: 15' maximum and not to extend above the
 - (c) Quantity: 1 maximum

- (d) Horizontal sign dimension: 12' maximum
- 2. Multi-tenant retail structures.
 - (a) Quantity: 1 sign per tenant
 - (b) Vertical sign dimension: 3' maximum
 - (c) Horizontal sign dimension: 16' maximum
 - (d) The maximum size of such signs shall be forty-eight (48) square feet, or one-and-two tenths (1.2) square feet for each lineal foot of wall face that the sign is mounted on, whichever is less.
 - (e) The mounting height of such signs shall not exceed the height of the ground floor.
- 3. Secondary wall-mounted signs.
 - (a) Business uses that have a side or rear building facade fronting on a parking lot or face a secondary street frontage may have a secondary wall-mounted sign not to exceed 50% of the area of the primary building sign. This provision shall not apply in situations where a parking lot is located between a building and a public street.
 - (b) Service station canopies may have a secondary wall-mounted sign not to exceed 50% of the area of the primary building sign. In no instance may a service station canopy sign face a residential use, or have changeable lettering.
- 4. Wall-mounted signs on larger buildings in Planned Development Districts. Buildings and uses in the Planned Development Districts (LI, PUD and C-1) in excess of 75,000 square feet in floor area may provide two (2) wall signs per building with a maximum area of up to five (5%) percent of the wall area, not to exceed two hundred and forty (240) square feet.
- C. Awning signs. Awning signs may be constructed as follows (see also Appendix D):
 - 1. Quantity: maximum 2 per awning
 - 2. Sign face vertical dimension: max. eighteen (18) inches
 - 3. Letter/number/character/image height: 10" maximum
 - 4. Letter/number/character/image width: 1' maximum
 - 5. Colors: 2 maximum including sign lettering
 - 6. Awning signs shall only be permitted on first-story awnings.
 - 7. The minimum height from ground level to lowermost portion of awning shall be eight (8) feet.

8. The maximum horizontal projection dimension of an awning from the building wall, including any appurtenances, shall not exceed five (5) feet. Such awning may project over a public sidewalk only and shall not extend over any other portion of any other public right-of-way. No canopy may project over a public right-of-way, unless approved by the Township Committee.
9. The maximum vertical dimension of an awning shall not exceed the horizontal projection dimension.
10. The sign shall only be located on a portion of the awning that is both parallel to the vertical orientation of the building wall to which it is attached and is parallel to the building line of the building wall to which it is attached. This portion is more commonly known as the "valance."
11. The horizontal dimension of the sign shall not exceed fifteen (15) feet, or sixty percent (60%) of the length of the awning occupied by the use, whichever is less.

D. Directory Nameplate.

1. Size: maximum 12 square feet
2. Height: maximum 5'
3. Quantity: maximum 1 per lot
4. A directory sign may not be located so as to be visible from a public street or any adjacent property.

E. Directional Signs.

1. Size: maximum 3 square feet
2. Height: maximum 3'
3. Setback: minimum 0'
4. No directional sign may be located within a sight triangle.
5. A directional sign must contain a clear message which directs the flow of traffic, and should be designed to blend harmoniously with other on-site signage
6. No directional sign shall extend into or over any public right-of-way.

F. Permanent Window Signs. A business establishments located below the third story of a building shall be permitted to display permanent window sign(s), subject to the following regulations:

1. Sign Content. The sign(s) shall be limited to the resident business name, resident business logo, resident business type, street address, and/or telephone/fax number. No permanent window sign shall depict brand names and/or logos of products, commodities, services, etc. other

- than those owned by the local resident business establishment itself.
2. Sign materials and placement. A permanent window sign shall be:
 - (a) Professionally painted on the interior side of a window; and/or
 - (b) A fixture constructed by a professional sign manufacturer hung on the interior side of a window
 3. Sign Area. Maximum area of any and all permanent window signs shall not exceed thirty-five percent (35%) of the total window area within which it is displayed, not to exceed eighteen (18) square feet.
 4. Quantity. One (1) sign per business per window shall be permitted, up to a maximum of two (2) signs per business on any wall, not to exceed four (4) signs per business on any building.
 5. Location. No permanent window sign shall be permitted in a window above the second-story of a building.
 6. Visibility. No permanent window sign shall be displayed in a window unless it is visible from a public street or an approved parking area.
 7. Illumination. The sign(s) may be internally illuminated or externally illuminated from the interior of the building. Framing of a window with neon lights and/or tubing shall not be permitted as a method of illumination for window signs.

[NOTE: The previous subsection, "F" has been added per Ordinance No. 03-035]

§ 416.08 Signs in Historic Districts

- A. Applicability. This Sub-section applies to all signs in any historic zone district.
- B. Illumination.
 1. No sign may be internally illuminated.
 2. Neon signs shall not be permitted.
 3. All illuminated signs shall be extinguished by 11:00 p.m. each night during all seasons of the year.
- C. Materials. Signs shall be constructed of wood, metal or other solid or rigid material.
- D. Permitted Signs. The following types and sizes of signs shall be permitted:
 1. Professional nameplates not exceeding one (1) square foot in area.
 2. Bulletin boards not exceeding twenty (20) square feet in area for religious or other semi-public and public institutions when they are located on the same premises as the buildings.
 3. Signs for ground floor business establishments, other than historic hotels, shall be permitted in accordance with the following regulations:

- (a) Wall mounted signs. One (1) wall-mounted sign having a maximum area not to exceed fifteen (15) square feet and one (1) wall-mounted sign having a maximum area not to exceed six (6) square feet. Where the business is located at a corner lot, four (4) signs are permitted; two (2) on each road frontage meeting the above specified area requirements. The maximum height of such signs shall be fifteen (15') feet or the sill level of the second (2nd) story, whichever is less. The signs shall be applied flat against the wall and shall conform to all other applicable requirements contained herein.
- (b) Projecting signs. One (1) projecting sign may extend from the primary building face to a maximum horizontal dimension of 42". Such sign is to be perpendicular to a building face, and shall be situated to be visible to those traversing sidewalk areas. The maximum area for such a sign shall be five (5) square feet. The bottom of the sign must be a minimum eight (8) feet from ground level.
- (c) Awnings signs. A maximum of two (2) awning signs shall be permitted. Such signs may only state the name of the establishment associated with the awning. Maximum image height shall be ten (10) inches, and maximum image width shall be one (1) foot. Awning signs shall only be permitted on first-story awnings. The sign shall only be located on a portion of the awning that is both parallel to the vertical orientation of the building wall to which it is attached and is parallel to the building line of the building wall to which it is attached. This portion is more commonly known as the "valance." The horizontal dimension of the sign shall not exceed fifteen (15) feet, or sixty percent (60%) of the length of the awning occupied by the use, whichever is less. The minimum height from ground level to lowermost portion of awning shall be eight (8) feet. The maximum horizontal projection dimension of an awning from the building wall, including any appurtenances, shall not exceed five (5) feet. Such awning may project over a public sidewalk only and shall not extend over any other portion of any other public right-of-way. No canopy may project over a public right-of-way, unless approved by the Township Committee. The maximum vertical dimension of an awning shall not exceed the horizontal projection dimension.
- (d) Permanent window signs. Permanent window signs shall be permitted subject to the following regulations:
 - (i) Sign Content. The sign(s) shall be limited to the resident business name, resident business logo, resident business type, street address, and/or telephone/fax number. No permanent window sign shall depict brand names and/or logos of products, commodities, services, etc. other than those owned by the local resident business establishment itself.
 - (ii) Sign materials and placement. A permanent window sign shall be professionally painted on the interior side of a window; and/or a fixture constructed by a professional sign manufacturer hung on the interior side of a window.
 - (iii) Sign Area. Maximum area of any and all permanent window signs shall not exceed thirty percent (30%) of the total window area within which it is displayed, not to exceed twelve (12)

square feet.

- (iv) Quantity. One (1) sign per business per window shall be permitted, up to a maximum of two (2) signs per business displayed on any building.
- (v) Location. No permanent window sign shall be permitted in a window above the first-story of a building.
- (vi) Visibility. No permanent window sign shall be displayed in a window unless it is visible from a public street or an approved parking area.
- (vii) Illumination. The sign(s) may be internally illuminated or externally illuminated from the interior of the building. Neon light window framing shall not be permitted as a method of illumination for window signs.

[NOTE: The previous subsection D.3(d) has been added per Ordinance No. 03-035]

- 4. Signs for historic hotels, rooming houses and other transient residential establishments shall be permitted based on the number of guest rooms, as follows:
 - (a) Under 20 rooms. One (1) sign with a maximum area of ten (10) square feet and one (1) sign with a maximum area of four (4) square feet. Wall mounted signs. One (1) wall-mounted sign having a maximum area not to exceed fifteen (15) square feet and one (1) wall-mounted sign having a maximum area not to exceed six (6) square feet.
 - (b) Each permitted accessory use is permitted one wall mounted sign not to exceed fifteen square feet in area on each street frontage.
 - (c) Awning signs as described in §416.08.D.3.c.
 - (d) Signs shall not be located in the historic flared open space area.
- 5. Memorial signs or tablets not to exceed two (2) square feet in area are permitted, when constructed of bronze or other incombustible material or when cut into the masonry surface of the building to commemorate the name of the building and/or the date of construction.
- 6. Temporary signs not exceeding fifteen (15) square feet in area denoting the architect, engineer or contractor when placed on the work under construction shall be permitted for three (3) months and renewable for five (5) month periods.
- 7. A single real estate sign, not to exceed six (6) square feet in area which advertises the sale, rental or lease of the premises on which the sign is located or a name sign for a residential building shall be permitted, when attached to the lowest floor of the building, parallel to the street.
- 8. Traffic or other municipal signs, legal notices, notice of dangerous conditions and other temporary emergency or non-advertising signs of public interest shall be permitted by approval of the Neptune Chief of Police in cases of emergency or the Township Committee in all other cases.

- E. Signage for Ocean Grove Camp Meeting Association (OGCMA) shall be permitted, as follows:
1. Internally illuminated religious symbols sixteen (16') feet in height placed at an elevation not to exceed seventy-five (75) feet high.
 2. Wall mounted identification signs not to exceed sixteen (16) square feet in area with a maximum height of fifteen (15') feet.
 3. Wall mounted informational signs not to exceed sixteen (16) feet in area with a maximum height of fifteen (15') feet.
 4. Public safety and informational signs.
 5. Bronze memorial signs.
 6. Street signs
 - (a) Standard street signs per Manual of Uniform Traffic Control Devices.
 - (b) Monument street signs not to exceed twenty-four (24") inches in height.

§ 416.09 Enforcement

The Zoning Officer shall be responsible for the administration and enforcement of all regulations contained within this article. The Zoning Officer may initiate enforcement procedures if any of the regulations contained herein are in violation. The Zoning Officer may call upon the Chief of Police and any duly authorized agents to assist in the enforcement of this title. If in the opinion of the Zoning Officer a particular sign presents an immediate danger to the public health, safety and welfare, appropriate action may be initiated to cause said sign to be immediately removed.

§ 417 SCHEDULE C: TABLE OF PERMITTED SIGNS

§ 418 HEIGHT EXEMPTIONS AND PERMITTED PROJECTIONS

- A. Height exemptions. The maximum height requirements for each zone district shall apply to all structures in all zone districts, except as follows:
1. Chimneys, flues, ventilators, skylights, towers, water tanks, cooling towers, church spires, cupolas, belfries, clock towers, flagpoles and all other decorative features and necessary mechanical appurtenances and similar features usually carried above the roof level, shall be exempt from the height provisions of this Ordinance provided:
 - (a) The aggregate area covered by all such features shall not exceed 20% of the area of the roof of the building of which they are a part.
 - (b) The height of each such feature shall not exceed fifteen (15) feet above the level of such roof, except for church spires which may exceed the required height by thirty-five (35') feet.
 - (c) All such features shall be constructed, or enclosed within walls, of a material and design in harmony with that of the main walls of the building of which they are a part.

2. Where the height of a building conforms to the requirements of this Chapter on that side or sides thereof which face(s) the street, but where, due to the topography of the lot, the said height is in excess of said requirements along one or more sides of such building other than the side or sides which face(s) the street, the Zoning Officer may issue a zoning permit provided that at no point along the periphery of the building does the height thereof exceed by ten (10) feet, and/or by one (1) story, the maximum height prescribed by this Chapter for the zone district in which such building is located.
 3. Parapet walls not extending more than four (4) feet above the maximum height limitation shall be exempt from height requirements set forth in this Chapter.
- B. Permitted projections. The following shall not be considered to be obstructions and shall be permitted when located in a required yard and/or setback area:
1. Fire escapes, provided they do not project more than four (4) feet into a required yard and they are no closer than two (2) feet to a property line; Fire escapes are not permitted in a front yard.
 2. Weather protecting and energy efficiency enhancing front door enclosures that project no more than five feet into a required front setback area, and are no larger than forty (40) square feet in total area, provided the principal structure complies with the required front yard setback;
 3. Ground story bay windows, provided they project no more than two (2) feet into the required yard;
 4. Cornices, eaves, cantilevered roofs, gutters and chimneys, provided they do not project more than twenty-four (24) inches from an exterior building wall into any required yard setback, and provided they remain at least two (2) feet from all yard lines;
 5. Entrance platforms and steps leading to a basement or first floor, provided they do not project more than four (4') feet into a required side or rear yard setback. Front yard steps and entry platforms may project no more than six (6') feet into the required front yard setback.

§ 419 FLOOD HAZARD REGULATIONS

- A. Purpose. It is the purpose of this section to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to do the following:
1. Protect human life and health;
 2. Minimize expenditure of public money for costly flood control projects;
 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
 6. Help maintain a stable tax base by providing for the reuse and development of areas of special flood hazard so as to minimize future flood blight areas;
 7. Ensure that potential buyers are notified if a property is in an area of special flood hazard; and
 8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- B. Methods and provisions. In order to accomplish its purposes, this section includes methods and provisions for the following:
1. Restricting or prohibiting uses, buildings or structures which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 2. Requiring that uses, buildings or structures vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 3. Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
 4. Controlling filling, grading, dredging and other development which may increase flood damage; and
 5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.
- C. Applicability. This section shall apply to all areas of special flood hazards are located within the Township of Neptune. Flood Insurance Rate Maps and Flood Boundary-Floodway Maps prepared by the Federal Emergency Management Agency as part of the National Flood Insurance Program dated March 1, 1984 identifying areas of special flood hazard are hereby adopted by reference and declared to be a part of this section.
- D. Interpretation. This section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this section and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. Liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that properties outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. Additionally, this section shall not create liability on the part of the Township, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.
- F. Permit required. A zoning permit and a construction permit must be obtained before construction or development begins within any area of special flood hazard established in

this section. In addition to the normal information required for a zoning permit application, the following specific information is required to be reviewed by the Township Engineer prior to the issuance of an approved zoning permit:

1. Elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
 2. Elevation in relation to mean sea level to which any structure has been flood proofed;
 3. Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in subsection J.2. Below;
 4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
 5. Elevation in relation to mean sea level of any ground areas to be disturbed, filled, graded or re-graded;
 6. Certification that all necessary permits have been obtained from those Federal, State or County governmental agencies from which prior approval is required; and
 7. All base flood elevation and floodway data used to determine whether the proposed development is located in the floodway shall assure that the encroachment provisions of sub-section K. below are complied with. When base flood elevation and floodway data has not been provided in accordance with sub-section C. above, the Township Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sub-section J. below.
- G. Township requirement. The Township shall perform the following when a watercourse may be altered:
1. Notify the New Jersey Department of Environmental Protection prior to any watercourse alteration or relocation activity watercourse and submit evidence of such notification to the Federal Insurance Administration; and,
 2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- H. Areas of special flood hazard. In all areas of special flood hazards the following standards shall be complied with:
1. Anchoring.
 - (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - (b) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to use of over-the top or frame ties to ground anchors. This requirement is in addition to applicable U.C.C. anchoring requirements for resisting wind forces.
 2. Construction Materials and Methods.

- (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Utilities.
- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - (c) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. Enclosure Openings.
- (a) All new construction and substantial improvements shall have fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
 - (b) Design for meeting this requirement shall either be certified by a registered professional engineer or architect or shall meet or exceed the following minimum criteria:
 - (i) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- I. Applications for development. All applications for development shall be consistent with the need to minimize flood damage. Development plans shall comply with the following provisions:
- 1. Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize flood damage.
 - 2. Adequate drainage shall be provided to reduce exposure to flood damage.
 - 3. Base flood elevation data shall be provided for applications for development which contain at least fifty (50) lots or five (5) acres, whichever is less.

- J. New construction. In all areas of special flood hazards where base flood elevation data have been provided as set forth in sub-sections F., the following standards shall be required:
1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
 2. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall comply with the following:
 - (a) The lowest floor, including basement, shall be either:
 - (i) Elevated to the level of the base flood elevation; or
 - (ii) Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (b) The construction of improvement shall be certified by a New Jersey registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this section.
 3. All manufactured homes and any such structure placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.
- K. Floodways. Located within areas of special flood hazards established in subsection C. above, are areas designated as floodways. The following provisions shall apply to all floodways:
1. Encroachments on floodways, including fill, new construction, substantial improvements and other developments shall be prohibited, unless a technical evaluation by the Township Engineer demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 2. If the Township Engineer determines that encroachment will not result in any increase in flood levels, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of sub-section H. above; and in all areas of special flood hazards in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

§ 420 SOIL CONSERVATION

- A. Findings. The Township Committee of the Township of Neptune hereby finds that the uncontrolled and unregulated removal of topsoil and subsoil from various areas of the Township to other areas both within and without the Township has resulted in and will continue to result in serious erosion and acid promoting conditions detrimental to the public safety, health and general welfare.

- B. Purpose. The purpose of this chapter is to control and regulate soil removal in the Township of Neptune by requiring adequate provisions for the retention of topsoil and subsoil whenever necessary to prevent erosion and sedimentation, exposed acid concentration and such other harmful and objectionable conditions as are detrimental to the safety, health and general welfare of the citizens of the Township of Neptune.
- C. Permit Required to Remove Soil. No person shall disturb or remove soil in the Township without having first obtained a permit from the Construction Official. Soil placement or disturbance of less than 5,000 square feet associated with a permitted residential use shall be exempt from this requirement.
- D. Review and Approval of Application for Permit. No permit shall be issued hereunder until the application required to be filed hereunder shall have been reviewed and approved by the Township Engineer. The Township Engineer shall, upon receipt of an application, review and verify the data contained therein and inspect the site to determine the type and quantity of soil which may be removed consistent with this Subsection.

If the Township Engineer, upon inspection of the site and review and verification of the data submitted by the applicant, determines that the type and amount of soil proposed to be removed may be removed consistent with this section and the requirements of Chapter 251, PL 1975, Soil Erosion and Sediment Control, he shall direct the Construction Official to issue the permit for the type and amount of soil requested and upon such terms as the Township Engineer shall require under this chapter. If the Township Engineer, upon inspection of the site and review and verification of the data submitted by the applicant, determines that the type and amount of soil proposed to be removed cannot be removed consistent with this section and the requirements of Chapter 251, PL 1975, Soil Erosion and Sediment Control, he shall direct the Construction Official to deny the permit. The Township Engineer may require the applicant to provide such additional data as the Township Engineer may determine to be necessary in order to properly review the application. In the event that he directs the Construction Official to deny the permit, the Township Engineer may specify for the benefit of the applicant the type and quantity of the soil which could be removed, if any, consistent with the requirements of Chapter 251, P.L. 1975, Soil Erosion and Sediment Control. The Construction Official shall issue or deny the permit as the Township Engineer shall direct. The Township Engineer shall either approve or reject the application for a permit hereunder and the Construction Official shall either issue or deny the permit within sixty (60) days of the filing of the application therefor.

- E. Data Required. The applicant shall submit to the Construction Official for review by the Township Engineer, a written application for a permit on a form to be supplied by the Construction Official. The application shall specify:
1. Site location indicating both street address and Lot and Block number according to the official Tax Map of the Township.
 2. Name and address of the owner of the site and the names and addresses of all persons owning property located within two hundred (200') feet of the site.
 3. The type and quantity of soil proposed to be removed including but not limited to:
 - (a) Existing pH of both topsoil and subsoil.

- (b) Mixture of soil including percentage of organic compounds, sand, clay, gravel, etc.
 - (c) Other soil characteristics described in terms which shall conform as nearly as practical to the terms employed by the Standards for Soil Erosion and Sediment Control as adopted by the State Soil Conservation Committee.
 - 4. A description of the proposed improvements to the property which necessitate the removal of the soil.
 - 5. A designation of the zone in which the site is located according to the provisions of this Chapter.
 - 6. Location to which soil is to be removed.
 - 7. Measures proposed by the applicant for the control of acid formation or exposure and the maintenance or improvement of existing soil pH levels.
 - 8. Such other data as the Township Engineer may require in order to properly review the application.
- F. Soil Mixture and pH Maintenance Standards.
- 1. **Limitation on Soil Removal.** Except as hereinafter provided, the removal of soil permitted by this chapter is here expressly limited to that volume of soil equal to the subsurface volume of any natural vegetation or man-made structure which has been placed on the site as an improvement thereto, diminished by that volume of soil which may be required under the provisions of Chapter 251, P.L. 1975, Soil Erosion and Sediment Control, to be retained on the site for the purposes of, soil erosion and sediment control. The excavating or stripping of land or engaging in any other land disturbance activity involving removing soil from a site solely for the purposes of resale is hereby expressly prohibited. The limitations provided here shall not be construed to in any way prohibit the removal of soil from the site in order to correct any existing or readily anticipated erosion conditions in accordance with Chapter 251, P.L. 1975, Soil Erosion and Sediment Control.
 - 2. **General Control Standards.** During the removal of soil as permitted under this chapter:
 - (a) Stripping of vegetation, grading or any other disturbance shall be done in a manner which will minimize soil erosion.
 - (b) Whenever feasible, natural vegetation shall be retained and protected.
 - (c) The extent of the disturbed area and the duration of its exposure shall be kept within practical limits.
 - (d) All construction or land disturbances shall be conducted in a manner consistent with the requirements of Chapter 251, P.L. 1975, Soil Erosion and Sediment Control.
 - (e) Whenever the soil removed consists of both topsoil and subsoil of a lesser quality, the topsoil shall be retained for the purposes of grading. No topsoil shall be removed from the site unless prior thereto all subsoil

and soil of a lesser quality shall have been removed from the site. For the purposes of this section, topsoil shall mean the arable soil, shall contain no stone, shall be loamy, free of debris, and shall contain no toxic substance that may be harmful to plant growth. Topsoil shall have a minimum organic content of not less than two and three quarters (2.75%) percent by weight, a pH range of not less than 5.0 nor more than 7.5, and a soluble salt content not exceeding five hundred (500) ppm. For the purpose of this section, subsoil shall mean all soils of lesser quality than topsoil.

- (f) Excavated soil shall not be placed adjacent to streams, other bodies of water or man-made or natural water flow channels in a manner that will cause it to be washed away by high water or runoff.
- (g) Prior to the installation of any natural vegetation or manmade structure or the backfilling or grading required under the provisions of either this chapter or Chapter 251, P.L. 1975, Soil Erosion and Sediment Control, any exposed soil having a pH value of less than 4 shall be covered with a minimum of twelve (12) inches of soil material no coarser than a sandy loam which can be corrected to a minimum pH of 6.5. Any soil which shall remain exposed during the disturbance activity and for a period in excess of three (3) working days shall be maintained at a minimum pH of 6.5.
- (h) Whenever the removal of soil requires the removal of any trees, tree stumps, or other vegetation, the trees, tree stumps or vegetation so removed shall be removed from the site and shall not be buried or used as fill on the site.

G. Inspection and Enforcement. The requirements of this chapter shall be enforced by the Construction Official who shall also inspect the approved removal activity. If the Construction Official finds existing conditions not as stated in the approved application, he shall refuse to approve further work and may seek other penalties as provided in Article XI.

H. Fees.

- 1. No permits required hereunder shall be issued by the Construction Official unless the applicant shall have paid to the Township Clerk the fees required by Article X. The Township Clerk shall collect the following fees in order to defray the cost of administering this Ordinance and carrying out any inspection required hereunder:

§ 421 SLOPE REGULATIONS AND RETAINING WALLS

- A. The purpose of these regulations is: (1) to minimize potential detrimental impacts that are associated with the disturbance of established vegetation on existing steep slopes; (2) to avoid creating new steep slopes where the potential for detrimental impacts are increased; and (3) to minimize potential detrimental impacts by regulating the scale, mass and location of retaining walls. Detrimental impacts means any adverse impact to: public safety and the general welfare; private or public property; or, any historic, cultural, scenic or other environmental resource caused by the destabilization of a slope area or retaining wall as a result of erosion slumping, runoff or other consequence.
- B. For the purposes of these regulations, "construction" shall mean any disturbance or improvement to land, including but not limited to buildings, structures, streets, driveways,

parking areas, swimming pools, excavations, fill, grading, tree removal, stripping of vegetation and clearing, except that selective thinning of vegetation and site work approved by the approving authority for sidewalks and similar pedestrian ways, subsurface utility installations and drainage facilities shall not be considered construction.

- C. Steep slopes shall not be disturbed and retaining walls shall not be installed except where the applicant demonstrates that each disturbance and/or retaining wall is essential to the reasonable use of the property and that no adverse impact to adjoining properties will result from the proposed construction.
 - 1. In the case of development applications before the Planning Board or the Zoning Board of Adjustment, the applicant shall submit a separate sheet as part of the overall development plan, identifying the extent of the steep slope disturbance and the use of retaining wall(s) and noting the justification(s) for the disturbance.
 - 2. In the case of Zoning Permit Applications, the applicant shall submit a grading plan in accordance with the zoning permit requirements contained in Article XI of this Land Development Ordinance.

- D. Within any development, construction on steep slopes, as defined herein, shall be in accordance with the following provisions.
 - 1. Construction on steep slopes of fifteen (15) percent or greater, but less than twenty-five (25) percent, shall be permitted in accordance with the following regulations:
 - (a) A maximum of thirty (30) percent of the total lot area in this slope category may be used for construction purposes; and,
 - (b) Construction shall not result in the creation of critical slope areas.
 - 2. No construction shall be permitted in critical slope areas (slopes of 25 percent or greater) unless all of the following criteria are met:
 - (a) The total soil disturbance in the critical slope area of the lot is no greater than one (1) cubic yard;
 - (b) The total area of removal or disturbance of vegetation in the critical slope area of the lot is no greater than twenty-five (25) square feet;
 - (c) The increase in impervious ground cover in the critical slope area of the lot is no greater than twenty-five (25) square feet;
 - (d) The construction does not include the removal of any tree, having a diameter at point of measurement greater than eighteen (18) inches; and,
 - (e) The applicant must demonstrate that the proposed slope disturbance is essential to a reasonable use of property.

- E. Where construction will disturb steep sloped areas and areas abutting steep slopes, the plan shall provide the following design features, as applicable to the situation:
 - 1. Any grading or disturbance in an area of steep slopes or in an area abutting a steep slope shall stabilize the soil as required to avoid detrimental impacts.
 - 2. An area abutting a steep slope may be disturbed or completely removed, provided:

- (a) The final grading does not result in a net increase in the total steep slope areas on the lot; and,
 - (b) The removed soil is redistributed on site and/or removed from the site in accordance with other township requirements.
- 3. The area along the top of a steep slope may be filled and a retaining wall(s) constructed, provided the retaining wall(s) and all other construction activities conform to regulations set forth herein.
- F. Landscape Retaining Wall Setback Requirement. Landscape retaining walls shall not be located closer to a property line than one half (1/2) the height of the wall.
- G. Maximum Height of Structural Retaining Walls
 - 1. The maximum height of any structural retaining wall, section of structural retaining wall, or tier of a structural retaining wall, shall be no greater than eight (8) feet, unless in a front yard setback area, in which case the maximum height shall be no greater than four (4) feet.
 - 2. Multiple, staggered or tiered walls shall be considered single walls unless the minimum horizontal distance between the top of any single section or tier and the base (toe) of the next higher section or tier is not less than one and one-half (1-1/2) times the height of the lower section or tier. If there are more than three (3) single sections or tiers, the minimum distance between the top of any single section or tier and the base (toe) of the next higher section or tier shall be not less than two (2) times the height of the lower section or tier.
 - 3. A structural retaining wall shall not extend in height for more than one (1) foot above the natural or approved finished grade at its top, unless proper surface drainage requires a greater height.
 - 4. Any combination of a structural retaining wall(s) and a safety fence shall not exceed twelve (12) feet.
- H. Location of Structural Retaining Walls
 - 1. A structural retaining wall (top or bottom) shall be located no closer to a property line than the height of the wall or wall segment closest to the property line, and the applicant's engineer shall certify that a failure of the structural retaining wall will not have an adverse impact on any adjoining property or public right-of-way.
 - 2. Structural retaining walls shall not be located in any public rights-of-way or utility easements.
- I. Safety Requirements of Structural Retaining Walls. The top of any structural retaining wall, or tiered wall, with a height of greater than four (4) feet, shall be protected through the use of fencing with a minimum height of three (3) feet or, in the alternative provided safety concerns are adequately addressed, densely planted vegetation at 50% of the full growth screening.
- J. Design. A licensed structural or civil engineer shall design all structural retaining walls, with signed and sealed plans submitted for review and approval by the Construction Official, Borough Engineer, Planning Board Engineer or Zoning Board of Adjustment Engineer, whatever the case may be.

- K. Inspection. A licensed structural or civil engineer, at the cost of the applicant, shall inspect the construction of all structural retaining walls, and a signed and sealed certification that the wall has been properly constructed shall be submitted to the Construction Official upon completion of the wall.

[NOTE: The previous section, Section 421, has been added per Ordinance No. 03-035]

§ 422 NONCONFORMING USES, STRUCTURES AND LOTS

The following provisions shall apply to valid non-conforming uses, structures and lots at the time of adoption of this Ordinance:

- A. A use, building or structure which is lawfully in existence at the effective date of this Ordinance and shall be made non-conforming at the passage of this Ordinance or any applicable amendment thereto, may be continued as otherwise provided in this section.
- B. No existing use, structure or premises devoted to a non-conforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, unless it is changed to a conforming use or structure as follows:
1. Any non-conforming structure or use damaged to less than fifty per cent (50%) of its previous existing area or value by fire or other natural calamity, may be restored, reconstructed or used as before, provided the area of such use or structure shall not exceed the area which existed prior to such damage nor increase the intensity of use. All repairs shall be completed within one (1) year after damages occur, or within such time extensions granted by the Zoning Officer, which can only be granted upon good cause being shown by the applicant, or such use shall not be rebuilt except as a conforming use.
 2. Normal maintenance and repair of a structure containing a non-conforming use is permitted, provided that it does not extend the area or volume of space occupied by the non-conforming use or structure and does not increase the intensity of use. Nothing in this section shall prevent the restoring to a safe or lawful condition any part of any structure declared unsafe by the Construction Official.
 3. A building containing residential non-conforming uses may be altered in any way to improve interior livability. No structural alterations shall be made which would increase the number of bedrooms or dwelling units.
- C. Non-conforming uses and structures are considered terminated and shall not be revived in any way except as a conforming use or structure in accordance with the following:
1. A non-conforming use or structure abandoned in accordance with this Ordinance and accompanied by an intent on the part of the owner to abandon such use as evidenced by some act or failure to act which carries with it a sufficient implication that the owner neither claims or retains any interest in the subject matter of the abandonment shall be considered a termination thereof. Such implication shall be rebuttably presumed by non-use for any period of two (2) or more years. Non-use by successive owners shall be considered continuous non-use.
 2. The change of a non-conforming use or structure to a more or entirely conforming use for any period of time shall be considered an abandonment of the previous non-conforming use, and a reversion to the previous non-conforming use shall not be permitted.

3. A non-conforming structure or use which has fifty percent (50 %) or more of its non-conforming area or value destroyed by fire or natural calamity shall be considered an abandonment thereof.
- D. A nonconforming structure may not be enlarged, extended, increased in height, width or depth, moved or relocated, modified in such a way so as to increase habitable or useable space, number of dwelling units or number of bedrooms; unless such structure is changed to a structure conforming to the requirements of this Chapter except that an existing one family structure may be rebuilt, enlarged, extended or added to provided:
1. The enlargement, extension or addition conforms to all zone requirements; or
 2. The portion of the enlargement, extension or addition which does not conform to zone requirements consists entirely of the enclosure of existing side or rear porches.
 3. The portion of the enlargement, extension or addition that does not conform to the requirements does not increase the degree of non-conformity with setback requirements.
 4. An existing one-family structure located in a residential district destroyed by fire or other natural calamity may be rebuilt provided the new structure complies with all zone requirements relating to setbacks and height; however, the existing lot need not comply with minimum lot width, depth and area requirements where the existing condition is non-conforming.

[NOTE: The previous section, §422, has been renumbered per Ordinance No. 03-035; prior section number assignment was §421]

ARTICLE V- PERFORMANCE AND DESIGN STANDARDS

§ 500 PURPOSE

- A. To set forth guidelines and standards that promote the creation of functional and attractive development that shall promote and give due consideration to the health, safety, general welfare, morals, order, efficiency, economy, maintenance of property values and character of the Township.
- B. To ensure that any development shall comply with the Master Plan, zoning plan and other overall or district plans of the Township and this chapter
- C. To provide guidelines and standards that shall be used by an applicant in preparing a development plan, and the Board in reviewing the same. In reviewing a development plan, the Board shall establish findings as to whether or not, and to what degree, an application for development meets such guidelines and standards. Based upon its review of the development plan and the degree to which such findings of compliance are established, the Board may approve, conditionally approve, request modifications or deny approval of the application for development
- D. To minimize adverse impacts of flooding, drainage, erosion, vehicular traffic, pedestrian movement, parking, vibration, lighting and glare, noise, odor, solid waste disposal, litter, ventilation, vibration, crime and vandalism and inappropriate design and development
- E. To ensure that any new development gives due consideration to the physical, visual and spatial characteristics of the existing streetscape, neighborhood and district in which such is located and the Township generally
- F. To ensure that the physical, visual and spatial characteristics of any proposed development shall not be so markedly incongruous with the same characteristics of the existing streetscape, neighborhood and district in which such is located, and the Township generally, so as to materially detract from the real property value of adjacent or nearby properties

§ 501 EXCEPTIONS

The design guidelines and standards described in this Article shall be used as the Township's presumptive minimum requirements for subdivision and site plan development and as criteria for evaluating the plan and design of such development plans. However, the guidelines and standards are not intended to restrict creativity, and an applicant may request that the guidelines and standards be modified or waived. To gain approval of such modification or waiver, the applicant shall demonstrate to the Board the criteria for exceptions pursuant to N.J.S.A. 40:55D-51, which shall include a showing that the resulting change will:

- A. Generally satisfy the purpose of this article;
- B. Be designed in accordance with the Township's normally acceptable engineering, planning and/or architectural practices;
- C. Not have an adverse impact on the physical, visual or spatial characteristics of the overall development plan for the tract to be developed;
- D. Generally enhance the overall development plan for the tract;

- E. Not have an adverse impact on the physical, visual or spatial characteristics of the existing streetscape, neighborhood and district in which such development is located or the Township, generally;
- F. Generally enhance the streetscape and neighborhood in which it is located;
- G. Not reduce the useful life or increase the cost of maintenance of the improvement to be modified or otherwise have an adverse impact on the long-term function of the development;
- H. Not materially detract from the real property value of the development or adjacent or nearby properties;

§ 502 ARCHITECTURAL DESIGN STANDARDS

- A. Applicability. This article shall apply to all site plan applications.
- B. Design standards. The following standards shall be used to prepare and review the architectural design of all buildings and structures in a development plan. Where a development plan involves an existing building or a site upon which an existing building is located, the existing building shall be repaired, renovated and restored to comply with this Article.
 - 1. Massing.
 - (a) Except for buildings in planned commercial development, no building shall be permitted to have a total measurement greater than 150 feet in length along any wall, roof or footprint plane. Building wall offsets, including both projections and recesses, shall be provided along any building wall measuring greater than fifty (50) feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall. The total measurement of such offsets shall equal a minimum of ten (10) percent of the building wall length. The maximum spacing between such offsets shall be forty (40) feet. The minimum projection or depth of any individual offset shall not be less than two feet. Roofline offsets shall be provided along any roof measuring longer than seventy-five (75) feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long roof.
 - (b) Planned commercial development. Buildings comprising planned commercial development shall be permitted to have a total measurement no greater than 650 feet in length along any wall, roof or footprint plane. Building wall offsets, including both projections and recesses, shall be provided along any building wall measuring greater than 100 feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall. The total measurement of such offsets shall equal a minimum of five (5) percent of the building wall length. The maximum spacing between such offsets shall be seventy five (75) feet. The minimum projection or depth of any individual offset shall not be less than ten (10) feet. Roofline offsets shall be provided along any roof measuring longer than seventy-five (75) feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long roof.

2. Horizontal courses. All visibly exposed sides of a building shall have an articulated base course and cornice the base course shall be traditionally proportionate to the overall horizontal and vertical dimensions of a facade and shall align with either the kickplate or sill level of the first story. The cornice shall terminate the top of a building wall, may project out horizontally from the vertical building wall plane and shall be ornamented with moldings, brackets and other details that shall be appropriate to the architectural style of a building. The middle section of a building may be horizontally divided at floor, lintel or sill levels with belt courses. Building courses shall be considered an integral part of the design of a building and shall be architecturally compatible with the style, materials, colors and details of the building
3. Continuity of treatment. The architectural treatment of a facade or roof shall be completely continued around all visibly exposed sides of a building. All sides of a building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details.
4. Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, colors and details of such building. The minimum permitted roof pitch shall be eight on 12, and all gables on a building shall be of the same pitch. A flat roof may be permitted on a building of a minimum of two stories in height, provided that all visibly exposed walls shall have an articulated cornice that projects out horizontally from the vertical building wall plane. A mansard roof may be permitted, but only if such is located on the third story of a building, completely and integrally enclosing such story. Flat or mansard roofs shall be prohibited on all one-story buildings. Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys, cupolas, clock towers and such similar elements shall be permitted, provided that such are architecturally compatible with the style, materials, colors and details of the building.
5. Windows. Fenestration shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned wherever possible the location of windows on the upper stories of a building shall be vertically aligned with the location of windows and doors on the ground level of such building. Permitted retail and personal service business uses located in business districts may have large pane display windows on the ground level, provided that such window shall be framed by the surrounding wall and shall not comprise greater than seventy-five (75) of the total ground level facade area of such building. All other windows shall be double-hung or casement types. A building designed of an architectural style that normally has windows with muntins or divided lights shall utilize them. Such muntin or divided light grids may be the snap-on type, if fitted on the exterior of the window or between the glazing of the window units.
6. Entrances. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building
7. Physical plant. All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view for a minimum distance of 500 feet from the site. Such shielding shall be accomplished by utilizing the walls or roof of the building or a penthouse-type screening device that shall be designed

to be architecturally compatible with the style, materials, colors and details of such building.

8. Materials, colors and details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other. A building designed of an architectural style that normally includes certain integral materials, colors and/or details shall have such incorporated into the design of such building. The number of different materials on exterior facades should be limited to three types.
 9. Shutters. A building designed of an architectural style that normally includes shutters shall provide such on all windows on the front facade. If such building is located on a corner lot, shutters shall be provided on all windows of all facades fronting on a street.
 10. Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas of a site shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.
 11. Signage. Signs affixed to the exterior of a building shall be architecturally compatible with the style, materials, colors and details of the building and other signs used on the site. All signage affixed to a building shall conform to Article IV.
 12. Awnings and canopies. The ground level of a building in a business district shall have awnings or canopies, where appropriate, to complement the architectural style of a building. Awnings may also be used on the upper levels of a building, where appropriate. The design of awnings shall be architecturally compatible with the style, materials, colors and details of such building. All signage on awnings or canopies shall conform to Article IV of this Chapter.
 13. Multiple uses. A building with multiple storefronts or other multiple uses, no matter whether such uses are the same type of use or located on the same floor level, shall be unified through the use of architecturally compatible styles, materials, colors, details, awnings, signage, lighting fixtures and other design elements for all such storefronts or uses.
 14. Corner buildings. A building on a corner lot shall be considered a more significant structure from an urban design standpoint since such building has at least two front facades visibly exposed to the street. Such building may be designed to have additional height and architectural embellishments relating to its location on a corner lot, if deemed appropriate by the Board.
 15. Multiple buildings. A development plan that contains more than one building or structure shall be unified through the use of architecturally compatible styles, materials, colors, details, awnings, signage, lighting fixtures and other design elements for all such buildings or structures.
- C. Professional Office District Design Standards. The following additional architectural design standards for professional offices shall apply:

1. Dormers should be used to visually break up large roof masses.
 2. Windows should be double hung sash types with the glass area divided by horizontal and vertical muntins.
 3. Exterior materials should be brick, stone, horizontal siding or wood shingle, or a combination of such materials.
- D. Retail Design Standards. The following additional architectural design standards for retail uses shall apply:
1. Retail stores oriented towards a street or parking lot shall have a minimum of 50% of the first floor building facade that faces a street or parking lot consist of glass display windows.
 2. Primary building entrances should be oriented towards the street.
 3. Common concrete block shall not be used on any elevation visible from a public or private street. Where permitted, common concrete block shall be painted or otherwise finished.
 4. In no instance shall a building elevation have a homogeneous facade without a variation in materials, textures or other design features.
- E. Industrial and Warehousing Use Design Standards. The following additional architectural design standards for industrial uses shall apply:
1. Variation in the apparent height of the building shall be used to articulate its mass either through actual changes in roof height or through the use of varying parapet walls.
 2. Vertical offsets at least two feet in depth shall be introduced for each 30% of building length.
 3. The exterior facade should be designed with one dominant material. This material should be varied through the use of vertical and horizontal elements that create texture changes along building facades.
 4. The front and two side elevations shall be constructed of brick, architectural concrete masonry units (i.e., split face block) or architectural precast concrete a minimum of 50% of the facade. Metal siding or panels shall be limited to no more than 50% of the facade. Where glass is used or required, the percentage of masonry or metal shall be correspondingly reduced. Common concrete block shall not be used on any elevation visible from a public street. Where permitted, common concrete block shall be painted or otherwise finished.
 5. At least 20% of the front elevation of the building shall consist of glass window.

§ 503 BUFFERING AND SCREENING

The following regulations shall be used to prepare and review buffering and screening for any site plan:

- A. Residential uses and districts. Any residential use shall be suitably buffered and screened from all uses other than single-family dwellings in order to minimize the impacts of noise, glare, vibration, vehicular traffic, pedestrian activity and other potential

nuisances. Unless otherwise provided in this chapter, the width of buffering and height of screening shall be provided based on the type of use that is being buffered as follows:

TABLE 5.1: REQUIRED BUFFERS TO RESIDENTIAL USES

TYPE OF USE/SUBJECT BUFFERING AND SCREENING REQUIREMENTS	WIDTH OF BUFFERING (feet)	HEIGHT OF SCREENING AT THE TIME OF PLANTING (feet)
Permitted residential uses other than single-family dwellings	10	6
Non-residential uses	10	6
Light industrial and warehouse uses	20	10

- B. Driveways and parking lots. All driveways and parking lots shall be suitably buffered and screened to minimize the impacts of noise, lighting and glare, exhaust fumes, views of parked vehicles and other nuisances. Buffering and screening shall minimize such impacts both from within the site itself, as well as from adjacent and nearby properties and public rights-of-way as follows:
1. Buffering shall consist of a minimum ten (10) foot wide area surrounding all sides of a parking lot exposed to view.
 2. Where such parking area is located on a tract adjacent to a residential use or district, such screening shall consist of a minimum six (6) foot-high visually impervious screen. The height of any required screen shall decrease to a maximum of three (3) feet in height where driveways approach sidewalks or walkways, in order to provide adequate visibility of pedestrians from motor vehicles and police visibility into the lot.
- C. Loading areas. All loading areas, including loading dock areas of buildings and driveways providing access to the same, shall be suitably buffered and screened to minimize the impacts of noise, loading and unloading activities, lighting and glare, exhaust fumes, views of loading and unloading vehicles and other nuisances. Buffering and screening shall minimize such impacts both from within the site itself, as well as from adjacent and nearby properties and public rights-of-way, as follows:
1. Buffering shall consist of a minimum ten (10) foot wide area surrounding all sides of a loading area exposed to view. Where such loading area is located on a tract adjacent to a residential use or district, such buffering shall consist of a minimum twenty-five (25) foot wide area surrounding all sides of a parking lot exposed to view.
 2. Screening shall consist of a minimum ten (10) foot high visually impervious screen. If such screen consists of a wall or fence, the buffer area between the wall or fence and the lot line shall be a minimum of ten (10) feet in width and shall also be extensively planted with both deciduous and evergreen trees.
- D. HVAC equipment and utility service boxes. All ground level HVAC equipment and utility service boxes shall be suitably buffered and screened to minimize views of the same from both within the site itself, as well as from adjacent and nearby properties and public rights-of-way, as follows.

1. Buffering shall consist of a minimum three (3) foot wide area surrounding all sides of HVAC equipment and utility storage boxes exposed to view.
2. Screening shall consist of a minimum four (4) foot high evergreen hedge along all sides of the same.

§ 504 CURB DESIGN STANDARDS

- A. Applicability. This article shall apply to all applications for development.
- B. Design standards. The following standards shall be used to prepare and review any development plan that involves the construction of new curbs or repair of existing curbs
 1. Location. Curbs shall be designed to define the sides of streets, driveways, parking lots and loading areas
 2. Construction and repair specifications. All curbs shall meet the construction specifications as set forth in applicable Township ordinances or as approved by the Township Engineer. This shall also apply to recommendations by the Township Engineer regarding the maintenance, repair or upgrading of existing curbs located in that portion of the public right-of-way that directly abuts the tract to be developed.
 3. Drainage. Curbs shall be designed to direct surface water runoff along, on and/or across paved surfaces to drainage facilities.
 4. Handicapped ramps. Depressed curb ramps for the handicapped shall be installed at all locations where sidewalks, pedestrian crosswalks or walkways intersect any street, driveway or parking lot curb and shall be designed in accordance with the applicable laws and regulations of the State of New Jersey.
 5. Planting strips. The area located between curbs and sidewalks or walkways shall be either planted with grass or another type of ground cover plant material. Planting strips located in the public right-of-way may be paved with bricks or other similar type decorative paving materials as specified by the Township Engineer. In no instance, however, shall a planting strip be permitted to be covered with asphalt or loose stones of any variety.

§ 505 DRIVEWAY DESIGN STANDARDS

- A. Applicability. This article shall apply to all applications for development.
- B. Design standards. The following standards shall be used to prepare and review any development plan that involves the construction of a new driveway or the expansion or repair of an existing driveway.
 1. Lot access. Every use shall have driveway access to a street, except for historic zone districts. Such access shall be designed for the safety, control, efficient movement and convenience of motor vehicle traffic accessing the site, including service and emergency vehicles, and to promote safe, efficient and convenient traffic circulation generally within the Township.
 2. Location. Driveways shall be located along the street line of a lot as follows:
 - (a) A driveway on a corner lot shall be set back a minimum of forty (40) feet from the intersecting lot lines at the corner.

- (b) A driveway for a single-family dwelling shall be set back a minimum of three feet (3) from a side lot line, unless such is a common driveway for dwelling units on adjacent lots. A driveway for uses other than single-family dwelling units shall be setback at least ten (10) feet from all property lines, excepting driveway intersections with public or private roadways.
- 3. Construction specifications. Driveways shall be paved with a minimum of four (4) inches of compacted sub-base material and two (2) inches of three-eighths inch roadway stone or comparable material or to an alternate standard as approved by the Township Engineer.
- 4. Width. The width of driveways shall be based on the following

TABLE 5.2: DRIVEWAY WIDTH REQUIREMENTS

Land Use Type	One Way Traffic		Two Way Traffic	
	Minimum Width (FT)	Maximum Width (FT)	Minimum Width (FT)	Maximum Width (FT)
Single & two-family dwellings	9	18	9	18
Townhouses & apartments	15	18	18	22
All other residential	10	15	18	20
Nonresidential uses	15	18	20	24
Warehouse & light industrial uses	18	22	26	30

- 5. Grading. Driveway grades shall not exceed 6% at any point along the entire length of the driveway.
- 6. Aprons. Driveway aprons shall be designed to permit access to any driveway from a street. Such apron shall be constructed between the curb or edge of street pavement and the sidewalk or, in the absence of sidewalk, for a distance of four feet back from the curb or edge of pavement. Driveway apron width may be enlarged to provide adequate turning radii for larger vehicles. The construction specifications of driveway aprons shall be pursuant to applicable Township ordinances or as approved by the Township Engineer.
- 7. Side slopes. Driveway side slopes shall be topsoiled, seeded, fertilized and mulched or otherwise stabilized to prevent erosion. If banks exceed a slope of two increments vertical to one increment horizontal (two to one) and the slope face is not stable rock, retaining walls shall be constructed of a design approved by the Township Engineer.
- 8. Clear sight triangles. At locations where driveways approach sidewalks and streets in the public right-of-way, clear sight triangles shall be provided on both sides of such driveways. No vision-obstructing object with a height greater than 2 1/2 feet, as measured from the elevation of the driveway, shall be located in such areas formed by outward facing isosceles triangles, with equal sides of ten (10) feet in length consisting of the curbline of the driveway and the property line along the right-of-way.

§ 506 ENGINEERING DESIGN STANDARDS

Township Design Standards as deemed appropriate by the Township Engineer are hereby incorporated into this Ordinance by reference. These standards shall be held to be minimum criteria for site improvements in the Township of Neptune and shall include all specifications, procedures, requirements, plans and any other documentation as may be contained therein.

§ 507 HISTORIC DISTRICT STREETScape DESIGN STANDARDS

- A. Applicability. This Subsection shall apply to all development along Main Avenue and the balance of the HD-B-1 Zone District, except for ordinary maintenance and repair.
- B. Banners. Masts for up to four (4) feet overall length dual banners at corner and district entry posts, minimum clearance to sidewalk grade to be eight (8) feet.
- C. Bicycle racks. Beacon products – Santa Fe bike rack with optional end post bollards, to match standard bollard type; single post bike rack to be as per Metropolitan Series by Heritage Casting and Ironworks Model #9410, or functional and aesthetic equivalent.
- D. Crosswalk type. Granite edged interlocking pavers with barrier-free curb cuts.
- E. Curb type. Natural cut granite curb, eighteen (18) inch depth, six (6) inch width, six (6) foot length; gray or rose blend color.
- F. Lighting. Appendix F
- G. Paver color. Interlocking herring bone paver color is to match dominant downtown brick building fronts.
- H. Sidewalk bench type. Beacon product Old Scroll series cast aluminum Model 05BB-A without back with IPE seat slats; Model 05B with back in park or promenade locations; alternate Main Avenue bench design to be Metropolitan Series Seat 5014 by Heritage Casting and Ironworks, or functional and aesthetic equivalent.
- I. Sidewalk planter type. Model 8333 planter, eighteen (18) inch high, twenty-three (23) inch wide by Heritage Casting and Ironworks, or functional and aesthetic equivalent.
- J. Sidewalk type. A four (4) foot wide “sidewalk amenity band” consisting of interlocking paver blocks shall be placed adjacent to the curb. A replicated slate concrete walk with a minimum forty-two (42) inch width shall be placed adjacent to the “sidewalk amenity band.” The slate concrete walk shall be edged with an interlocking paver band of variable width to the building or property line. Tree grate type. Cast iron square tree grates with openings for up-lighting, 180° square, four (4) inch minimum.
- K. Street furnishings. Metropolitan Series in black as manufactured by Heritage Casting and Ironworks, or functional and aesthetic equivalent.
- L. Trash can type. Model 6135 – Thirty (30) gallon litter container, thirty-eight (38) inch high, twenty-four (24) inch wide, Model #7232; recycling container, thirty-nine (39) high, thirty-one (31) wide by Heritage Casting and Ironworks, or functional and aesthetic equivalent.

- M. Ocean Grove Historic District. All Streetscape enhancements shall be consistent with the Ocean Grove Historic District Sidewalk Use and Various Pedestrian Enhancements Guide.

§ 508 HISTORIC PRESERVATION DESIGN GUIDELINES

- A. Purpose. The purpose of this section is to provide uniform design criteria and guidelines for the regulation of properties situated in any historic zone district or other designated historic site situated elsewhere in the Township for use by the Historic Preservation Commission, the Township of Neptune and the public.
- B. Applicability. These design guidelines shall be applicable to all development applications and applications for Certificates of Appropriateness situated in:
1. Any historic zone district (as shown on a map entitled "Zoning Map, Township of Neptune, Monmouth County, New Jersey"); and,
 2. Any site of historic and architectural importance in the Township which has been designated by the Township or is listed by local, County, State or national agencies.
- C. The design criteria and guidelines, also known as the Preservation Guidelines is an integral part of this Ordinance and is incorporated in the Ordinance as if set forth at length in the body of this Ordinance.
- D. Visual compatibility factors. The following factors, commonly known as visual compatibility factors, shall be considered in all Historic Districts.
1. Height. The height of the proposed building shall be visually compatible with adjacent buildings.
 2. Proportion of the Building's Front Facade. The relationship of the width of the buildings to the height of the front elevation shall be visually compatible with buildings and places to which it is visually related.
 3. Proportions of Openings Within the Facility. The relationship of the width of windows to the height of windows in a building shall be visually compatible with the buildings and places to which it is visually related.
 4. Rhythm of Spacing of Buildings on Streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings and places to which it is visually related.
 5. Rhythm of Solids to Voids on Front Facades. The relationship of solids to voids in the front facades of a building shall be visually compatible with the buildings and places to which it is visually related.
 6. Rhythm of Entrance and/or Porch Projections. The relationship of entrance and porch projections to the street shall be visually compatible with the buildings and places to which it is visually related.
 7. Relationship of Materials, Texture and Color. The relationship of materials, texture and color of the facade and roof of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.

8. Roof Shape. The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
9. Walls of Continuity. Appurtenances of a building such as walls, open-type fencing and evergreen landscape masses shall form cohesive walls of enclosures along a street, to the extent necessary to maintain visual compatibility of the building with the buildings and places to which it is visually related.
10. Scale of Buildings. The size of a building, the mass of a building in relationship to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.
11. Directional Expression of Front Elevation. A building shall be visually compatible with the buildings and places to which it is visually related in its dimensional character, whether this be vertical character, horizontal character or non-directional character.
12. Exterior Features. A structure's related exterior features such as but are not limited to lighting fixtures, fences, signs, sidewalks, windows, doors, shutters, siding, gutters, balustrades, railings, columns, cornices, moldings, trim, stairs, steps, porches, walks, patios, driveways and parking areas shall be compatible with the features of those structures to which it is visually related and shall be appropriate for the historic period for which the structure is significant.

§508.01 Historic Preservation Rehabilitation Standards

- A. Applicability. These standards shall be applicable to all development applications and applications for Certificates of Appropriateness involving any type of rehabilitation work situated in:
 1. Any historic zone district (as shown on a map entitled "Zoning Map, Township of Neptune, Monmouth County, New Jersey"); and,
 2. Any site of historic and architectural importance in the Township which has been designated by the Township or is listed by local, County, State or national agencies.
- B. In addition to the Visual Compatibility Factors listed in Subsection §508.D, the following standards for rehabilitation shall be considered:
 1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment or to use a property for its original intended purpose.
 2. The distinguishing original qualities or characteristics of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 3. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. The

changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and the other cleaning methods that will damage the historic building materials shall not be undertaken without prior consent of the Historic Preservation Commission.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when the alterations or additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. All illuminated signs shall be subject to inspection in accordance with the applicable electrical codes in force in the Township.
11. The Historic Preservation Commission shall also consider the effectiveness of the proposal:
 - (a) In adhering to the structure's original style; or
 - (b) In destroying or otherwise affecting the exterior architectural features; and
 - (c) In the overall effect in general that the proposed work would have upon the protection, enhancement, perpetuation and the use of the applicant's property, adjoining properties and the Historic District in which it is located.

§ 509 LANDSCAPING

The following guidelines shall be used to prepare and review a landscaping plan for any site plan. The landscaping plan shall be prepared by a New Jersey certified landscape architect.

- A. Landscaping. The entire development shall be extensively landscaped in accordance with a plan conceived as a complete pattern and style throughout the total site. All areas of the site not occupied by buildings and other improvements shall be intensively planted with trees, shrubs, hedges, ground cover and perennials and annuals. Landscaping shall

be provided to achieve the following:

1. Preservation and enhancement, to the greatest extent possible, of existing natural features on the site, including vegetation, land forms and bodies of water;
2. Assistance in adapting a site to its proposed development;
3. Mitigation and control of environmental and community impacts from a development;
4. Creation of an attractive appearance for the development, as viewed from both within the site itself and the surrounding area;
5. Enhancement of the habitability of a development;
6. Definition of yard areas and other open space;
7. Energy conservation and micro-climatic control; and,
8. Maintenance of a desirable ecological balance on a developed site.

B. Other site design elements. The development plan shall incorporate landscaping with other functional and ornamental site design elements, where appropriate, such as the following:

1. Courtyards, plazas, alleys and similar public and semi-public open spaces;
2. Active recreation areas and facilities;
3. Ground paving materials
4. Paths and walkways;
5. Berms and other earth forms;
6. Ponds, fountains and other water features;
7. Trellises, pergolas, gazebos and other accessory structures;
8. Fences, walls and other screens;
9. Street or site furniture;
10. Art and sculpture;

C. Plant species. The selection of plant species to be used shall be appropriate in terms of function and size and shall be hardy for the climatic zone in which the Township is located. Consideration shall be given to soil conditions, availability of water, exposure to sunlight and other existing conditions.

D. Planting sizes. Deciduous trees shall have a minimum caliper of three (3) inches at time of planting. Evergreen trees shall be a minimum of six (6) feet in height at time of planting. Low-growing evergreen shrubs shall be a minimum of two and one-half (2½) feet in height at time of planting. Size of other plantings shall depend on setting and type of plant material.

- E. Planting specifications. Only nursery-grown plant material shall be utilized. All trees, shrubs and ground cover shall be planted according to accepted horticultural standards. All grass shall be planted in accordance with the New Jersey State Soil Conservation Committee's Standards for Soil Erosion and Sedimentation Control in New Jersey, current edition. Mulch Trees and other vegetation that have been removed may be reduced to chips and used as mulch in landscaped areas. Maintenance Plantings shall be watered regularly and in a manner appropriate for the specific plant material through the first growing season. All landscaped areas shall be well maintained and kept free of all debris, rubbish, weeds, tall grass, other overgrown conditions and the storage of any equipment or materials.
- F. Replacement of dead plantings. The developer shall be required to replace dead or dying plant material for a period of two (2) years from the date of issuance of a final zoning permit for occupancy and shall post a maintenance guarantee for such pursuant to Article X of this Ordinance. If plant material is dead or dying during a planting season, it shall be replaced that same season. If plant material is dead or dying during a non-planting season, it shall be replaced as soon as is reasonably possible at the start of the next planting season.
- G. Fall planting hazard. Certain trees have been identified as having a high degree of transplantation failure if planted during the Fall season. These should be noted on the landscape plans as Spring planting only.
- H. Foundation plantings. The base of all sides of a building shall be planted with foundation plantings consisting of evergreen and/or semi-evergreen shrubs and trees. Such plantings shall be a minimum of two (2) feet high at time of planting and spaced an average of three feet on center. This foundation planting requirement shall not apply to the sides of buildings that are directly abutting a public right-of-way.
- I. Parking lot landscaping. The interior area of all parking lots shall be landscaped to provide visual relief from the undesirable and monotonous appearance of extensive parking areas, and to provide shading that will reduce solar heat gain to both the surface of the parking lot and vehicles parked thereon. Such landscaped areas shall be provided in protected planting islands or peninsulas within the perimeter of the parking lot and shall be placed so as not to obstruct the vision of motorists. The area and types of plantings shall be provided based on the number of parking spaces in the lot, as follows (see also Appendix E):
1. The perimeter of all parking lots shall be setback from all rear and side lot lines by a minimum of ten (10) feet. Per Section 412, no individual parking space may be located within a required front setback area. Perimeter areas shall be landscaped as follows:
 - (a) Side and rear yards shall be landscaped with a combination of evergreen shrubs and deciduous trees to form a screen a minimum of six (6) feet tall at the time of planting. Buffer tree spacing for foliage similar to the White Pine shall be five feet (5') on center and similar to the Arborvitae shall be three feet (3') on center.
 - (b) Front yards shall be landscaped with a combination of an alternating evergreen and deciduous hedge a minimum of three (3) feet tall at the time of planting, with deciduous shade trees located a spacing of thirty (30) feet on-center, said spacing to supplement and alternate with required street trees.

2. For parking lots with fifteen (15) spaces or less, no such interior landscaping shall be required if the Board determines there is adequate landscaping directly surrounding the perimeter of the parking lot. If the Board finds that such landscaping is inadequate, then the requirements of subsection B(2) below shall apply.
3. For parking lots containing sixteen (16) to ninety-nine (99) spaces, a minimum of five percent (5%) of the interior area of the parking lot shall be provided with planting islands containing a minimum of one (1) deciduous tree planted for every five (5) parking spaces abutting such island. Planting islands in parking lots shall also conform to the following requirements:
 - (a) The minimum width of planting islands shall be four (4) feet on the side of parking spaces six (6) feet between parking bays (head-to-head parking). If sidewalks are incorporated through either the long sides of the landscape islands between parking bays or through the landscape islands on the sides of parking spaces, their width shall be added to these requirements.
 - (b) No more than eight (8) parking spaces shall be placed in one row of parking without an intervening landscape island.
 - (c) Where the parking lot design will result in pedestrians cutting perpendicularly through landscape islands, sidewalks shall be installed at regular intervals across the islands.
 - (d) The remainder of any such interior planting areas not containing trees shall be planted with low-growing evergreen shrubs.
 - (e) Parking lot lighting may be sited within landscape islands, however, without hindering necessary lighting coverage.

[NOTE: The previous subsection, "1.3" has been amended per Ordinance No. 03-035]

4. For parking lots with one-hundred (100) or more spaces, a minimum of five percent (5%) of the interior area of the parking lot shall be provided with planting islands containing a minimum of one (1) deciduous tree planted for every five (5) parking spaces. Planting islands in such parking lots shall conform to the following requirements:
 - (a) Diamond-shaped tree islands shall be utilized between parking bays (head-to-head parking) and shall contain a minimum of thirty-six (36) square feet.
 - (b) A landscaped island strip with a minimum width of four (4) feet shall be placed at the end of each row of parking.
 - (c) No more than eight (8) parking spaces shall be placed in one (1) continuous row of parking without an intervening landscaped island strip placed on both sides of the spaces. The minimum width of an intervening landscaped island strip shall be seven (7) feet.
 - (d) Sidewalks with a minimum width of four (4) feet shall be placed adjacent to landscaped island strips.

- (e) When intervening planting strips are placed adjacent to one another, the aggregate width of the island shall be a minimum of twelve (12) feet in order to accommodate two (2) planting strips and a sidewalk.
 - (f) The remainder of any such interior planting areas not containing trees shall be planted with low-growing evergreen shrubs.
 - (g) Parking lot lighting may be sited within landscape islands, however, provided adequate lighting coverage is provided per §511.
- J. Slope plantings. All cut and fill areas, terraces, earth berms and roadway embankments with slopes steeper than one increment vertical to three increments horizontal (1 to 3) shall be sufficiently landscaped to prevent erosion.
- K. Drainage facilities. Detention basins, headwalls, outlet structures, concrete flow channels, rip-rap channels and other drainage facilities shall be suitably planted with shrubs and trees. Detention basin embankments shall be extensively landscaped with wet-site-tolerant plantings.
- L. Energy conservation. Landscaping shall be designed to conserve energy, such as the planting of evergreen windbreaks to provide shielding from northwesterly winds during the winter and deciduous shade trees to reduce solar heat gain during the summer.
- M. Street or site furniture. Benches, trash receptacles, kiosks, phone booths and other street or site furniture shall be located and sized in accordance with the functional need of such. Selection of such furniture shall take into consideration issues of durability, maintenance and vandalism. All such furniture shall be architecturally compatible with the style, materials, colors and details of buildings on the site.

§ 510 LAND USE RESTRICTIONS AND EASEMENTS

Land use restrictions shall be required as applicable when a proposed development includes one or more of the restrictions contained herein. Land use restrictions shall be recorded with the Monmouth County Recording Officer as deeds of easements or shall be placed on final plats for such recording, as appropriate.

- A. Drainage easements. Within required drainage easements, no regrading or the installation of structures, fences, trees and shrubs shall be permitted unless otherwise elsewhere modified by this Ordinance.
- B. Conservation easements. Conservation easements for wetlands, wetlands transition buffer, flood plain or flood plain buffer shall remain in their natural, undisturbed state within which no regrading or clearing shall be permitted, excepting the removal of minor underbrush or dead trees that are hazardous to people or buildings.
- C. Clear sight easements. Areas designated as clear sight triangles shall remain free of visual obstructions between 2-1/2 and 10 feet in height with the exception of street and traffic control signs, traffic control boxes, fire hydrants, lighting poles as approved by the Township Engineer. Field sited street trees may be located within a sight triangle in accordance with §520 Sight Triangle.
- D. Utility easements. Easements for public and local utilities shall conform to any requirements of the appropriate company or authority. Structures within utility easements shall be regulated by the appropriate authority.

- E. Cross-access easements. Cross-access easements shall permit pedestrians and motorists to travel from adjacent lots to the lot in question without the necessity for traveling on the public right-of-way.
- F. Other land use restrictions. Restrictions or easements of other governmental agencies with jurisdiction of the application for development shall conform to any requirements of the appropriate agency or authority.

§ 511 LIGHTING

- A. General requirements.
 - 1. Sufficient lighting shall be provided on each site or along roadways to ensure the security of property and to protect the safety of persons between the hours of sunset and sunrise when the establishment or facility is in use.
 - 2. Lighting shall be so designed to avoid the creation of hazards to motorists and pedestrians or nuisance to adjoining property owners or residents. Lighting directed towards the sky shall be designed to prevent interference with commercial aviation routes.
 - (a) Security lighting design for commercial developments shall employ timers on all or a portion of the site lighting that reduces the average illumination to the minimum requirements of this Ordinance within one hour after close of business or before midnight, whichever occurs earlier.
 - (b) Safety lighting design shall employ motion sensors so that illumination occurs only when someone is in the immediate area.
 - (c) Display, advertising and specialty lighting, excluding interior illuminated or backlit identification signage, shall be turned off at or before midnight.
 - 3. Lighting levels, lamp color, and fixture type shall be consistent throughout the parcel in question and shall complement building architecture and landscaping.
 - 4. Lighting shall be designed to minimize energy and maintenance requirements and shall comply with the U.S. Energy Policy Act of 1992 as it may be amended or superseded.
 - 5. Exterior lighting not building mounted shall be supplied by electricity from underground cabling.
- B. Street lighting. All public and private streets shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions.
 - 1. Design criteria. The design of street lighting shall take into consideration:
 - (a) The brightness of the abutting uses in comparison to pavement brightness as seen by both motorists and pedestrians;
 - (b) The ability to discern objects on the street or its edge in comparison to abutting uses; its brightness contrast;
 - (c) The time available to the motorist and pedestrian to view such objects;

- (d) The amount of direct glare from the luminaire or lamp and reflected glare from the pavement.
 2. Lighting standard placement. Excepting rural roads and lanes, lighting standards shall be located at the following places:
 - (a) At every street intersection.
 - (b) At the end of each cul-de-sac.
 - (c) At curves with an inside radius of less than 300 feet, unless the standard is within 300 feet of another.
 - (d) A maximum of every 75 feet on straight road segments for commercial districts and 150 feet in residential districts
 3. Light stanchions shall be staggered on both sides of the roadway.
 4. All lighting shall provide for non-glare lights focused downward.
- C. Off-premise effects. Any other outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs and ornamental lighting, shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, traffic safety and overhead sky glow. The objective of these specifications is to minimize undesirable off-premises effects. No light shall shine into building windows, nor onto streets and driveways so as to interfere with or distract driver vision. To achieve these requirements, the intensity of such light sources, the light shielding and similar characteristics shall be subject to site plan approval. Wall mounted fixtures are only permitted if directed into a site and not positioned towards neighboring properties or public streets.
- D. Building-attached fixtures. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas of a site shall be the same or compatible. The use of high-pressure sodium lighting shall be prohibited for all fixtures.
- E. Fixture type. The fixture type shall depend on a site's location within a particular section of the Township as follows (see Appendix F):
 1. West Lake Avenue. Harp series luminaire with metal halide ballast per Holophane Outdoor Architectural Lighting Catalog, or functional and aesthetic equivalent.
 2. Historic HD-B-1 Zone District.
 - (a) Main Avenue street light style shall be Globe G18 by Sternberg Vintage Lighting with fitter from 508 series (508 BD/4 or 508 BD/5 as required).
 - (b) Street light post style shall be Georgetown 4400-D/10' pedestrian post, 14' corner/entry post with fluted shaft detail (typical) by Sternberg Vintage Lighting.

- (c) Street light post arm shall be Victorian style twin or multi-mast. Twin mast to be model 78WB or PM for 12" or 14" Globe fixtures with 8-1/4" projection and 17-1/4" from center of globe to globe.
 - (d) Pilgrim Pathway light style shall be Elm Street style B780R as manufactured by Sternberg Vintage Lighting.
 - (e) Functional and aesthetic equivalents to the above referenced styles may be approved at the discretion of the board of jurisdiction.
3. All other zones. Old Town A850 luminaire with metal halide ballast per Sternberg Lighting Catalog, or functional and aesthetic equivalent.
- F. Mounting height. See Article IV.
- G. Illumination for Surface Parking. Parking lots shall be adequately lighted for both motorists and pedestrians in accordance with **Table 5.3**

TABLE 5.3: MINIMUM ILLUMINATION FOR SURFACE PARKING

ACTIVITY TYPE	VEHICULAR TRAFFIC FOOTCANDLES	PEDESTRIAN SAFETY FOOTCANDLES	PEDESTRIAN SECURITY FOOTCANDLES
Low activity	0.5	0.2	0.5
Medium activity	1.0	0.5	1.5
High activity	1.5	0.9	2.5

1. Any other outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs and ornamental lighting, shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, traffic safety and overhead sky glow. The objectives of these specifications is to minimize undesirable off-premises effects. No light shall shine into building windows, nor onto streets and driveways so as to interfere with or distract driver vision. To achieve these requirements, the intensity of such light sources, the light shielding and similar characteristics shall be subject to site plan approval. Wall mounted fixtures are only permitted if directed into a site and not positioned towards neighboring properties or public streets.
2. Maximum Lighting Controls. The ratio of average illumination, measured in footcandles, to minimum illumination, as required in Table 5.3 (Minimum illumination for Surface Parking) shall not exceed 4 to 1. The maximum illumination provided on any site shall not exceed the minimum illumination by more than a ratio of 10 to 1.

EXAMPLE:

Minimum illumination required:	0.5 f.c.
Average to minimum ratio:	(4 x 0.5) or 2.0 f.c.
Maximum to minimum ratio:	(10 x 0.5) or 5.0 f.c.

- F. Pedestrian Way Illumination. Minimum pedestrian way illumination shall be as required in Table 5.4:

TABLE 5.4: PEDESTRIAN WAY ILLUMINATION REQUIREMENTS

	MIN. AVG. LEVEL	AVG. LEVELS SPECIAL PEDESTRIAN SAFETY
<i>Walkway classification</i>	<i>Footcandles</i>	<i>Mounting hts (9-15') footcandles</i>
<i>Sidewalks (roadside) and Type A bikeways</i>		
Common areas	0.9	2.0
Intermediate areas	0.6	1.0
Residential areas	0.2	0.4
<i>Sidewalks (distant from roadways) and Type B bikeways</i>		
Parks, walkways and bikepaths	0.5	0.6
Pedestrian tunnels	4.0	5.0
Pedestrian overpass	0.8	0.4
Pedestrian stairways	0.6	0.8

§ 512 MONUMENTATION

- A. Major Subdivision. As part of a major subdivision, concrete monuments shall be installed at all tract boundary corners and at all points of the right-of-way which establish a publicly dedicated street. Such monuments shall be located between the sidewalk and the front property line, where appropriate. A metal alloy pin of permanent character shall be installed at all remaining lot corners of all approved lots.
- B. Minor Subdivision. As part of a minor subdivision, metal alloy pins of a permanent character shall be installed at all lot corners of all approved lots.
- C. Performance Bonding of Monuments. All monuments and/or pins that are not installed at the time of subdivision approval shall be bonded in accordance with Article IX of this Ordinance.

§ 513 OPEN SPACE

- A. Public Ownership. Common open space shall remain in private ownership, unless the appropriate board of jurisdiction determines that public ownership is desirable and unless the subdivider agrees to the necessary land donation, in which case ownership shall be in the Township of Neptune, or in such other public body as shall be deemed appropriate, provided that the Township or such other public body shall approve such public ownership. Determination as to public ownership shall include, but not be limited to, the following:
 - 1. The need for public open space or recreational facilities in the areas determined by the Township Master Plan.
 - 2. The potential for an open space connection between two (2) public open space areas;
 - 3. The desirability of public access due to the peculiar physical characteristics of the area which make it suitable for public open space uses not otherwise available in that area;
 - 4. Soil or vegetation characteristics of the area that provide a desirable public wildlife refuge;
- B. Design standards.

1. Developed open space shall be designed to provide active recreational facilities in accordance with National Recreation Association standards to serve the residents of the development. Undeveloped open space shall be designed to preserve important site amenities and environmentally sensitive areas.
2. Stormwater detention facilities are not considered as part of the required open space, unless the approving agency finds that such a facility is designed to also serve as an open space amenity.
3. Natural features, such as trees, brooks, hilltops and views, shall be preserved whenever possible in designing any subdivision containing such features.
4. Direct access shall be provided to open space from a residential development. Where feasible, facilities shall be designed to facilitate access to and from other proximate residential areas.
5. Passive recreational activities within undeveloped open space may include, but are not limited to, pedestrian paths, bicycle paths, sitting areas and naturally preserved areas. Active recreation facilities may include, but are not limited to, swimming pools, tennis courts and ball fields.
6. Facilities to be provided within a developed open space area shall include a tot lot. The location of said tot lot shall not be proximate to any public or private roadway or intersection, and shall be suitably fenced.

§ 514 PARKING LOT AND LOADING AREA DESIGN STANDARDS

- A. Applicability. This article shall apply to all site plan applications.
- B. Design standards. The following standards shall be used to prepare and review any development plan that involves the construction of a new parking lot or loading area or repair of an existing parking lot or loading area.
 1. Layout. All parking lots and loading areas shall be designed for the safety, control, efficient movement and convenience of motor vehicle circulation within a site. Traffic circulation shall be designed to minimize the use of aisles serving parking areas as access drives. For all uses except single-family dwellings, parking lots or individual spaces shall be prohibited within front yard areas. For nonresidential uses, parking areas with more than twenty-five (25) spaces shall have separate entrances and exits, where possible.
 2. Parking lot location. A parking lot shall be located to the rear of a building and/or the interior of the site where its visual impact to adjacent properties and the public right-of-way can be minimized. No parking lot shall be located in a required front yard.
 3. Building setbacks. The minimum setbacks for buildings from driveways, parking spaces and private streets within the site shall be ten (10) feet for nonresidential developments. Standards relative to building setbacks from parking areas and streets in residential development are at Section 516. The provisions of this subsection are in addition to the yard setback requirements of Article IV, which shall additionally be complied with.
 4. Construction and repair specifications. All parking lots and loading areas shall be constructed or repaired to specifications as approved by the Township Engineer.

5. Striping and signage. Surface painted aisle, stall and directional striping and directional and traffic safety signs shall be provided throughout the parking, loading and circulation areas, pursuant to Article IV of this Chapter and in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
6. Location. See Article IV.
7. Landscaping. See Section §509.
8. Parking space dimensions. The following parking space sizes shall apply to all parking areas:
 - (a) Residential uses: 9' x 18'
 - (b) Office and industrial uses: 9' x 18'
 - (c) Government and institutional uses: 9' x 18'
 - (d) Retail uses utilizing shopping carts: 9.5' x 18'
 - (e) Other retail uses: 9' x 18'
 - (f) Handicapped van accessible: 18' x 18'
(Van accessible spaces shall be striped with an 8' wide loading area. Other handicapped spaces with a 5' wide loading area. Paired handicapped spaces may share a loading area.)
 - (g) Other handicapped spaces: 13' x 18'
 - (h) Parallel spaces: 9' x 23'
 - (i) Bus spaces: 10' x 40'
 - (j) Tractor trailer: 12' x 60'
9. Aisle dimensions. Parking lot aisles shall measure as follows:

TABLE 5.5: PARKING AISLE WIDTHS

Angle of Parking Stall (degrees)	Width of One-Way Traffic Aisle (FT)	Width of Two-Way Traffic Aisle (FT)
0 (parallel)	12	18
30	12	Not permitted
45	13	Not permitted
60	18	Not permitted
90 (perpendicular)	22	24

10. Handicapped parking spaces. The number, location, size and marking of handicapped parking spaces shall be pursuant to the requirements specified in N.J.S.A. 55 32-12. However, where handicapped accessible or adaptable dwelling units are provided in accordance with Multifamily Development pursuant to this Article, a minimum of one handicapped parking space shall be provided in a location within closest proximity to such dwelling unit.

§ 515 REFUSE AND RECYCLING AREAS

All uses must provide an area used for refuse and recyclable disposal collection. All containers, bins, dumpsters and/or storage facilities shall be designed to reduce discernible odors and contain such within the storage facility area. Refuse and recycling areas shall comply with the following provisions:

A. Non-residential uses.

1. All non-residential refuse and recyclable disposal collection areas shall be suitably buffered and screened to minimize the impacts of noise, odors, disposal and collection activities and views of collection bins and dumpsters. Buffering and screening shall minimize such impacts both from within the site itself, as well as from adjacent and nearby properties and public rights-of-way. Buffering shall consist of a minimum four (4) foot wide area surrounding all sides of such facility exposed to view. If such facility is located on a site adjacent to a residential use or zone, such buffering shall consist of a minimum ten (10) foot area surrounding all sides of such facility exposed to view. Screening shall consist of a minimum six (6) foot-high masonry wall, solid wooden fence or accessory building with gates or doors and ramped access to facilitate the movement of bins or dumpsters. The base of such screen shall be planted with a minimum four (4) foot high evergreen hedge along the sides and rear of same.
2. All storage facilities shall be located in proximity to one another or may be combined in a single common facility. Such facilities shall be centrally located and convenient for the users of the site. Designated recyclable storage facilities may be located inside a building. Such facilities shall not be located as to be visual focal points in courtyards or parking lots. Where located in a parking lot, such facilities shall not be permitted to be placed on the paved surface of the parking lot and shall be placed on a curbed area set back a minimum of two (2) feet from the curb edge of such parking lot. No refuse and recycling area may be located within a required principal building setback area.
3. Adequate pedestrian and service vehicle access shall be provided to all storage facilities. Such vehicular access shall accommodate the type of service vehicles used for the collection of solid waste and designated recyclable materials.
4. The size and capacity of all storage facilities shall be based on the size and capacity of containers, bins and/or dumpsters utilized, frequency of pickup and projected generation rates of users of the site.
5. All non-residential uses shall be designed to have a temporary designated refuse and recyclable storage area located within the building occupied by such use. Such storage area may be located anywhere within the interior of a building, including basements, storage closets or attached garages, but shall not be situated in a hallway or corridor necessary for internal circulation or emergency access. Such area shall be designed to accommodate the average accumulated volume of designated recyclables and refuse per occupant per period of collection and any necessary storage equipment.

B. Residential uses.

1. All dwelling units shall be designed to have a temporary designated recyclable and refuse storage area located either within the interior of such unit in the kitchen, laundry room, basement or storage closet or in an attached garage or private rear yard area.

2. Such area shall be designed to accommodate the average accumulated volume of designated recyclables and refuse per dwelling unit per period of collection and any necessary storage equipment. The minimum size of such storage area shall be six (6) square feet.

§ 516 RESIDENTIAL DEVELOPMENT

The following regulations shall apply to residential development:

- A. Elevation. No dwelling unit shall be located below grade, whether fully or partially.
- B. Single-family development. The following look-a-like provisions/elevation standards shall be used to prepare and review any new single-family residential development. The purpose of this section is to encourage construction in character with the existing residential neighborhood and to encourage construction that is diverse and aesthetically pleasing.
 1. No dwelling unit shall hereafter be constructed in any residential zone which shall be like or substantially like any neighboring dwelling as hereinafter defined, in more than two of the following six respects:
 - (a) height of the main roof ridge above the elevation of the first floor;
 - (b) length of the main roof ridge;
 - (c) width between outside walls at the ends of the dwelling under the main roof perpendicular to the length thereof;
 - (d) relative location with respect to each other of garage, if attached, porch, if any, and the remainder of the dwelling in the front elevation;
 - (e) relative location of windows in the front elevation;
 - (f) the materials used in the front elevation.
 2. For sub-paragraphs (a), (b), (c) and (d) above, dwellings shall be deemed to be like each other in any dimension in which the difference between them is not more than six (6) feet .
 3. For sub-paragraph (e) above, dwellings shall be deemed to be like each other in any dimension in which the difference between them is not more than three (3) feet.
 4. For sub-paragraph (f) above, dwellings shall be deemed to be like each other if the difference between materials used is not more than thirty-five percent (35%) of the facade area.
 5. Dwellings between which the only difference in relative location of elements is end to end or side-to-side reversal of elements shall be deemed to be like each other in relative location of such elements.
 6. For the purposes of this section, a neighboring dwelling, as stated above is defined as any principal dwelling on any lot which is located as follows in relation to the subject lot:

- (a) Any lot which is within one-hundred (100) feet, or three (3) lots, whichever is greater, and along the same side of the street as the subject lot, without regard to intervening street lines.
 - (b) Any lot, which is directly across said street from the subject lot or from a lot referenced in the above paragraph.
7. The main entrance into all single-family detached residential dwellings shall be located within the front elevation of all residential structures. Side yard main entrances are prohibited. Main entrances of structures on corner lots may be from either elevation facing the street. No utility meters or other utilitarian improvements that detract from the appearance of the front elevation shall be located on the front elevation of a residential structure.
- C. Apartment and townhouse development standards. The following standards shall be used to review apartment or townhouse development. For the purpose of this Subsection, assisted living facilities shall not be considered residential development.
- 1. Dwelling unit size. Minimum dwelling unit floor areas based on multi-family dwelling unit type shall be as follows:

TABLE 5.6: MULTIFAMILY DWELLING UNIT SIZE

DWELLING UNIT TYPE	MINIMUM FLOOR AREA (in square feet)
Studio/Efficiency Apartment	500 S.F.
One (1) Bedroom Apartments	850 S.F.
Two (2) Bedroom Apartments	1,000 S.F.
Apartments with three (3) or more bedrooms	1,150 S.F. + 150 S.F. per additional bedroom

- 2. Building type mix. In developments of twenty-five (25) or more dwelling units, the mix of building types shall be such that not more than fifty percent (50%) of the total number of dwelling units shall be located in the same type of building. In developments of fifty (50) or more dwelling units, the mix of building types shall be such that not more than forty percent (40%) of the total number of dwelling units shall be located in the same type of a building. The building type mix for each section or phase of a development plan need not reflect the building type mix prescribed for the entire development. In such cases, the Board shall require, as a condition of final approval on a particular phase or section of a development plan, the provision that future phases or sections shall bring the building type mix into conformance with the above standards.
- 3. Dwelling unit mix. In developments of twenty-five (25) or more dwelling units, the mix of dwelling units shall be such that not more than seventy-five (75) percent of the total number of dwelling units shall have the same number of bedrooms. The dwelling unit mix for each section or phase of a development plan need not reflect the building type mix and dwelling unit mix prescribed for the entire development. In such cases, the Board shall require, as a condition of final approval on a particular phase or section of a development plan, the provision that future phases or sections shall bring the dwelling unit mix into conformance with the above standards.

4. Number of dwelling units per building. No more than eight (8) dwelling units may be contained in a single Townhouse structure. The number of units in a multifamily building shall be limited by height and bulk requirements.
5. Distance between buildings. Separation of buildings within a multiple-family residential development shall be based on spacing relationships corresponding to a multiplier of the highest single wall height of the buildings involved, as measured from ground level to the height of the top of the cornice or from ground level to the height of the juncture of the wall plane and the roof eaves, as follows:

TABLE 5.7: BUILDING SPACING REQUIREMENTS FOR MULTIFAMILY USES

BUILDING WALL RELATIONSHIP	MULTIPLIER	MIN. SPACING
Front wall to front wall	1.5	30 feet
Front wall to side wall	1.5	30 feet
Rear wall to rear wall	1.25	25 feet
Rear wall to side wall	0.75	20 feet
Side wall to side wall	0.75	20 feet

Building Spacing Formula:

Wall height x Multiplier = Distance of separation between buildings.

NOTE: The minimum spacing standards listed above are generally intended for average two-story buildings and, therefore, may need to be adjusted for buildings of other heights. In addition, this building spacing formula shall only determine the spacing of buildings within the multiple-building development property.

6. Building setbacks. Buildings in a multifamily development shall be set back at least fifteen (15) feet from all parking areas. Buildings shall be setback at least twenty-five (25) feet from driveways, and private or public streets. No building shall be located within the principal setback area for the applicable zone district.
7. Dwelling unit privacy. Adjacent dwelling units in the same building shall be adjoined in such a manner as to provide maximum soundproofing and privacy between such units.
8. Site layout. The development plan shall locate buildings, parking areas and open space in an arrangement that promotes the enjoyment of dwelling units, other on-site facilities and the community as a whole by residents of the development. Dwelling units and buildings shall be oriented towards the public street and interior open spaces and away from parking lots and garages. Parking lots and garages shall be prohibited from being located in the front yard area of any dwelling unit. Front wall to rear wall building orientations are discouraged.
9. Individuality of dwelling units and buildings. In order to provide attractiveness, identity and individuality to dwelling units, buildings and complexes of buildings within the entire development and to avoid the monotonous repetition of design elements and its undesirable visual effects, the following design standards shall be utilized:
 - (a) varying dwelling unit widths, staggering dwelling unit setbacks and altering building heights and rooflines;
 - (b) varying architectural embellishments to roofs between dwelling units, buildings or complexes of buildings including roof elements such as dormers, belvederes, masonry chimneys and similar elements, provided

- that such are architecturally compatible with the style, materials, colors and details of the building;
- (c) varying the front entrance definition and articulation between dwelling units, buildings or complexes of buildings, provided that such are architecturally compatible with the style, materials, colors and details of the building.
10. The same building design for multi-family dwellings shall not be utilized on more than two adjacent lots, nor within 200 feet of another building of the same design.
11. Entrance lighting. A minimum of one low-wattage incandescent light fixture shall be provided outside each exterior entrance to a dwelling unit or building.
12. Fire escapes. Buildings containing dwelling units located above the second story and requiring a second means of egress pursuant to the Uniform Construction Code shall not utilize an attached external fire escape as one of the required means of egress.
13. Dwelling unit storage space. Each dwelling unit shall be provided with a completely enclosed, covered storage space consisting of a minimum of 350 cubic feet. Such storage area shall be exclusive of normal interior closets and may either be contained within the dwelling unit or building, attached thereto or located separately.
14. Dwelling unit private open space. All dwelling units shall have a private open space area as follows:
- (a) Each dwelling unit located on a ground floor level shall be provided with a private rear yard consisting of a minimum area of two-hundred (200) square feet. Such private rear yard shall be enclosed by means of a six (6) foot high wooden fence or screen, brick wall, evergreen hedge or some combination of the same, which shall provide adequate screening from all other neighboring dwelling units and private rear yards, walkways, common recreational facilities, parking lots, driveways and streets. A minimum of one low-wattage incandescent light fixture shall be provided to light such area.
- (b) Each dwelling unit located above the ground floor level shall be provided with a private outdoor patio or balcony area consisting of a minimum of sixty-four (64) square feet. The minimum length of any individual dimension of such area shall not be less than six feet. This area shall be located or recessed inside the outer wall plane of the building on which it is located. A minimum of one (1) low wattage incandescent light fixture shall be provided to light such area.
15. Ground floor elevations. The ground floor level of each dwelling unit shall be elevated above grade, except for dwelling units designed for senior citizens or the handicapped. The minimum height of such elevation shall be twenty (20) inches at the front entrance.
16. Common open space. Active and passive recreational areas and other public and/or semipublic open space, such as courtyards, plazas, alleys and pedestrian walkways, shall be designed to promote use and enjoyment by residents of the development. Such areas shall be designed to utilize natural features of the site, including existing vegetation, where possible, and shall be extensively

landscaped with a wide variety of plant materials. Where such areas are enclosed by buildings, such as courtyards and plazas, they shall be designed to be architecturally formal and geometrically logical, however, this shall not preclude the use of curvilinear designs for walkways or landscaped areas.

17. Yard area definition. The front and side yards of a dwelling unit or building fronting on a street, driveway or parking lot shall be defined with a three (3) foot high wooden picket type fence, wrought iron fence, brick wall, evergreen hedge or some combination of the above.
18. Type of lighting source. Low-wattage incandescent lamps shall be used along all sidewalks, walkways, courtyards and plazas and on any building or unit. Parking lot lighting shall be incandescent or another light source compatible with the same.
19. Cable television utility. All dwelling units shall be provided with such facilities for potential linkage to the Township's cable television utility.
20. Maintenance equipment storage. An accessory building shall be provided for the storage of maintenance equipment, if such is to be stored on-site. Such accessory building shall be architecturally compatible with the style, materials, colors and details of the principal buildings.
21. Common entrances. Apartment buildings with common entrances, lobbies, elevators and/or stairwells shall be designed to promote safety and security of residents and visitors using such areas.
22. Window. Windows should be provided at all building facades in order to avoid monotonous, blank walls.

§ 517 RESIDENTIAL SITE IMPROVEMENT STANDARDS

- A. Applicability. The Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21 et seq. shall govern any site improvements carried out, or intended or required to be carried out, in connection with any application for residential subdivision, site plan approval, or variance before the Planning Board or Zoning Board of Adjustment, or in connection with any other residential development approval required or issued by the Township or any agency thereof, except as provided for herein.
- B. Special area standards.
 1. Parking. Standards set forth by the RSIS at N.J.A.C. 5:21-4.14 relative to the number of required parking spaces shall not apply to the designated Ocean Grove Historic District per N.J.A.C. 5:21-3.5(b)(3)(4). Development in the Ocean Grove Historic District shall conform to the requirements set forth in (§412.17 Parking Requirements).
 2. Sidewalk widths. Standards set forth by the RSIS at N.J.A.C. 5:21-4.5(f) relative to sidewalk widths shall not apply to the designated Ocean Grove Historic District per N.J.A.C. 5:21-3.5(b)(3)(4). Development in the Ocean Grove Historic District shall conform to the requirements set forth in (§507 Historic district streetscape design standards).
- C. Compliance. Construction of all residential improvements not regulated by the RSIS and not regulated by §412 Parking Requirements shall conform to the technical requirements of the Township Engineer, and any technical requirements specified in this Chapter.

§ 518 SECURITY GRILLES AND ROLL-UP DOORS

- A. Purpose. Security grilles and doors found to be necessary in certain situations are an important building facade element that should be given thoughtful consideration. Security grilles and doors devoted to any retail sales or service establishment must be installed in a manner that preserves full visual access to a building's unique design elements.
- B. Non-residential uses. Security grilles and doors designed in accordance with standards set forth in Subsection C may be installed by non-residential uses only. No security grille or door may be installed in a historic zone district.
- C. Design standards. Security grilles and roll-up doors shall be designed according to the following standards (see also Appendix G):
 - 1. Solid "rolling service doors" fabricated of interlocking slats or panels with no openings are extremely detrimental to an attractive streetscape and should be avoided.
 - 2. If a security grille is absolutely necessary, it should be at least 60% non-solid. The standard curtain pattern is a straight lattice design with horizontal rods at 2 inches on center and vertical links at 9 inches on center. For added visual interest, a staggered "brick pattern" with 4-½ inch horizontal spacing may be preferable.
 - 3. The security grille coil, whether side- or overhead-mounted, should never be attached to the exterior of the building. When the security grille is in the closed position it should be located on the interior side of the windows so as not to degrade the architectural design features along the streetscape.
 - 4. Where headroom is limited a folding or accordion grille may be installed in lieu of the typical roll-up type. Any sliding type security grille must also be non-solid and situated on the interior side of the windows.
 - 5. An emergency egress feature should always be incorporated into the design and installation of any security grille.

§ 519 SIDEWALKS AND BIKEWAYS FOR NON-RESIDENTIAL USES

- A. Applicability. This subsection shall apply to non-residential development in all portions of the Township except for the HD-B-1 historic zone district. For sidewalk, curb and other streetscape design standards in the HD-B-1 historic zone district, see §507 Historic District Streetscape.
- B. Sidewalks. The following section provides standards for sidewalk placement and minimum sidewalk widths. The Board of Jurisdiction may require wider sidewalk widths where anticipated pedestrian traffic volumes would necessitate additional capacity. Calculations of required sidewalk widths that differ from the standards as set forth herein shall be made using the Highway Capacity Manual, latest edition, published by the Transportation Research Board.
 - 1. Sidewalks shall be required on both sides of the street for all major arterials, minor arterial roads, collector roads and local roads in association with non-residential development.
 - 2. All lots shall have private walkway access to a public sidewalk in the right-of-way. Such access shall be designed for the safety, control, efficient movement,

convenience and encouragement of pedestrian traffic into and out of the site and to promote pedestrian circulation generally within the Township.

3. In general, sidewalks shall be placed in the right-of-way, parallel to the street unless an exception has been permitted to preserve topographical or natural features, or to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides equally safe and convenient circulation. Sidewalks may be placed in a public access easement adjoining the right-of-way in order to provide sufficient room for various functions within the right-of-way, as follows:
 - (a) In commercial areas, the sidewalk area may abut the curb incorporating additional width for street furniture such as bus stops and shelters, planters, signage, benches, street tree planting holes and grates, newspaper vending machines, traffic control devices, light poles and similar items, provided that such items may not be set back more than four (4) from the curbline. A continuous clear pedestrian passageway of seven and one-half (7-1/2) feet in width is to be maintained when such items are utilized.
 - (b) In addition to required sidewalks along streets, commercial developments shall provide internal sidewalks creating convenient linkages between the commercial development and all surrounding streets, including residential streets. Internal sidewalks shall be provided linking such commercial development to adjoining non-residential developments. Cross-access easements shall be provided for such pedestrian linkages.
4. Walkways shall be located on a site to facilitate pedestrian access between the public sidewalk, buildings, parking lots and other facilities and to provide for pedestrian circulation generally within a site. Where walkways abut the ends of parking spaces and wheel stops are not provided, the minimum width of such walkways shall be a minimum of five feet in order to provide for the front ends of vehicles to overhang onto such walkways with appropriate space remaining for the passage of pedestrians.
5. In commercial or industrial developments, sidewalks shall be provided to link streets, buildings within a complex, and on-site activities such as parking and recreational areas. Such sidewalks shall be linked to public sidewalks within the right-of-way.
6. The location and width of sidewalks shall be consistent with the location and width of existing sidewalks adjacent to or near the site to be developed, but in no case shall be less than the standards set forth below. The following sidewalk widths for office, governmental, educational and health care uses shall be required:
 - (a) Along non-residential streets separated from the curb by at least 5 feet: 4 feet
 - (b) Along non-residential streets adjacent to the curb: 6 feet
 - (c) Between a main entrance and its closest parking: 8 feet

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- (d) Where vehicles overhang the sidewalk: 6 feet
 - (e) Within parking areas: 4 feet
 - (f) Between buildings: 6 feet
7. The following sidewalk widths for retail development shall be required:
- (a) Along non-residential streets separated from the curb by at least 5 feet: 6 feet
 - (b) Along non-residential streets adjacent to the curb: 8 feet
 - (c) Between a main building entrance and its closest parking: 10 feet*
 - (d) Where vehicles overhang the sidewalk: 6 feet
 - (e) Within parking areas: 4 feet
 - (f) Between buildings: 6 feet

*This width may be reduced to six (6) feet provided an area at least four (4) feet in width is provided at all building foundations for landscaping.

6. Handicapped passage. Sidewalks and walkways less than six (6) feet in width shall provide widened areas at least every 200 lineal feet sufficient to permit the passage of two wheelchairs in opposite directions. The widened area shall be at least six (6) feet wide. In general, this requirement may be met through the intersection of driveway's paved surfaces with sidewalks.
7. Sidewalks and graded areas shall be constructed according to the Engineering Department Standard Details established by the municipality.
8. All sidewalk and drive apron construction shall be in accordance with New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction (1989) and amendments thereto.
9. The concrete to be used for sidewalks and drive aprons shall be Class 'B' 4,000 p.s.i. air entrained. The sidewalks and drive aprons may require a crushed stone foundation for unusual loads or soil conditions if directed by the Municipal Engineer. The following minimum thickness shall apply:
- (a) Sidewalks shall be a minimum thickness of four (4) inches
 - (b) Drive aprons and sidewalks at drive aprons shall have a minimum thickness of six (6) inches and they shall have welded wire fabric reinforcement mat not less than #6 x #6 on a 6 inch by 6 inch grid pattern.
10. Premolded bituminous expansion joint material shall be installed every 20 feet and half depth contraction joints installed every 4 feet.
11. Monolithic curb and drive apron construction shall be prohibited.

- B. Bikeways.
1. Separate bicycle lanes and paths shall be required as envisioned by the Township's Master Plan.
 2. Bicycle lanes, where required, shall be placed in the outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be between the parking lane and the outer lane of moving vehicles. Lanes shall be delineated with markings, preferably striping. Raised reflectors or curbs shall not be used. Bicycle lanes shall be considered Type A bikeways and all other bikeways Type B.
 3. Bikeways shall be constructed in accordance with the bicycle facility design guidelines published by the New Jersey Department of Transportation.
- C. Bicycle parking. Bicycle parking areas shall be installed wherever significant attractors are established, including, but not limited to food stores, educational uses, and shopping centers. The number of spaces for bicycles shall equal at least 10% of the total required number of parking spaces for the first 100 spaces and 2% thereafter. Bicycle parking areas shall have a minimum capacity of six (6) bicycles and shall be designed to provide secure anchoring for locking devices. If located in motorized vehicle parking lots, bicycle parking shall be primarily located in the one- third of the parking area closest to the building. If located on sidewalks, the parking should be adjacent to entrances. Bicycle parking shall be located outside of travel ways for motorized vehicles and pedestrians.

§ 520 SIGHT TRIANGLE

- A. On all corner lots in all zones except Historic Zone Districts, there shall be an unobstructed sight triangle formed by measuring twenty-five (25) feet along each curb line from the point of intersecting curb lines at such corner and connecting such points to form a triangular area. Sight triangles within Ocean Grove Historic Zone Districts shall be formed by measuring fifteen feet (15') along each curb line from the point of intersecting curb lines at such corner and connecting such points to form a triangular area.
- B. No fences of any type may be erected within the sight triangle. A sight triangle shall contain no structures, signs, plantings or any other vision obstructing objects which are greater than thirty-six inches (36") inches in height as measured from the curb level at the point of intersecting street lines. Trees shall be permitted whose branches are trimmed away to a height of at least eight (8) feet above the curb level as measured from the point of intersecting street lines.
- C. Nothing herein shall permit the parking or storage of any vehicle on a corner lot property, which obstructs, impairs or obscures vision of motor vehicle traffic at an intersection, as determined by the Chief of Police.

§ 521 SITE PLAN DEVELOPMENT STANDARDS

- A. Applicability. This article shall apply to all site plan applications.
- B. Development standards. The following standards shall be used to prepare and review any site plan
1. Vehicular access. No public or private roadway shall be located within twenty-five (25) feet of an existing adjacent residential use or district, except in such cases where the Board determines that it shall be necessary for an existing or future roadway connection.

2. Building location. A building shall be located to front towards and relate to a public street, both functionally and visually. In a multiple-building development, buildings located on the interior of a site shall front towards and relate to one another, both functionally and visually. To the greatest extent possible, the development shall divide proposed buildings into smaller, individualized groupings, utilizing such features as courtyards, quadrangles and alleys that encourage pedestrian activity and incidental social interaction among users. Spatial relationships between buildings shall be geometrically logical and architecturally formal. No building shall be oriented to front toward a parking lot. All buildings shall be located to allow for adequate fire and emergency access.
3. Pedestrian circulation. A barrier-free walkway system shall be provided to allow pedestrian access to a building or use from both a parking lot within the site and from the Township sidewalk system. Such walkway system shall promote pedestrian activity both within the site itself and throughout the community by its integration with the Township sidewalk system. Walkways shall be separate from motor vehicle circulation to the greatest extent possible and shall provide a pleasant route for users that will promote enjoyment of the site and encourage incidental social interaction among pedestrians
4. Decorative lampposts. The exterior of a site with greater than 100 feet of street frontage shall provide decorative lampposts approximately 10 feet to 12 feet high, spaced at intervals of approximately 40 feet to 60 feet along or near all street lines and driveways. Walkways in the interior of a site shall have decorative lampposts approximately 10 feet to 12 feet high, spaced at intervals of approximately 30 feet to 40 feet. The style, size, color and type of light source of such lampposts shall be determined by the Board based on existing fixtures located in other similar type developments in the Township. Lighting levels from such fixtures shall be provided pursuant to Section 511.
5. Building spacing. Separation of buildings in a multiple-building development shall be based on spacing relationships corresponding to a multiplier of the highest single wall height of the buildings involved, as measured from ground level to the height of the top of the cornice or from ground level to the height of the juncture of the wall plane and the roof eaves, as follows:

TABLE 5.8: BUILDING SPACING REQUIREMENTS FOR NON-RESIDENTIAL MULTIPLE BUILDING DEVELOPMENTS

Formula: Wall height x Multiplier = Distance of separation between buildings

Building Wall Relationship	Multiplier	Minimum Spacing
Front wall to front wall	1.5	30'
Front wall to rear wall	2.0	40'
Front wall to side wall	1.5	30'
Front wall to windowless side wall	1.5	30'
Rear wall to rear wall	2.0	40'
Rear wall to side wall	2.0	40'
Rear wall to windowless side wall	1.5	30'
Side wall to side wall	1.25	25'
Side wall to windowless side wall	0.75	15'
Windowless side wall to windowless side wall	0.75	15'

NOTES: (1) The minimum spacing standards listed above are generally intended for average two-story buildings and, therefore, may need to be adjusted for buildings of other heights (2) Spacing formulas for multifamily development are set forth in §Section 516.

§ 522 STREETS

- A. Applicability. This article shall apply to all applications for development.
- B. Design standards. The following standards shall be used to prepare and review any development plan that involves the construction of a new street or repair of an existing street:
 - 1. Lot access. All lots shall have frontage on and driveway access to a public street, except that lots in PUD's may have access from a private street, if specifically approved by the Board, pursuant to §SubSection C Private Streets below. In no instance shall access to a nonresidential use be permitted through or across a lot located in a residential district
 - 2. Construction and repair specifications. All streets shall meet the construction specifications as set forth in applicable Township ordinances or as approved by the Township Engineer. This shall also apply to recommendations by the Township Engineer regarding the maintenance, repair or upgrading of existing streets located in that portion of the public right-of-way that directly abuts the lot to be developed.
 - 3. Street layout. Streets shall be designed to provide for motor vehicle traffic circulation that is safe, controllable, efficient and convenient. The layout of streets shall be planned to continue the street system pattern of the surrounding neighborhood and shall provide for the extension of existing streets, where applicable. Streets shall be located so as to discourage through traffic within residential neighborhoods. The location of streets shall be such as to provide for the extension of existing streets, where applicable.
 - 4. Culs-de-sac. Where one end of a street terminates in a dead-end, a cul-de-sac shall be provided. The maximum length of a street ending in a cul-de-sac shall be 600 feet from the nearest intersection. A vehicular turnaround shall be

provided at the terminus of the cul-de-sac with a minimum radius of forty (40) feet at the curblineline. For public streets, an additional ten-foot-wide utility and planting strip shall be provided around the entire cul-de-sac for a minimum total right-of-way radius of fifty (50) feet.

5. Street names and address numbers. A street name shall not conflict with or be mistaken for an existing street name in the Township unless the street is a logical extension of an existing street. All street names, whether for a public or private street, shall be approved by resolution of the Township Committee. The street address numbering system shall be as approved by the Township Clerk.
 6. Street name signs. Street name signs shall be placed at all street intersections within or abutting the development. Street signs shall identify all cross streets at all intersections. The type, style and location of such signs shall be as approved by the Township Engineer.
- C. Private streets. Where approved as part of a PUD, private streets may be permitted by the Board with the following conditions:
1. Design standards. The design of a private street shall meet all other applicable design standards of this article for a public street.
 2. Access control. A development plan involving access to a private street shall not be approved unless the control and disposal of said land controlling access has been placed with the Township or unless a protective deed restriction has been approved by the Board
 3. Maintenance. The applicant shall establish, prior to final approval or as a condition thereof, an entity responsible for maintaining such private street for which the Board shall require a developer's agreement. This agreement shall include the Township's right to enter the premises to make repairs and/or conduct other necessary maintenance. The cost for such repairs and/or maintenance by the Township shall be paid by the property owner(s) and shall include all legal, administrative, clerical, planning, engineering, repair and maintenance costs associated with such work.
- D. Public streets. All public streets shall be located in a public right-of-way dedicated to the Township having a minimum width of fifty (50) feet, unless another width is specifically recommended in an adopted element of the Master Plan or on the adopted Official Map or Tax Map of the Township. Developments that adjoin or include existing public streets that do not conform to the above required right-of-way widths shall dedicate the required additional width along one or both sides of said street. If development is proposed along one side of the street only, then half of the required extra width shall be dedicated. The approval of any map or plat delineating streets by the governing body of the Township shall in no way be construed as an acceptance of any street indicated thereon.

§ 523 STREET TREES

- A. Location. Street trees shall be installed on both sides of all public and private streets in accordance with an approved landscape plan. Trees shall be spaced evenly along the street in a location either between the curb and sidewalk or at a point fifteen (15) feet behind the curblineline (see Appendix H). In commercial areas with wider sidewalks that extend to the curb, trees shall be placed in tree wells with root guard systems. Such tree wells shall have sufficient soil volume to support tree growth as follows:

<u>Tree Size at Maturity (Height in feet)</u>	<u>Soil Volume (in cubic feet)</u>
Large trees (45'+)	200
Medium-sized trees (30'-45')	150

Areas under sidewalks may be used to meet the soil volume requirement provided no more than 50% of the volume is located under such hard paving.

- B. Spacing. Trees specified in the Table of Recommended Large Street Trees shall be planted at a minimum interval of thirty-five (35) feet along all streets. Trees specified in the Table of Recommended Medium Street Trees shall be planted at a minimum interval of thirty (30) along all streets. Trees may be planted closer together in order to avoid interference with utilities, roadways, sidewalks, sight easements, and street lights.
- C. Minimum planting size. All street trees shall have a minimum caliper of 3-1/2" at the time of planting.
- D. Street tree type. Tree type may vary depending on overall effect desired but as a general rule, all trees shall be large deciduous trees except as needed to achieve special effects. Tree selection shall be approved by the Board in accordance with the Neptune Township Shade Tree Commission Tree Planting Guide. Alternate selections may be approved at the discretion of the Board.
- E. Planting Specifications. Street trees shall be substantially uniform in size and shape, and have straight trunks. Trees shall be properly planted and staked in accordance with the Neptune Township Engineering Standards. Provision shall be made by the developer for regular watering and maintenance until they are established. Dead or dying trees shall be replaced by the developer during the next suitable planting season.

§ 524 SUBDIVISION DEVELOPMENT STANDARDS

- A. Applicability. This article shall apply to all subdivision applications
- B. Standards. The following standards shall be used to prepare any development plan for a subdivision:
 - 1. Blocks. The length, width and area of blocks created within bounding roads creating blocks shall be such as to accommodate the lot areas and dimensions required by Article IV of this Chapter for the specific district in which the block is located and to provide for convenient access, circulation, control and safety of street traffic.
 - 2. Lots. No lot shall be created on which development may be rendered impracticable due to significant environmental or man-made constraints, such as steep slopes, wetlands, floodplains, flood hazard areas, drainage or other natural conditions or lack of sewer capacity, utility service, vehicular access or other man-made conditions. Where such conditions occur, the affected land shall be incorporated into the adjoining lots or contiguous open space. Where there are unanswered questions as to the suitability of a lot for its intended use due to any of the above referenced factors or similar circumstances, the Board may, after adequate investigation, withhold approval of such a lot.
 - 3. Lot orientation. Side lot lines shall be at right angles to straight street lines and radial to curved street lines, wherever practical. Flag, through, and reverse

frontage lots are discouraged.

4. Frontage. To the greatest extent possible, lot frontage shall not be less than the required lot width. For detached single-family residential development only, a seventy-five (75) percent reduction in lot frontage may be permitted, provided the required lot width is met at the front setback line, and provided all other bulk requirements for the particular lot are met.
5. Existing vegetation. To the greatest extent possible, significant existing vegetation in good health and condition shall be preserved. Subdivision designs should preserving existing stands of trees, as well as and tall shrubs and hedgerows along or near lot lines. Subdivisions shall be subject to the regulations set forth in (§Section 525 on Tree Preservation).
6. Conformance. Where a lot is formed from part of a lot already occupied by a building, any subdivision shall be executed in such a manner so as to not create or exacerbate any violation of the requirements of this Ordinance with respect to the existing building and all yard, setback, coverage, buffers and open space in connection therewith. All resulting lots shall have dimensions consistent with the requirements of the zoning district in which they are located.

§ 525 TREE REMOVAL AND TREE CUTTING

- A. Purpose. Indiscriminate, uncontrolled, and excessive destruction, as well as the removal and cutting of trees on lots and tracts of land within the Township, may cause :

1. Increased drainage control cost;
2. Increased soil erosion and sedimentation;
3. Decreased fertility of the soil;
4. Degradation of water resources;
5. Decreased groundwater-recharge;
6. Increased buildup of atmospheric carbon;
7. The establishment of a heat island effect;
8. Increased dust and pollution;

The singular or cumulative effect of any of the foregoing could adversely impact the character of the Township, decrease property values, render the land unfit and unsuitable for its most appropriate use and negatively affect the health, safety and general welfare of the inhabitants of the Township. The Township desires to regulate and control indiscriminate and excessive cutting of trees within the Township. The Township strives to preserve the maximum possible number of trees in the course of development of a site as well as protect larger, older specimens of trees. Additionally, the Township seeks to encourage innovative design and grading, promote the preservation of existing trees and provide a plan for replacement of trees. It is recognized that there is a strong relationship between the integrity of the Township's water resources, development on steep slopes, tree removal, soil disturbance, stormwater management and the general use of the land resources. Therefore, the Township finds that the appropriate management of these resources is an important health, safety and general welfare concern.

- B. Establishment of conservation officer. There shall be appointed and designated, an official whose formal title shall be that of Zoning Officer or Designee of the Township of Neptune. This official shall be charged with the inspection of sites upon which there is an application for site plan approval or for subdivision approval in regard to the provisions of this Section, and with inspection and enforcement of the tree removal and protection requirements of this Ordinance.
- C. Cutting or removal restricted. Subject to the exemptions set forth, no person shall cut or remove, or cause to be cut or removed, any tree with a diameter at point of measurement (DPM) of four (4) inches or greater upon any lands within the Township, unless the cutting or removal is accomplished in accordance with the provisions of this Ordinance.
- D. Tree removal.
1. Permit required.
 - (a) No person shall remove or destroy or cause to be or allow to be re-moved or destroyed any-tree without first obtaining a tree removal permit. Tree removal permits shall be issued by the Zoning Officer or designee. A permit is required for the removal of all trees of four (4) inch caliper or larger.
 - (b) Existing single family residential property shall be exempt from the requirements of this Ordinance, provided that said homeowner is clearing one acre or less of area.
 2. Permit application. Applications for a permit shall be made to the Zoning Officer and shall contain the following information:
 - (a) The name and address of the applicant.
 - (b) The name and address of the owner of the property from which the tree(s) are to be removed.
 - (c) Location on the property of the tree(s) to be removed, indicated on a plan as follows:
 - (d) The plan shall indicate all tree(s) to be removed, specifically by an assigned number, and the caliper of each tree.
 - (e) The plan shall indicate all tree(s) to remain, specifically by an assigned number.
 - (f) The plan shall indicate a limit of disturbance line (i.e., where the four foot high standard wood snow fence will be erected if required by the Conservation Officer).
 - (g) For any clearing greater than (3) three acres, a representative five (5%) percent of the wooded areas proposed to be cleared shall be inventoried. The representative 5% shall be determined by agreement between the Conservation Officer and the applicant. Where less than (3) three acres is proposed to be cleared, all trees to be removed shall be inventoried.
 - (h) All trees greater than twenty (20) inches in caliper or any specimen trees (i.e. any unique or remarkable tree or species) to be removed shall be indicated on the plan. All reasonable efforts shall be made to preserve such trees, including but not limited to, if feasible, relocation of infrastructure, roadways,

and buildings. Removal of such trees shall require the specific written approval of the Conservation Officer.

- (i) Any other information which may reasonably be required to enable the application to be properly evaluated.
3. Inspection required. The Conservation officer or designee shall inspect the trees which are the subject of the application, the drainage incidental thereto, other physical conditions existing on the property, and the impact upon adjacent properties.
 4. Zoning permit requirements. Where an application is made in connection with the construction of a building or other land use improvement, no zoning permit shall be issued until the tree removal permit has been granted, or an exemption granted.
 5. Replacement tree requirements.
 - (a) Existing residential property. If the application is on behalf of an existing homeowners association and it is disclosed that the total number of trees to be removed or destroyed on the property or open space area in question, which are the subject of the application, is ten (10) or less, the permit shall be issued without replacement trees required. Within a one year period, permits may be used for removal of no more than ten (10) trees on the same property without replacement trees being required. Any tree removal occurring where a homeowners association exists must obtain formal approval by the ruling body-of the association prior to obtaining a tree removal permit.
 - (b) New residential development.
 - (i) If the application is for a new residential development (subdivisions or site plans), up to fifty (50%) percent of the trees may be removed for the sole purpose of clearing for the building envelope, driveways and yard space for said building lots only without replacement trees required.
 - (ii) For new residential development where tree removal is to occur within public or private roadways or right-of-ways, drainage facilities, parking areas or proposed open space, all trees are not subject to replacement in accordance with this Ordinance.
 - (c) Agricultural operations. Agricultural operations are exempt from replacement requirements providing the property in question is farmed for a minimum of five (5) years after the date of clearing. An application must be submitted prior to clearing. If the property is developed for any other use before the five (5) years expire, the replacement obligation shall be enforced according to the new use of the property.
 - (d) Nonresidential development. All commercial and industrial developments are required to replace all trees removed in accordance with this Ordinance.
 - (e) Sparse land/major subdivisions and site plans. In regard to major subdivisions and site plans, lots with tree cover less than thirty percent (30%) shall be required to plant a minimum of 1.5 trees per 10,000 square feet or less of open field. The owner/applicant shall have a qualified professional

calculate the total required trees to be distributed in accordance with a landscape plan of the entire project, which shall be approved by the Conservation Officer.

- (f) Tree escrow fund established. Tree Escrow Fund shall be established by the Township to promote environmental enhancement programs such as tree planting, tree preservation, park development, landscaping and/or other related projects on or within municipally owned properties or facilities. A separate trust account shall be established for this purpose under the supervision of the Township Treasurer. Appropriations from the Tree Escrow Fund shall be authorized by the Mayor and Committee and shall be used for a municipal purpose pursuant to the recommendations of the Zoning Officer, the-Conservation Officer, the Township Planner and/or the Shade Tree commission.
- (g) Replacement tree value calculations.

- (i) The replacement value of all trees to be removed where replacement trees are required by this Ordinance shall be calculated as follows:

TABLE 5.11: REPLACEMENT TREE CALCULATIONS

Trees to be Removed: Caliper	Replacement Trees		
	Number	Caliper	Dollar Amount
Greater than 6" & up to 12"	1	2-2-1/2"	\$240.00
Greater than 12" & up to 18"	3	2-2-1/2"	\$660.00
Greater than 18" & up to 24"	6	3"	\$ 2,440.00
Greater than 24"	8	3"	\$3,680.00

- (ii) Dead and diseased trees are not counted as trees to be replaced.
- (iii) The applicant will receive a one and one-half for one replacement tree credit should stands of eight (8) or more trees greater than 4 inches in caliper be preserved within tree removal areas.
- (iv) All replacement trees shall be planted onsite unless one or more of the following conditions exist: (A) The site in question can not physically accommodate the total replacement amount of trees. The applicant shall contribute an amount equal to the calculated monetary value of the removed trees minus the value of the proposed landscaping to the Township Tree Escrow Funds, as required herein; (B) Due to unique site conditions, the Conservation Officer and applicant agree in writing that the

applicant shall make payment to the Township Tree Escrow Fund based upon the above chart.

- (h) Trees replaced according to the foregoing calculations shall not be construed to satisfy other street tree and landscaping quantity requirements contained elsewhere in this Chapter.
- 6. Fees. Upon application for a tree removal permit, the applicant shall be charged the following fees:
 - (a) For new resident building lots: fifteen (\$15.00) dollars per tree, up to a maximum of three hundred (\$300.00) dollars per lot.
 - (b) For all other properties: fifteen (\$15.00) dollars per tree up to a maximum of six hundred (\$600.00) dollars for each acre.
- 7. Time Limit. All tree removal permits shall be limited to one (1) year from date of issuance. If the approved tree removal has not occurred within one (1) year, a new permit must be applied for and is subject to the payment of new fees.
- E. Criteria for tree removal. The Conservation Officer may approve the removal of a tree if any of the following criteria apply:
 - 1. The tree is located in a parcel for which preliminary or final subdivision approval has been obtained, and it unreasonably restricts the economic enjoyment of the property and cannot be relocated on the site because of its age, type or size.
 - 2. The tree is dead, diseased, injured, in danger of falling, interferes with existing utility service, created an unsafe condition, or conflicts with any other ordinances or regulations.
- F. Enforcement. The requirements of this Ordinance shall be enforced by the Conservation officer, who shall inspect or require adequate inspection of all sites upon which there is an application for site plan or subdivision, all applicable tree removal or destruction and soil removal incidental thereto, and for compliance with other pertinent conditions of approval from the Planning Board/Zoning Board. Upon ascertaining a violation of this Ordinance, the Conservation officer shall refer charges in the Municipal Court as provided in this Article. In addition to other remedies, the Director of Code Enforcement and Construction, Zoning Officer or other proper municipal official may institute any appropriate legal action to prevent a continuing violation of the terms of this chapter.

§ 526 UNDERGROUND WIRING

- A. New electric, telephone, television and other communication facilities.
 - 1. All electric, telephone, television and other communication facilities, both main and service lines servicing new developments, shall be provided by underground wiring within easements and dedicated public rights-of-way, installed in accordance with the prevailing practices of the utility or other companies providing such services.
 - 2. Main electric, telephone, television and other communication facility lines servicing new developments shall be located within a utility easement at least ten (10) feet in width. Said easement shall be located parallel and adjacent to a public or private right-of-way (see Appendix H). This shall facilitate the location of street trees within a minimum five (5) foot wide tree lawn adjacent to the

easement.

- B. Existing supply lines and service connections. Lots that abut existing easements or public rights-of-way, 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 instance of an application for development, an applicant shall demonstrate to the board of jurisdiction whether it is possible to relocate existing overhead electric or telephone distribution supply lines underground.

§ 527 RETAINING WALLS

Design and maintenance of structural retaining walls shall be in accordance with the following standards:

- A. The applicant shall submit a plan indicating how all segments of the structural retaining wall, including any bench area located between two tiered wall sections, shall be maintained.
- B. The structural or civil engineer certifying the plans shall provide documentation as to the feasibility for replacing the structural retaining wall at the end of its useful life, and method of replacement by the property owner or homeowner's association.
- C. The top of any structural retaining wall, or tiered wall, with a height of greater than four (4) feet, shall be protected through the use of fencing with a minimum height of three (3) feet or, in the alternative provided safety concerns are adequately addressed, densely planted vegetation at 50% of the full growth screening.
- D. The bench, or area between the top of one tier and the bottom (toe) of the next higher tier, shall be properly graded to facilitate drainage.
- E. A licensed landscape architect shall certify that landscaping installed in the vicinity of any structural retaining wall is appropriate for the location and does not have a root system that will impair the integrity of the retaining wall.
- F. Structural retaining walls shall be constructed of permanent materials such as concrete, pre-cast block, or masonry, and shall be designed to allow replacement of the wall at the end of its useful life.
- G. Landscape retaining walls shall be constructed of durable or preservative treated wood, or other durable materials, and shall be designed to allow replacement of the wall at the end of its useful life.

ARTICLE VI - AGENCY ESTABLISHMENT AND RULES

§ 600 ESTABLISHMENT OF THE PLANNING BOARD

- A. Classes of membership. A Planning Board is hereby established consisting of nine regular and two alternate members of the following four classes:
1. Class I - The mayor or the mayor's designee in the absence of the mayor.
 2. Class II - One of the officials of the municipality, other than a member of the governing body, to be appointed by the mayor, provided that any member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A 40:56A-1 shall be deemed to be the Class II Planning Board member if there is both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV regular or alternate members.
 3. Class III - A member of the governing body to be appointed by it.
 4. Class IV - Regular Members. Six other members of the municipality to be appointed by the governing body. The members of Class IV shall hold no other municipal office, position, or employment except that one such member may be a member of the Zoning Board of Adjustment or Historic Preservation Commission. No member of the Board of Education may be a Class IV member of the Planning Board, except that in the case of a nine member board, one Class IV member may be a member of the Board of Education. If there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board, as required by N.J.S.A. 40:56A-1, shall be a Class IV Planning Board member, unless there be among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment or Historic Preservation Commission and a member of the Board of Education, in which case the member common to the Planning Board and Environmental Commission shall be deemed a Class 11 member of the Planning Board. For the purpose of this section, membership on a municipal board or committee whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of a municipal office.
 5. Class IV - Alternate Members. Two other citizens of the municipality to be appointed by the governing body. Alternate members shall meet the qualifications of Class IV regular members and shall be designated by the governing body at the time of their appointment as 'Alternate No. 1' and "Alternate No. 2."
 6. The adoption of this Ordinance shall not be construed to affect any standing member of the Planning Board.
- B. Terms of membership.
1. The term of the member composing Class I shall correspond with his or her official tenure.
 2. The terms of the members composing Class II and Class III shall be for one (1) year or shall terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the

Environmental Commission. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of term of office as a member of the Environmental Commission, whichever comes first.

3. The term of Class IV member who is also a member of the Zoning Board of Adjustment or the Board of Education shall terminate whenever he or she is no longer a member of such other body or at the completion of his or her Class IV term, whichever comes first.
 4. The term of each Class IV regular member shall be four (4) years.
 5. The terms of the Class IV alternate members shall be two (2) years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year.
- B. Role of alternate members. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any Class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.
- C. Vacancies. If a vacancy of any Class shall occur otherwise than by expiration of term, it shall be filled for the unexpired term only.
- D. Compensation. Members of the Planning Board shall serve without compensation except that reimbursement of reasonable expenses in the execution of official duties may be made by the municipality.
- E. Removal. Any member other than a Class I member may be removed by the governing body for cause but only after public hearing and other due process proceedings.
- F. Conflict. No member or alternate member of the Planning Board shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest. No member who is so disqualified may act on that particular matter, shall not continue to sit with the Board on the hearing of such matter, nor shall participate in any discussion or decision.
- G. Substitute members. If the Planning Board lacks a quorum of its regular or alternate members either by reason of vacancy or conflict of interest, regular members of the Zoning Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board. Such temporary members shall be selected in order of seniority of continuous service to the Zoning Board of Adjustment until the required minimum number of members necessary to constitute a quorum has been reached. The Chairperson of the Zoning Board of Adjustment shall determine which member serves in the event there are members of equal seniority.
- H. Reorganization. Yearly, the Planning Board shall organize by selecting from among its Class IV regular members a chairman and a vice chairman. The Board shall also select a secretary who may or may not be a member of the Board or a municipal employee.
- I. Funding. The Township Committee shall make provisions in its budget and appropriate funds for the expenses of the Planning Board.
- J. Board attorney. The position of Planning Board Attorney is hereby created. The Planning Board may annually appoint to such office and fix compensation or rate of

compensation of an attorney-at-law of New Jersey other than the municipal attorney. The adoption of this Ordinance shall not be construed to affect any existing appointment.

- K. Staff. The Planning Board may also employ or contract for and fix compensation of such experts and other staff and services as it may deem necessary. The Board, however, shall not authorize expenditures which exceed, exclusive of gifts or grants, the amounts appropriated by the Township Committee for its use.

§ 601 POWERS AND JURISDICTION OF THE PLANNING BOARD

The Planning Board shall have the powers listed below in addition to other powers established by law:

- A. Make, adopt, and from time to time, amend a master plan for the physical development of the municipality, including any areas outside its boundaries which, in the Board's judgment, bear essential relation to the planning of the municipality;
- B. Participate in the preparation and review of programs or plans required by state or federal law or regulation;
- C. Assemble data on a continuing basis as part of a continuous planning process;
- D. Annually, prepare a program of municipal capital improvements projects projected over a term of (6) six years and amendments thereto and recommend same to the Township Committee;
- E. Consider and make report to the Township Committee within thirty-five (35) days after referral as to any proposed development regulation submitted to it and also pass upon other matters specifically referred to the Planning Board by the Township Committee;
- F. Prepare, at least every six (6) years, a periodic reexamination of the Master Plan;
- G. The Planning Board shall have such other powers as prescribed by law, including, but not limited to, the power to grant the following variances, to the same extent and subject to the same restrictions as the Zoning Board of Adjustment, when the Planning Board is reviewing applications for approval of subdivision plans, site plans or conditional uses:
 - 1. Variances pursuant to N.J.S.A. 40:55D-70a-c;
 - 2. Direction pursuant to N.J.S.A. 40:55D-34 for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area; and
 - 3. Direction pursuant to N.J.S.A. 40:55D-35 for issuance of a permit for a building or structure on a lot not abutting a street.

§ 602 ESTABLISHMENT OF THE ZONING BOARD OF ADJUSTMENT

- A. Membership. Zoning Board of Adjustment is hereby created consisting of seven (7) regular members and two (2) alternate members, each of whom shall be appointed by the Township Committee.
- B. Terms of members.

1. The term of each regular member shall be four years and the term of each alternate member shall be two years.
 2. Alternate members shall be designated at the time of their appointment as "Alternate No. 1" and "Alternate No. 2."
 3. The adoption of this Ordinance shall not be construed to affect any standing member of the Zoning Board of Adjustment.
- C. Role of alternate members. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.
- D. Additional memberships. No member of the Zoning Board of Adjustment shall hold an elective office or position under the municipality.
- E. Compensation. Members of the Zoning Board of Adjustment shall serve without compensation except that reimbursement of reasonable expenses in the execution of official duties may be made by the municipality.
- F. Removal. Any member may be removed by the governing body for cause but only after public hearing and other due process proceedings.
- G. Vacancies. If a vacancy shall occur otherwise than by expiration of term, it shall be filled for the unexpired term only.
- H. Conflict. No member or alternate member of the Zoning Board of Adjustment shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest. No member who is so disqualified may act on that particular matter, shall not continue to sit with the Board on the hearing of such matter, nor shall participate in any discussion or decision.
- I. Substitute members. If the Zoning Board of Adjustment lacks a quorum of its regular or alternate members either by reason of vacancy or conflict of interest, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Zoning Board. Such temporary members shall be selected in order of seniority of continuous service to the Planning Board until the required minimum number of members necessary to constitute a quorum has been reached. The Chairman or Chairwoman of the Planning Board shall determine which member serves in the event there are members of equal seniority.
- J. Reorganization. Yearly, the Zoning Board of Adjustment shall organize by selecting from among its regular members a chairman and a vice-chairman. The Board shall also select a secretary who may or may not be a member of the Board or a municipal employee.
- K. Funding. The Township Committee shall make provisions in its budget and appropriate funds for the expenses of the Zoning Board of Adjustment.
- L. Board attorney. The position of Zoning Board of Adjustment Attorney is hereby created. The Zoning Board of Adjustment may annually appoint to such office and fix compensation or rate of compensation of an attorney-at-law of New Jersey other than the municipal attorney. The adoption of this Ordinance shall not be construed to affect any existing appointment.

- M. Staff. The Zoning Board of Adjustment may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board, however, shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the Township Committee for its use.

§ 603 POWERS OF THE ZONING BOARD OF ADJUSTMENT.

The Zoning Board of Adjustment shall have the power to:

- A. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by the Administrative Officer based on or made in enforcement of the Land Use Ordinance.
- B. Hear and decide requests for interpretation of the Zoning Map or Land Development Ordinance or for decisions upon other special questions upon which the Zoning Board is authorized to pass on any Zoning or Official Map Ordinance;
- C. Grant a variance from the strict application of a regulation, upon an application or an appeal, so as to relieve difficulties or hardships:
 - 1. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property; or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property-, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property; or
 - 2. Where in an application or appeal relating to a specific piece of property the purposes of the Municipal Land Use Law and this Ordinance set forth in Article I would be advanced by deviation from the Land Development Ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow the departure from zoning regulations; provided, however, that no variance from those departures enumerated in the following subsection shall be granted under this section; and provided, further, that the proposed development does not require approval by the Planning Board of a subdivision, site plan, or conditional use in conjunction with which the Planning Board has power to review a request for a variance pursuant to §#DIVISION OF JURISDICTION IN DEVELOPMENT APPLICATIONS (A)2
- D. Grant a variance to allow a departure from the zoning regulations, in particular cases and for special reasons to permit:
 - 1. A use or principal structure in a district restricted against such use or principal structure;
 - 2. An expansion of a non-conforming use;
 - 3. Deviation from a specification or standard pertaining solely to a conditional use;
 - 4. An increase in the permitted floor area ratio,

5. An increase in the permitted density except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision; or
6. A height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.

A variance under this subsection shall be granted only by the affirmative vote of at least five (5) members.

- E. The Zoning Board of Adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on Land Development Ordinance provisions which were the subject of variance requests and its recommendations for Land Development Ordinance amendment or revision, if any. The Zoning Board of Adjustment shall send copies of the report and resolution to the Township Committee and Planning Board.

§ 604 ESTABLISHMENT OF THE HISTORIC PRESERVATION COMMISSION

- A. Statutory authority. Pursuant to N.J.S.A. 40:55D-107 et seq., there is hereby established an Historic Preservation Commission whose membership, powers and duties are intended to be those of an historic preservation commission created by the Municipal Land Use Law, the extent of which are hereinafter set forth.
- B. Board of architectural review. By adoption of this Ordinance, the Historic Preservation Commission replaces the existing Board of Architectural Review. Existing members of the Board of Architectural Review will continue to serve the balance of their respective terms as members of the Historic Preservation Commission.
- C. Membership. The Historic Preservation Commission shall be made up of seven (7) regular members and two (2) alternate members all appointed by the Mayor. All members shall serve without compensation and shall be interested in or qualified to contribute to the preservation of historic resources. At the time of appointment, members shall be designated by the following classes:
 1. Class A. One (1) regular member who is knowledgeable in building designs and construction or architectural history and who may reside outside the municipality.
 2. Class B. Two (2) regular members who are knowledgeable or with a demonstrated interest in local history and who may reside outside the municipality.
 3. Class C. Four (4) regular members and two (2) alternate members who shall hold no other municipal office, position or employment except for membership on the Planning Board or Zoning Board. At the time of appointment, "Class C" members shall be further designated by the following criteria:
 - (a) One (1) member shall be an active member of the Historical Society of Ocean Grove (Class C1) with a demonstrated interest, competence or knowledge in historic preservation.
 - (b) One (1) member shall be an active member of the Neptune Township Historic Society (Class C2), with a demonstrated interest, competence or knowledge in historic preservation.

- (c) Two (2) members, to be selected from the Township at large, one (1) of whom may be a member of the Planning Board or Board of Adjustment (Class C3).
 - (d) Two (2) alternate members to be designated as "Alternate No. 1" and "Alternate No. 2". Alternate members shall be selected from the Township at large, one (1) of whom may be a member of the Planning Board or Zoning Board of Adjustment.
- D. Role of alternate members. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any Class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.
- E. Terms. Regular members shall serve for a period of four (4) years and alternate members shall be appointed for a term of one (1) year. Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board shall be for the term of membership on the Planning Board; and the term of any member common to the Historic Preservation Commission and the Zoning Board of Adjustment shall be for the term of membership on the Zoning Board of Adjustment.
- F. Vacancies. A vacancy occurring otherwise than by expiration of term shall be filled within sixty (60) days and shall be filled for the unexpired term only.
- G. Organization. The Historic Preservation Commission shall elect a Chairman and a Vice Chairman from its members and select a Secretary who may or may not be a member of the Historic Preservation Commission or an employee of the Township.
- H. Compensation. Members of the HPC shall serve without compensation except that reimbursement of reasonable expenses in the execution of official duties may be made by the municipality
- I. Removal. Any member may be removed by the governing body for cause but only after public hearing and other due process proceedings.
- J. Conflict of interest. No member of the Historic Preservation Commission shall be permitted to act on any matter in which they have, either directly or indirectly, a personal or financial interest. A member who is so disqualified shall not continue to sit with the Historic Preservation Commission on the hearing of such matter, nor shall participate in any discussion or decision.
- K. Meetings. The Historic Preservation Commission shall adopt and may amend internal rules and procedures for the transaction of its business subject to the following:
 - 1. The Historic Preservation Commission shall hold regular meetings at least six (6) times per year and no member shall miss four (4) consecutive meetings unless good cause can be shown.
 - 2. A quorum for the transaction of all business shall be four (4) members. Ex officio members are not entitled to vote. A majority vote of those present and voting shall prevail and shall be sufficient to grant or deny a Certificate of Appropriateness. Any approval for a demolition permit shall require the affirmative vote of at least five (5) members of the Historic Preservation Commission.

3. In addition to conducting reviews at its regularly scheduled meetings, the Historic Preservation Commission will conduct emergency review meetings when necessary. These emergency meetings shall be held at the call of the Chair when any action requiring immediate consideration is necessary. This action may include a review of temporary repairs of historic properties and review of other items pertaining to safety and the necessity for immediate and prompt action. The Chair shall convene a meeting for these purposes by giving appropriate notice in accordance with the Open Public Meetings Law and notifying the members of the Historic Preservation Commission of the time, date and location of the emergency meeting and the purpose thereof.
 4. The Historic Preservation Commission shall make its decisions on designation and review in an open public meeting and applicants shall be notified of meetings and advised of decisions. Written minutes of all meetings and proceedings shall be kept, including voting records, attendance, resolutions and findings. All such material shall become public record.
- B. Budget/Employees.
1. The Township Committee shall budget and appropriate for the expenses of the Historic Preservation Commission. The Historic Preservation Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary. The Historic Preservation Commission shall obtain its legal counsel from the Municipal Attorney at the rate of compensation determined by the Township Committee, unless the governing body, by appropriation, provides for separate legal counsel for the Historic Preservation Commission. Expenditures shall not exceed, exclusive of gifts or grants, the amount appropriated by the Township Committee for the Historic Preservation Commission's use.
 2. The Historic Preservation Commission may appoint a consultant who is a recognized professional in the field of architectural history, historic preservation or similar discipline to advise the Commission on applications before it. If the consultant has rendered an oral or written opinion, the Commission must consider the opinion of the consultant in rendering its decision and must give a statement of reasons in the event that the consultant's recommendations are not followed.
 3. The Township Chief Financial Officer, Township Economic Development Director, Township Planner, Township Engineer and the Construction Official may provide such technical, administrative and clerical assistance as the Historic Preservation Commission shall require. For budgeting and purchasing purposes, however, the Commission shall be allocated its own budget.

§ 605 POWERS AND RESPONSIBILITIES OF THE HISTORIC PRESERVATION COMMISSION

The powers, duties and responsibilities of the Historic Preservation Commission as hereinafter set forth shall be advisory in nature to the Planning Board and Zoning Board of Adjustment and shall extend to applications for a Certificate of Appropriateness and shall not conflict with or supersede the powers and duties of any other Board or Agency of the Township. The Historic Preservation Commission shall have the following powers, duties and responsibilities:

- A. To identify, record and maintain a system for survey and inventory of all buildings, sites, places, landmarks and structures of historical or architectural significance based on the

Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Standards and Guidelines for Identification); and to aid the public in understanding their worth, methods of preservation, techniques of gathering documentation and related matters.

- B. To make recommendations to the Planning Board on the historic preservation plan element of the Master Plan, including the designation of historic sites or districts, and on the implications for the preservation of historic sites and districts of other Master Plan elements.
- C. To advise the Planning Board and Township Committee on the inclusion of historic sites in the recommended capital improvement program.
- D. To advise the Planning Board and the Zoning Board of Adjustment, pursuant to N.J.S.A. 40:55D-110, on applications for development in historic districts designated on the zoning map or on historic sites identified in the Historic Element of the Township Master Plan. Such advice shall be conveyed through the Historic Preservation Commission's delegation of one (1) of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.
- E. To provide written reports and Certificates of Appropriateness, pursuant to N.J.S.A. 40:55D-111, in a manner hereinafter described, on the application of the Zoning Ordinance provisions concerning historic preservation to applications for the issuance of permits pertaining to properties in an historic district.
- F. To advise the Township Committee and Planning Board on the relative merits of proposals involving public funds to restore, preserve and protect historic buildings, places and structures, including the preparation of long-range plans therefore, securing State, Federal and other grants and aid to assist therein and monitoring such projects once underway.
- G. To recommend to the Planning Board and the Township Committee the designation of additional historic districts and sites where appropriate, in accordance with the procedures and criteria for designation thereof set forth in this Ordinance.
- H. To draft and recommend to the Township Committee and the Planning Board ordinances or amendments to existing ordinances that would resolve any conflicts which may exist between the design standards of the Historic Preservation Ordinance and the building or zoning regulations of the Township.
- I. To purchase estates, easements, rights, restrictions and less than fee acquisitions, with the approval of Township Committee, and to acquire grants, assistance or aid either outright or in exchange in order to further the intent and purposes of this article and the welfare of the Township. The Historic Preservation Commission may negotiate and recommend such arrangements subject, however, to approval of the Township Committee as necessary for any monetary expenditures, and, at the direction of Township Committee. Legal counsel shall assist the Historic Preservation Commission in such arrangements.
- J. To advise and assist Township officers, employees, boards and other bodies, including those at County, State and Federal levels, on all matters which have potential impact on the historic buildings, places and structures in the Township or on the physical character and ambiance of a historic district.

- K. To assemble and arrange for the proper care, cataloging and availability of materials relevant to the Township's history.
- L. To secure the voluntary assistance of the public, and within the limits of the budget, to retain consultants and experts to assist the Historic Preservation Commission in its work or to provide testimony in support of the Historic Preservation Commission's position before other bodies, boards, commissions or courts.
- M. To cooperate with local, County, State or National historical societies, governmental bodies and organizations to maximize their contributions to the intent and purposes of this Ordinance.
- N. To recommend to applicable County, State and Federal agencies, where appropriate, recognition and protection of historic districts and historic sites and to review National and State Register nominations.
- O. To request the Township Committee to seek, on its own motion or otherwise, injunctive relief of violations of this article or other actions contrary to the intent and purposes of this article.
- P. To carry out such other advisory, educational and informational functions as will promote historic preservation in the municipality.
- Q. Promote historic preservation in the Township by carrying out other advisory, educational and informational functions.
- R. Take such action consistent with law to further the intent and purpose of this chapter and to perform any other actions which effectuate the purposes of this chapter.

ARTICLE VII - DEVELOPMENT APPLICATION REVIEW PROCEDURES

§ 700 DIVISION OF JURISDICTION IN DEVELOPMENT APPLICATIONS

- A. Planning Board. The following provisions set forth the jurisdiction of the Planning Board in the review of development applications:
1. The Planning Board shall have the power to grant subdivision or conditional use approval simultaneously with site plan approval.
 2. Review by Planning Board in lieu of Zoning Board of Adjustment. Whenever the proposed development requires approval of a subdivision, site plan, or conditional use, but not a variance pursuant to N.J.S.A. 40:55D-70d, the Planning Board, in lieu of the Zoning Board of Adjustment, to the same extent and subject to the same restrictions, shall receive, review, and act upon applications for variances and the issuance of permits pursuant to N.J.S.A. 40:55D-32, -34, -36 and -70c.
 3. Bifurcation of application. A developer may elect to submit a separate application requesting approval of variances and the issuance of permits pursuant to N.J.S.A. 40:55D-32, -34, -36 and -70c and a subsequent application for any required approval of a subdivision, site plan, or conditional use. The separate approval of any variance or issuance of permit shall be conditioned upon the grant of all required subsequent approvals by the Planning Board. No such subsequent approval shall be granted unless the approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance, or where a deviation would advance the purposes of the Master Plan and the Land Use Ordinance and the benefits of the deviation would outweigh the detriments. Whenever relief is requested pursuant to this subsection, the public notice shall include a reference to the request for a variance or direction for issuance of a permit, as the case may be.
 4. Grant variances pursuant to N.J.S.A. 40:55D-70c.
 5. Direct issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-34.
 6. Direct issuance of a permit for a building or structure not related to a street pursuant to N.J.S.A 40:55D-36.
- B. Zoning Board of Adjustment action in lieu of Planning Board. The Zoning Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, site plan, subdivision or conditional use approval when reviewing an application for approval of a 'use variance" pursuant to N.J.S.A. 40:55D-70d.

§ 701 PROVISIONS APPLICABLE TO BOTH THE PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT

- A. Meetings.

1. Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled at least once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.
 2. Special meetings may be scheduled for at the call of the chairman or on the request of any two board members, which shall be held on notice to its members and the public in accordance with the Open Public Meetings Act, P.L. 1975.
 3. Actions at meetings; quorum. All agenda items requiring action by the Board, except adjournments, shall be taken with a quorum present.
 4. No action shall be taken on an application unless it has been declared complete pursuant to the requirements contained in Article VIII. The Board may delegate the determination of completeness to a subcommittee or its designee.
 5. All actions shall be taken by a majority vote of the members present at such meeting, except as otherwise provided in this Article. Failure of a motion to receive the number of votes required to approve an application for development shall be deemed an action denying the application. A member of the Board who was absent for one or more of the meetings at which a hearing was held shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his or her absence from one or more of the meetings; provided, however, that such a Board member has available to him or her the transcript or recording of all the hearings from which he or she was absent, and certifies in writing to the Board that he or she has read such transcript or listened to such recording.
 6. All meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meeting Law, C. 231, Laws of New Jersey, 1975. An executive session for the purpose of discussing and studying any matters to come before the agency shall not be deemed a regular meeting within the meaning of this Ordinance.
- B. Records of the Board.
1. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Planning Board or the Zoning Board of Adjustment, and of the persons appearing by attorney, the action taken by the Planning Board or Zoning Board of Adjustment, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during the normal business hours at the office of the Administrative Officer. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party shall be charged a reasonable fee for the reproduction of the minutes, as indicated in Article X of this Ordinance.
 2. A verbatim recording shall be made of every hearing. The recording of the proceedings shall be made by either stenographer, mechanical or electronic means. The municipality shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his or her expense, provided that the charge for a transcript shall not exceed the maximum amount permitted in N.J.S.A. 2A:11-15 as indicated in §900.A of this Ordinance. Each transcript shall be certified in writing by the transcriber to be accurate.

§ 702 PUBLIC HEARINGS.

- A. The Planning Board or Zoning Board of Adjustment, as the case may be, shall hold a hearing on each application for development. Each Board shall make the rules governing such hearings.
- B. Any maps and documents for which approval is sought at a hearing shall be on file in the office of the Administrative Officer and available for public inspection during normal business hours at least twenty (20) days before the date of the hearing. If maps or related material are to be revised as a result of any Planning Board meeting, the applicant shall file the appropriate number of copies in accordance with Article VIII of all revised maps and related material, with revision date noted on same, at least twenty (20) days prior to the meeting of the Planning Board at which discussion and/or hearing is scheduled to take place.
- C. In the case of an application before the Zoning Board of Adjustment, the applicant shall file the appropriate number of copies in accordance with Article VIII of all revised maps and related material, with revision date noted on same, at least twenty (20) days prior to the meeting of the Zoning Board of Adjustment at which discussion and/or hearing is scheduled to take place.
- D. The applicant may produce other documents, records or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.
- E. The officer presiding at the hearing, or his or her designee, shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the "County and Municipal Investigations Law," N.J.S.A 2A:67A-1 et seq. shall apply.
- F. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
- G. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

§ 703 DECISIONS

- A. Findings and conclusions. The municipal agency shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The municipal agency shall provide the findings and conclusions through:
 - 1. A resolution adopted at a meeting held within the time period provided in this section for action by the municipal agency on the application for development; or
 - 2. A memorializing resolution adopted at a meeting held not later than forty-five (45) days after the date of the meeting at which the municipal agency voted to grant or deny approval.
- B. Only the members of the Planning Board or Zoning Board of Adjustment who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. An action resulting from the failure of a motion to approve an application shall be memorialized by resolution as provided above, with

those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the municipal agency; however, the date of the adoption of the resolution shall constitute the date of the decision for the purposes of the mailings, filings, and publications required by §709 Notice of Decisions.

- C. Failure to adopt resolution. If the municipal agency fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested person may appeal to the Superior Court in a summary manner for an order compelling the municipal agency to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorneys' fees, shall be assessed against the municipality.

- D. Findings for planned developments. Prior to approval of a planned development the Planning Board shall make the following findings and conclusions pursuant to N.J.S.A. 40:55D-45:
 - 1. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to this Article;
 - 2. That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location, and purpose of the common open space are adequate;
 - 3. That provisions through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate.
 - 4. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;
 - 5. In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

§ 704 PUBLIC NOTICE OF A HEARING

The following public notice requirements shall apply to all hearings of the Planning Board and Zoning Board of Adjustment.

- A. Notice required. Public notice of a hearing shall be given for the following applications for development:
 - 1. Any request for a variance (N.J.S.A. 40:55D-70c or d);
 - 2. Any request for conditional use approval;
 - 3. Any request for a certificate of non-conforming use (N.J.S.A. 40:55D-68).
 - 4. Any request for the issuance of a permit to build within the bed of a mapped street or public drainage way or on a lot not abutting a street (N.J.S.A. 40:55D-34 and -35);
 - 5. Any request for general development plan approval;

6. Any request for preliminary subdivision approval;
 7. Any request for interpretation of the Land Use Ordinance or Zoning Map pursuant to N.J.S.A. 40:55D-70b;
 8. Any request for preliminary site plan;
 9. Any request for site plan approval involving subsections -1 through 3; and
 10. Any request for a zoning change not part of a general reexamination of the Master Plan or Master Plan adoption.
 11. Appeals pursuant to N.J.S.A 40:55D-70a
- B. No notice required. Public notice shall not be required for the following applications.
1. Final subdivision plan.
 2. Final site plan.
 3. A request for informal concept review.
 4. Any other type of application or action by the Board not specifically listed in the previous subsection.
- C. Public notice for variances. Public notice shall be given for applications otherwise excepted from the requirements of public notice whenever variance relief is requested.
- D. Classes of notice. The secretary of the Planning Board or Zoning Board of Adjustment, as the case may be, shall notify the applicant at least two weeks prior to the public hearing for the subject application. Notice of a hearing requiring public notice shall be given by the applicant at least ten (10) days prior to the date of the hearing in the following manner:
1. By publication in the official newspaper of the municipality or in a newspaper of general circulation in the municipality.
 2. To all owners of real property as shown on the current tax duplicate located in the State and within 200 feet in all directions of the property which is the subject of the hearing; provided that this requirement shall be deemed satisfied by notice to a condominium association, in the case of any unit owner whose unit has a unit above or below it, or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by serving a copy on the property owner, as shown on the current tax duplicate, or his or her agent in charge of the property; or by mailing a copy thereof by certified mail to the property owner at his or her address as shown on the current tax duplicate. It is not required that a return receipt be obtained. Notice shall be deemed complete upon mailing. Within the HD-O District, notice shall be given within 200' in all directions from the property which is subject of the hearing. Said notice is sufficient and additional notice shall not be required from the boundary of the tax block and lot under ownership of the OGCMA known as the historic flared avenue open space.
 3. Notice to a partnership owner may be made by service upon any partner; notice to a corporate owner may be made by service upon its president, vice president, secretary or other person authorized by appointment or by law to accept service

on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowner's association, because of its ownership of common elements or areas located within 200 feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners, or homeowners on account of such common elements or areas.

4. To the clerk of any adjoining municipality or municipalities when the property involved is located within 200 feet of said adjoining municipality or municipalities, which notice shall be given by personal service or certified mail.
 5. To the Monmouth County Planning Board by personal service or certified mail when the application for development involves property adjacent to an existing county road or proposed road shown on the county official map or the county master plan or adjoins other county land, or is situated within 200 feet of a municipal boundary.
 6. To the Commissioner of Transportation of the State of New Jersey by personal service or certified mail when the property abuts a State highway.
 7. To the State Planning Commission, by personal service or certified mail when the hearing involves an application for development of property which exceeds 150 acres or 500 dwelling units, in which case the notice shall include a copy of any maps or documents required to be on file with the Administrative Officer.
 8. To public utilities, local utilities, and cable television companies when such entity possesses a right-of-way or easement within the municipality and has registered with the municipality pursuant to N.J.S.A. 40:55D-12.1 by personal service or certified mail when the hearing involves a major subdivision or major site plan application.
 9. To the Ocean Grove Camp Meeting Association for all applications within Historic Zone Districts.
 10. Additionally, the applicant shall be responsible for giving proper notice to all property owners who do not reside within the municipality.
- E. Property list. Under the written request of an applicant, the Tax Assessor shall, within ten (10) days, make and certify a list from current tax duplicates of names and addresses of owners within the municipality to whom the applicant shall be charged in accordance with Article X of this Ordinance and shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding.
- F. Proof of service. The applicant shall file an affidavit or proof of service with the Planning Board or Zoning Board of Adjustment, as the case may be.
- G. Contents of notice. The notice shall state the date, time and place of the hearing and the nature of the matters to be considered, and an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the municipal tax assessor's office, and the location and times at which any maps or documents for which approval is sought are available for inspection.

§ 705 STANDARDS FOR REVIEW OF APPLICATIONS

Development plans shall be so designed as to enhance the general appearance of the Township and to promote the harmonious use of land; to lessen congestion in the streets; to secure safety from fire, panic, or other dangers; to promote the general health, safety, and welfare; to provide adequate light and air; to prevent the overcrowding of land, buildings and roadways by an undue concentration of population; to encourage development which would facilitate pedestrian access and the use of mass transit; to encourage creative development and design consistent with the policies of the Master Plan of the Township of Neptune, and the regulations promulgated herein. Applications for development shall be reviewed for meeting the standards for development contained within this Ordinance and more particularly the following specific objectives:

- A. Development compatibility. All development shall permit and encourage only those uses of the land which, through the standards adopted in this Ordinance, provide for flexibility in planning and development and that respect the natural character of the land, the drainage system, soil capabilities, groundwater and aquifer recharge quality, and to include only those uses that are compatible with allowed uses in the zoning district and existing uses on adjacent lands. Such compatibility shall be determined on the basis of inventories of the natural features of the site, plans indicating the physical relationship among types of uses and any natural or man-made barriers, existing or planned, between different uses both within and adjacent to the proposed development, and sufficient information to determine the effect of such development upon the quality of life of the Township of Neptune.
- B. Relationship to Neptune Master Plan. All developments shall be planned and designed to achieve the goals and objectives for land development as are or may be set forth in the Neptune Township Master Plan duly adopted by the Planning Board with regard to conservation, historic preservation, community facilities, parks/recreation/open space, affordable housing, circulation, land use, economic development, and the goals for development of adjacent municipalities, Monmouth County and the State.
- C. Relationship to Township development patterns. All development shall be planned and designed to achieve the Township goals of permitting and encouraging a population density and a development pattern in the municipality that facilitates the provision of public utilities and services, including public water and public sewerage, storm drainage systems, recreation areas, public schools, state, county, and local roads, in an orderly, functional and economical manner.
- D. Conservation of Open Space. Common open space and adequate recreation areas shall be set aside in suitable locations to provide for the recreation needs of the residents and the owners of the development and those portions of the project that, because of their natural features, constitute important visual amenities and environmental resources. Development is intended to create after completion a continuity of open space resulting from the integration of upland, wetland, floodplain and surface water areas in accordance with the goals and objectives of the Master Plan.
- E. Appearance and aesthetic control. All development shall be planned and designed to promote and achieve aesthetically pleasing views from and to various land uses. The creation and promotion of such aesthetic conditions shall strengthen and preserve the Township's unique environmental heritage and promote the civic pride, prosperity, and general welfare of the residents of the development, the municipality, and visitors thereto.
- F. Review guidelines. The following guidelines shall be used in the review of any application for development or conditional use:
 1. Regard for natural features. All residential and non-residential uses shall be designed with regard to the topography and natural features of the site. The effects of prevailing winds, seasonal temperatures and hours of sunlight on the

physical layout and form of the proposed buildings shall be taken into account. Special consideration shall be given to the preservation of natural features, including large trees, stands of specimen vegetation, groves, waterways, aquifer recharge areas, scenic, paleontological, archaeological, cultural, and historic sites and other community assets within the site area, and the reduction of impacts on wildlife. The development shall be designed and programmed so as to minimize tree clearance and the destruction of natural amenities associated with the same.

2. **Sitting of buildings.** All housing and supporting uses shall be sited so as to enhance privacy for residential uses, ensure natural light for all principal residential rooms, and to the greatest extent possible be designed to promote passive solar energy technology. Building layouts shall be reviewed for arrangement, efficiency and aesthetic quality.
3. **Fiscal impact.** The fiscal costs to the Township and Board of Education from providing services to the development shall be considered in relation to the gain of revenue and its impact upon the municipal and school board tax rates.
4. **Relationship to community facilities.** Housing shall be conveniently served by community facilities and open space.
5. **Circulation.** The pedestrian and vehicular traffic movement within and adjacent to the site with particular emphasis on the provision and layout of parking areas, off-street loading and unloading, the movement of people, goods and vehicles from access roads within the site, between buildings and between buildings and vehicles. In particular, the Board shall ensure compliance in site design with the Americans with Disabilities Act, as it may be amended or superseded. The Board shall ensure that all parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site. The circulation shall be consistent with Township, county, and state requirements.
6. **Open space.** Open space within all planned unit developments shall be planned and designed to achieve the Township goal of insuring that adequate recreation areas are set aside in suitable locations to provide for the recreation needs of the residents and owners of the planned unit development; and that those portions of the Township that, because of their natural features, constitute important visual amenities and environmental resources are maintained in accordance with sound conservation practice.
7. **Landscaping.** Landscaping shall be reviewed for the ability to integrate the site elements of topography, water, buildings, parking and loading areas, and the buffering of incompatible uses. Landscaping shall be reviewed for diversity, including species, function, sculpture, fencing, walls, and other landscaping elements.
8. **Lighting.** Adequate lighting for the function of the site shall be reviewed for the safe movement and security of persons and vehicles. Particular attention shall be made to the minimization of glare and impact upon adjacent property.
9. **Signs.** Signs shall be evaluated for the aesthetics of their design and their harmony with other signs on- and off-site, the architectural design of the building or buildings to which they relate and the type of development or pattern of the built environment surrounding the location of the sign or signs. The location of

signs shall be reviewed for the purpose of removing any hazard to pedestrians or motorists.

10. Utilities, solid waste management and recycling. Storm drainage, sanitary and solid waste disposal including recycling, water supply, electricity supply, telephone and cable television service shall be reviewed and considered. Emphasis shall be given on the adequacy of existing systems and the need for improvements, both on- and off-site to adequately provide for the development's needs.
11. Compatibility of residential and non-residential development. Applications for development and conditional uses shall be designed to assure the compatibility of residential and non-residential uses by:
 - (a) Providing commercial uses with appropriate space and, in particular, sufficient depth from a street to satisfy the needs of contemporary uses including the provision of adequately landscaped off-street parking, buffer areas between commercial and residential use areas, pedestrian and bicycle circulation systems connecting the commercial uses to office, residential and open space uses;
 - (b) Protecting non-residential development and nearby residences against fire, explosions, toxic and noxious matter, radiation and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare and other objectionable influences;
 - (c) Protect residential and non-residential development from the noise, exhaust emissions, and other negative aspects of congestion of vehicular traffic.

§ 706 APPEALS AND APPLICATIONS TO THE ZONING BOARD OF ADJUSTMENT

- A. Appeals to the Zoning Board of Adjustment may be taken by an interested party affected by any decision of the Administrative Officer of the municipality based on or made in the enforcement of the zoning provisions of this Ordinance or a duly adopted official map. Such appeal shall be taken within twenty (20) days by filing a notice of appeal with the official from whom the appeal was taken, specifying the grounds of such appeal. The official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B. A developer may file an application for development with the Zoning Board of Adjustment for action under any of its powers without prior application to the Administrative Officer.
- C. Whenever an application for development requests relief pursuant to N.J.S.A. 40:55D-70d, the Zoning Board of Adjustment shall grant or deny approval of the application within 120 days after submission by an applicant of a complete application to the Administrative Officer or within such further time as may be consented to by the applicant. In the event that the applicant elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this Ordinance. Failure of the Zoning Board of Adjustment to act within the period prescribed shall constitute approval of the application and a certificate of the Administrative Officer as to the failure of the Zoning Board of Adjustment to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other

evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

§ 707 TIME LIMITS FOR DECISIONS

- A. Effect of Variance Request. Whenever an application to the Planning Board for approval of a subdivision plat, site plan, or conditional use includes a request for a variance pursuant to N.J.S.A. 40:55D-70.C or special permit, the Planning Board shall grant or deny approval of the application within 120 days after the date of submission by a developer of the complete application to the Administrative Officer or within such further time as may be consented to by the applicant.

- B. Variance Bifurcation. In the event that an applicant elects to submit separate consecutive applications, the 120 day limitation shall apply to the application for approval of the variance pursuant to N.J.S.A. 40:55D-70.C or special permit, and the period for granting or denying any subsequent approval shall be as otherwise provided in this Ordinance.

§ 708 NOTICE OF DECISIONS

Any decision of the Planning Board or Zoning Board of Adjustment when acting upon an application for development and any decisions of the Township Committee when acting upon an appeal shall be given notice in the following manner:

- A. Mailing of Decision. A copy of the decision shall be mailed to the applicant and to the appellant, if the appellant is a differing interested party, or, if either or both is represented, then to the respective attorney(s) without charge, and for a reasonable charge to any other interested person who has requested it, not later than ten (10) days after the date of the decision.
- B. Newspaper Notice of Decision. A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publications shall be arranged by the Township Clerk without separate charge to the applicant or to the appellant, if the appellant is a differing interested party. The notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.
- C. Filing of Decision. A copy of the decision and all submitted documents of record shall be filed with the Administrative Officer.

§ 709 EFFECT OF APPROVAL

- A. Effect of preliminary subdivision approval. Preliminary subdivision approval shall expire (3) three years from the date of memorialization of the approving resolution. Any variances granted in conjunction with said approval shall govern the respective expiration date.
- B. Effect of preliminary site plan approval. Preliminary site plan approval shall expire three (3) years from the date of memorialization of the approving resolution. Any variances granted in conjunction with said approval shall govern the respective expiration date.
- C. Effect of variance approval. Any variance granted pursuant to N.J.S.A. 40:55D-70c shall expire two (2) years from the date of memorialization. Any variances granted in conjunction with said approval shall govern the respective expiration date.
- D. Effect of variance approval. Any variance granted pursuant to N.J.S.A. 40:55D-70d shall expire one (1) year from the date of memorialization. Any variances granted in conjunction with said approval shall govern the respective expiration date.
- E. Effect of final subdivision approval. Final subdivision approval shall expire two (2) years from the date of memorialization of the approving resolution. Any variances granted in conjunction with said approval shall govern the respective expiration date.
- F. Effect of final site plan approval. Final site plan approval shall expire two (2) years from the date of memorialization of the approving resolution. Any variances granted in conjunction with said approval shall govern the respective expiration date.
- G. Effect of minor site plan approval. Minor site plan approval shall expire two (2) years from the date of memorialization of the approving resolution. Any variances granted in conjunction with said approval shall govern the respective expiration date.
- H. Effect of Certificate of Appropriateness. A Certificate of Appropriateness shall expire two (2) years from the date of memorialization of the approving resolution.

- I. Where preliminary and final approval are granted simultaneously, the effect of final approval shall govern.

- J. Extensions. An applicant may apply the appropriate Board of Jurisdiction for up to three (3) one (1) year extensions for cause shown.

ARTICLE VIII - APPLICATION SUBMISSION REQUIREMENTS

§ 800 CONFORMITY REQUIRED.

Whenever an application for development to the Board is permitted or required by this Article, it shall be in such form, and accompanied by such maps, documents, and materials as are prescribed by this Article, and shall be submitted to the Administrative Officer in such numbers as required herein. No development application shall be accepted for submittal unless it conforms to the form, content, and data requirements of this Article. The standards for submission contained in this Article shall be considered the minimum requirements for the promotion of the public health, safety, and general welfare.

§ 801 SUBMISSION OF APPLICATION REQUIRED

- A. Subdivision and Site Plan approval required. Except as otherwise permitted, no zoning permit shall be issued for any building or use or enlargement of any building or use unless a site plan is first submitted and approved by the Neptune Township Planning Board or Zoning Board of Adjustment as the law directs. No subdivision of land shall be valid unless a plat is first submitted and approved by the Neptune Township Planning Board or Zoning Board of Adjustment.
- B. Exemptions from Site Plan review. Site plan review and approval shall not be required for:
1. Zoning permits for individual lot applications involving only a detached one- or two-dwelling unit building.
 2. Accessory buildings as otherwise permitted for detached one- or two-dwelling unit or uses.
 3. Accessory buildings for non-residential uses, with a maximum 500 square foot size limitation, provided:
 - (a) In the opinion of the Zoning Officer, the proposed building and use will not impair the public good;
 - (b) Adequate information is provided to the Zoning Officer or designee in order to make an informed decision;
 - (c) Said building conforms to all of the requirements contained in this Chapter, and a zoning permit is granted;
 4. Other buildings or structures incidental to residential uses.
 5. The alteration or repair of an existing building which is not either a detached one- or two-dwelling unit building upon determination by the Administrative Officer that the alterations or repair:
 - (a) Will not result in additional lot coverage whether by buildings or site improvements.
 - (b) Will not increase the number of required off-street parking or loading spaces.

- (c) Will conform to the maximum and minimum standards as set forth in Article IV.
 - (d) Is not proposed in conjunction with a use requiring a conditional use permit.
6. No exemption from site plan review shall be permitted for any use, building, structure, or landscape either currently listed on the local, State or National Register of Historic Places, or proposed for inclusion on such register or registers in the Historic Preservation Element of the Master Plan.
7. Expansion of an existing conforming non-residential structure, provided:
- (a) The expansion will result in less than ten percent (10%) of additional building coverage or 500 square feet, whichever is less;
 - (b) In the opinion of the Zoning Officer, this addition will not create a nuisance to adjoining land uses.
 - (c) Said building conforms to all of the requirements contained in this Chapter, and a zoning permit is granted;

This exemption shall be limited to one expansion every three (3) years, up to a maximum aggregate of 2,500 square feet.

- C. Site Plan Review Waiver. The Board of Jurisdiction may waive the requirement of site plan approval whenever it determines that the proposed development, alteration, repair, or change of use or occupancy does not affect the existing conditions of the lot or premises, including: topography; vegetation; drainage; floodplains; marshes and waterways; open space; walkways, means of ingress and egress; utility services; landscaping; structures; signs; lighting and screening devices; and other considerations of site plan review. Any applicant desiring a waiver under this section shall present sufficient credible evidence to allow the Board to reach such conclusions as would permit a waiver. Such evidence may consist of sketches, property descriptions, methods of operation, photographs, testimony, or other documentation or information as the Board may require. The reviewing Board shall render a decision based on such evidence and may attach conditions to any waiver so granted.

§ 802 SUBMISSIONS REQUIRED FOR ALL APPLICATIONS

All applications for development shall contain the following information in addition to the submission checklist information contained herein (located at the end of this Article) specific to the type of submission:

- A. A completed and signed application form, containing the following information:
 - 1. Applicant's name, address, telephone number, facsimile number, and e-mail address (if applicable);
 - 2. Owner's name, address, telephone number, facsimile number, and e-mail address (if applicable);
 - 3. Interest of applicant in property;

4. Name, address, telephone number, facsimile number, e-mail address (if applicable) of applicant's attorney (if represented) and professional representatives;
 5. Street address of property;
 6. Tax lot and block number(s) of property;
 7. Zoning district in which the property is situated;
 8. Description of property;
 9. Description of proposed development;
 10. Type of application and submission level.
- B. The application fee and applicable escrow fee in accordance with Article IX.
- C. A list of all variances or waivers requested, citing the applicable section of this Ordinance, excepting concept and general development plans.
- D. A certification from the Tax Collector's office that no taxes or assessments are due or delinquent on the subject property.
- E. Affidavit of ownership and the consent of the owner for the filing of an application for development, excepting concept plans.
- F. A certification of corporation or partnership interest pursuant to N.J.S.A. 40:55D-48.1 et seq., if applicable, excepting concept plans.
- G. A copy of any protective covenants or deed restrictions applying or to be applied to the subject land, excepting concept plans.
- H. Any existing or proposed easement or land dedicated or reserved for public use.
- I. A list of all required regulatory approvals at the municipal, county, state, and federal level of government and their status, excepting concept plans. Applicant is responsible to make submission to all other reviewing agencies and submit proof of same.
- J. Plans shall be legibly drawn at a scale appropriate for the proposed development. All sheets in the submission shall be the same size.
- K. Details to be placed on all plans.
1. The names and addresses of the owner(s) and applicant(s).
 2. The name, signature, license or certification number, seal, and address of architect, engineer, planner, land surveyor or landscape architect, as applicable, involved in the preparation of the plat or plan.
 3. Title block denoting the type and level of submission, name of applicant(s), tax map sheet, block and lot number(s), name of county and municipality, and street location.

4. A key map drawn at a scale no less than 1"=2,000' showing the location of the tract with reference to the surrounding properties, streets, municipal boundaries, and water courses within 500 feet of the subject parcel.
 5. A schedule of the required and proposed zoning district regulations including, but not limited to the lot size, lot width, street frontage, yard setbacks, open space requirements, parking requirements, and lot coverages.
 6. A north arrow, scale and graphic scale.
 7. A copy of the current zoning map depicting the subject tract and the surrounding properties within 500 feet of said parcel.
 8. Date of plan and/or survey and any revision date.
- L. Subdivision plans shall be required to list those lots whose buildable areas do not meet the lot arrangements set for of §524.B.
- M. For an application for development which requests a variance pursuant to N.J.S.A. 40:55D-70.C or 40:55D-70.D, a conditional use, a special permit, or a decision on a special question, and which is not accompanied by a site plan or subdivision, the required information shall be in a checklist form as specified in §812 included with the application form.

§ 803 PERMISSIBLE DIVISION OF RESPONSIBILITY FOR PLAN PREPARATION

All plans and documents submitted shall be signed and sealed by the appropriate licensed or certified professional, as follows:

- A. Depiction of Existing Conditions on a Site Plan.
1. Survey of property and exact location of existing conditions: Land Surveyor.
 2. The existing location of vegetation, general flood plain determination, or general location of buildings, utilities, or structures: Architect, Engineer, Land Surveyor, Landscape Architect, or Planner.
- B. Preparation of a Site Plan.
1. The location of proposed buildings and their relationship to the site and the immediate environs: Architect or Engineer.
 2. The location of drives, parking layout, pedestrian circulation and the means of ingress and egress: Architect, Engineer, Planner or Landscape Architect.
 3. Drainage facilities for site plans of ten (10) acres or more; or, involving stormwater detention facilities; or, traversed by a water, course: Engineer.
 4. Other drainage facilities: Architect or Engineer.
 5. Connections with utilities and their on tract extension: Engineer.
 6. Off tract utility extensions: Engineer.
 7. On site sanitary sewage disposal or flow equalization facilities: Engineer.

8. Preliminary floor plans and elevation views of buildings illustrating the architectural design of a project: Architect, except where the building is part of an engineering or industrial project, in which case an Engineer.
 9. Landscaping, signs, lighting, screening material or other information not specified above: Architect, Planner, Engineer, or Landscape Architect.
 10. The general layout of a preliminary site plan or general development plan for a multiple building project, showing the development elements including their relationship to the site and the immediate environs: Architect, Engineer, Planner, or Landscape Architect.
- C. Preparation of a Major Subdivision Plat.
1. The general location of facilities, site improvements, and lot layouts: Architect, Engineer, Land Surveyor, Planner, or Landscape Architect.
 2. The design and construction details of all public improvements, including street pavements, sidewalks, curbs, sanitary sewage, and storm drainage facilities: Engineer.
 3. Final subdivision plat with metes and bounds: Land Surveyor.
- D. Circulation Impact Study Transportation Engineer or Planner.
- E. Other Submissions: As qualified by the Board.

§ 804 COMPLETENESS OF APPLICATIONS

- A. Initial Submission Requirements. The applicant, at their option, may chose to may an initial submission for completeness review only, in accordance with the checklist requirements of this Section. Said submission may be modified to include a total of four (4) sets of required submission materials pursuant to this Article. The submission will be distributed to the Board Engineer and Board Planner for completeness review. Upon the issuance of a Certificate of Completeness, the applicant shall make all required submissions as specified in Section 812, fifteen (15) days prior to the scheduled public hearing.
- B. Certification of completeness. An application for development shall be complete for the purposes of commencing the applicable time period for action by the Board when so certified by the Board or its authorized committee or designee, the Administrative Officer. In the event that the Board, committee, or designee does not certify the application to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon expiration of the forty-five (45) day period for the purposes of commencing the applicable time period unless:
1. The application lacks information required in the applicable checklist; and
 2. The Board or its authorized committee or designee has notified the applicant, in writing of the deficiencies in the application within forty-five (45) days of submission of the application.
- C. Submission requirement waivers. The applicant may request that one or more of the submission requirements be waived, in which event the Board or its designee shall grant or deny the request within forty-five (45) days. Nothing herein shall be construed as

diminishing the applicant's obligation to offer sufficient proof during the application process that he or she is entitled to approval of the application.

- D. Correction of erroneous information. The Board may subsequently require correction of any information found to be in error, and the submission of additional information not specified in this Ordinance, or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revision in the accompanying documents so required by the Board.

§ 805 APPLICATION FOR INFORMAL (CONCEPT) REVIEW

- A. An applicant may request and the Planning Board shall grant, an informal review of a concept design plan for which an applicant intends to prepare and submit an application for development.
- B. A concept design plan shall be submitted to the Administrative Officer at least 10 days prior to a regularly scheduled meeting in form, content, and number as required in the applicable checklist. All persons having an interest in the proposed development shall be given an opportunity to be heard at the hearing. The concept design plan and its documentation shall show a general design of the development and its public improvements sufficient- for the Board to consider the concept. Acceptance of the concept design plan does not constitute an approval, nor shall it be considered a valid basis for the construction of improvements or other commitments which depend upon the concept plants design characteristics. Neither the applicant nor the Board shall be bound by the plan or its review.
- C. In no event shall the concept design review be considered a preliminary plat submission or preliminary site plan submission for the purpose of deeming an application complete nor shall it constitute a general development plan, preliminary plat or preliminary site plan approval by the Board.

§ 806 APPLICATION FOR MINOR SUBDIVISION AND MINOR SITE PLAN

- A. Submission required. When an applicant proposes development that meets the definition and criteria for a minor subdivision or minor site plan, an application in form, content, and number as required herein shall be submitted.
- B. Criteria for minor classification. Applications shall be classed either as minor subdivisions or minor site plans only upon meeting the definitional requirements in Article II and the following criteria:
1. Minor Subdivision.
 - (a) The subdivision shall consist of no more than three (3) lots in total including the remainder lot; and
 - (b) The tract was not the subject of a minor subdivision approval within two (2) years of the date of the resolution of memorialization.
 2. Minor Site Plan.
 - (a) The proposed development contains less than 1,000 square feet of floor area; and

- (b) The proposed development contains less than 4,000 square feet of impervious surface; and
 - (c) The tract was not the subject of a minor subdivision or minor site plan approval within two (2) years of the date of the resolution of memorialization.
- C. Minimum review time period. The applicant shall submit an application and associated documentation to the Administrative Officer at least twenty (20) days prior to a regularly scheduled hearing.
- D. Review by professionals. The Municipal Engineer, Planner, and/or other professional shall review all aspects of the application and shall expeditiously report their findings to the Board.
- E. Determination of completeness. The Board or its designee shall determine the completeness of the application in accordance with the standards contained in this Article. No application shall be scheduled for a public hearing unless it is determined to be complete.
- F. Time period for consideration. Once the application is deemed complete the Board shall have forty-five (45) days to grant or deny the application, with or without conditions.
- G. Remainder of tract. Where the remaining portion of the original tract that is to be subdivided is of sufficient size to be developed further, the applicant may be required to submit a concept plan of the entire remaining portion of the tract to indicate a feasible plan whereby the site plan applied for, together with subsequent site plan(s) that may be submitted, shall not create, impose, aggravate, or lead to any adverse condition.
- H. Board action on applications.
 - 1. The Board shall act upon the application after it has sufficiently reviewed the application, that the Board professionals have adequately reviewed the application, that the applicant has had sufficient opportunity to present its request for development approval to the Board, and that the concerns of other interested persons have been considered. In any event, the Board shall grant or deny the application for a minor site plan within forty-five (45) days of the date of determination that a complete application has been submitted to the Board or within such time as may be consented to by the applicant. The decision and resolution of the Board shall be in writing in accordance with N.J.S.A. 40:55D-10g through -10i.
 - 2. Minor subdivision and site plan approval shall be deemed final approval by the Board.
 - 3. The Board may condition approval on terms ensuring the completion of improvements and performance in accordance with this Ordinance and N.J.S.A. 40:55D-38, -39, -40, and -53.
 - 4. Whenever review or approval of an application for development by the Monmouth County Planning Board is required pursuant to N.J.S.A 40:27-6.3, the Board shall condition any approval upon the timely receipt of favorable action on the application by the Monmouth County Planning Board or approval by the Monmouth County Planning Board by its failure to report thereon within the required time period.

5. Failure of the Board to act within the time period prescribed shall constitute approval, and a certificate of the Administrative Officer as to the failure of the Board to act shall be issued on the request of the applicant.

- I. Effect of approval: Minor Subdivision. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two (2) years after the date of approval; provided that the approved minor subdivision shall have been duly recorded pursuant to N.J.S.A. 40:55D-47.

Extensions may be requested and may be granted pursuant to N.J.S.A. 40:55D-47f and -g.

- J. Effect of approval: Minor Site plans. The zoning requirements and general terms and conditions whether conditional or otherwise, upon which minor site plan approval was granted shall not be changed for a period of two (2) years after the date of approval. Extensions may be requested and may be granted pursuant to N.J.S.A. 40:55D-46.1c.

- K. Expiration of approval. In the granting of an application for minor site plan, the applicant shall secure a zoning permit and a construction permit. When no construction permit is required, a certificate of occupancy shall be secured within three (3) years of the date of approval, otherwise the approval shall be considered null and void.

- L. Distribution. Upon the granting of site plan approval by the Board and the fulfillment of any conditions, the approved plan, including the resolution of approval, shall be sent to:
 1. Applicant;
 2. Planning Board file;
 3. Municipal Engineer;
 4. Municipal Planner;
 5. Construction Code Official;
 6. Code Enforcement;
 7. Tax Assessor;
 8. Such other municipal, county or State agencies or officials as directed by the Board or in the resolution of approval.

§ 807 APPLICATION FOR GENERAL DEVELOPMENT PLAN APPROVAL.

- A. Submission required. When an applicant proposes an application that meets the definition and criteria for planned development, a general development plan application in form, content, and number as required herein may be submitted.

- B. Minimum tract area. The minimum land area for the submittal of a general development plan application shall be greater than twenty (20) acres.

- C. Minimum review time period. The applicant shall submit to the Administrative Officer an application and associated documentation at least thirty (30) days prior to a regularly scheduled meeting.

- D. Review by professionals. The Municipal Engineer, Planner, and/or other professional shall review all aspects of the application and shall expeditiously report their findings to the Board.
- E. Determination of completeness. The Board or its designee shall determine the completeness of the application in accordance with this Chapter. No application shall be scheduled for a public hearing unless it is determined to be complete.
- F. Public notice and hearing. If the application is found to conform to the definition of a general development plan and is complete, the Board shall formally determine that a complete application has been submitted, and shall set a time and date for public notice and hearing and shall so advise the applicant. The Board may delegate the setting of the time and date for public notice and hearing to the Administrative Officer. Public notice shall be given in accordance with this Chapter. All persons having an interest in the proposed development shall be given an opportunity to be heard at the hearing.
- G. Substantial amendment. If during the hearing on the submission, the Board requires any substantial amendment in the layout of the tract or its improvements, as proposed by the applicant, that has been the subject of said hearing, an amended application shall be submitted and acted upon as an original submission.
- H. Remainder of tract. Any lands contemplated for development under the provisions of the general development plan shall be included in the application.
- I. Board action on applications.
 - 1. Review of plan. The Board shall act upon the application after it has sufficiently reviewed the application, that the Board professionals have adequately reviewed the application, that the applicant has had sufficient opportunity to present its request for development approval to the Board, and that the concerns of other interested persons have been considered.
 - 2. The Board shall grant, grant with conditions, or deny the application for a general development plan within ninety-five (95) days of the date of determination that a complete application has been submitted to the Board or within such time as may be consented to by the applicant. Upon failure of the Board to act within the aforementioned time periods, the Board shall be deemed to have granted general development approval to the site plan.
 - 3. Findings for planned unit developments. Prior to the approval by written resolution of a general development plan for the initial approval of a planned unit development, the Planning Board shall find the following facts and conclusions:
 - (a) That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to zoning ordinance standards adopted pursuant to N.J.S.A. 40:55D-65c of the Municipal Land Use Law;
 - (b) That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate;
 - (c) That provisions through the physical design of the proposed planned unit development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;

- (d) That the proposed planned unit development shall not have an unreasonably adverse impact upon the area in which it is proposed to be established;
 - (e) In the case of a proposed planned unit development that contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and the residents, occupants, and owners of the proposed development in the total completion of the development are adequate.
4. Contents of written hearing resolution. The decision and resolution of the Board shall be in writing in accordance with N.J.S.A 40:55D-10g through -10i and shall include not only conclusions, but also findings of fact related to the specific proposal; shall set forth the reasons for the grant, with or without conditions, or for the denial; and shall set particularly in what respects the plan would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:
- (a) Whether the plan is in general conformity with the provisions of the Master Plan of the Township of Neptune.
 - (b) In what respects the plan is or is not consistent with the statement of objectives for planned unit development as set forth in Article I.
 - (c) The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reason why such departures are or are not deemed to be in the public interest.
 - (d) The purpose, location and amount of the common open space, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of development.
 - (e) The physical design of the plan and the manner in which said design does or does not make adequate provisions for public services, provide adequate control over vehicular traffic and further the amenities of light and air, recreation, landscaping, and visual enjoyment.
 - (f) The relationship, beneficial or adverse, of the proposed planned unit development to the neighboring area in which it is proposed to be established.
 - (g) In the case of a plan that proposes development over a period of five (5) or more years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents and owners of the planned unit development in the integrity of the plan, including the performance guarantees.
5. Conditions of general development plan approval. The Board may condition approval on terms ensuring the applicant's conformance to this Ordinance
6. Failure of the Board to so act within the required period(s) of time shall be deemed to be a grant of the general development plan approval of the plan as

submitted. In the event that the general development plan approval is granted, other than by lapse of time, either of the plan as submitted or of the plan with conditions, the Township Planning Board, as part of its resolution, shall specify the drawings, specifications, and form of performance guarantee as provided by statute that shall accompany subsequent applications for site plan or subdivision approval. In the event that the general development plan approval is granted subject to conditions, the applicant shall within forty-five (45) days after receiving a copy of the written approval of the Township Planning Board, notify the Township Planning Board of the acceptance or refusal of all conditions.

- (a) In the event the applicant agrees to all modifications and conditions made a part of the approval of a general development plan, the applicant and the Township shall enter into a Municipal Development Agreement pursuant to N.J.S.A 40:55D-45.2.1. which shall specify the terms and conditions to be honored by both parties to assure the implementation of the approved planned development.
- (b) If the applicant refuses to accept all conditions, the Board shall be deemed to have denied general development plan approval.
- (c) In the event the applicant does not within the required time period notify the Board of the acceptance or refusal to of the conditions of the general development plan approval, and in the event such lack of notice shall prevent the Board and the applicant from mutually agreeing to a change in such conditions, the Board, at the request of the applicant, may extend the time during which the applicant shall notify the Board.
- (d) The Board may set forth those condition which it deems necessary to protect the interests of the general public, and the residents and occupants of the planned unit development. Such conditions may include, but are not limited to, the sequence and distribution of uses and densities, limitations of land areas to be developed within a given period, or provision of physical means to address critical or unique environmental conditions. Such conditions shall be predicated on the following criteria:
 - (i) That each stage of a planned unit development shall contain, within reasonable limits, a balance of commercial and residential uses, open space, and community facilities to assure that the planned unit development is a viable self-sustaining community unit at any given stage in its growth.
 - (ii) That each stage of development shall include required open space in proportion to that part of the total commercial and residential development units in the planned unit development that are to be developed in that stage. Such open space shall include both recreation and conservation uses accessible to the general public and open space which shall be physically proximate and accessible to the resident population within the planned unit development.
 - (iii) That the size and timing of successive stages of a planned unit development shall be conditioned upon the availability and provision of suitable capacity of facilities such as arterial highways, primary roadways of Monmouth County, primary roadways of Neptune Township, sewer, water, storm water

drainage, and other services whose capacities must be expanded as a result of the development of the planned development.

7. Whenever review or approval of an application for development by the Monmouth County Planning Board is required pursuant to N.J.S.A. 40:27-6.3, the Board shall condition any approval upon the timely receipt of favorable action on the application by the Monmouth County Planning Board or approval by the Monmouth County Planning Board by its failure to report thereon within the required time period.
 8. Failure of the Board to act within the time period prescribed shall constitute approval, and a certificate of the Administrative Officer as to the failure of the Board to act shall be issued on the request of the applicant. Such certificate shall be sufficient in lieu of a resolution of approval and written endorsements and shall be accepted by the county recording officer for the purpose of filing.
- J. Effect of approval.
1. A plan that has been given general development plan approval with conditions accepted by the applicant (and provided that the applicant has not defaulted under nor violated any of the conditions of the general development plan approval) shall not be modified, revoked or otherwise impaired by action of the Township or any of its present or future agencies or officers pending an application or applications for subdivision or site plan approvals for each section without the consent of the applicant provided that an application for subdivision or site plan approval is filed within five (5) years of the date upon which the general development plan has been approved.
 2. In the event the developer has not applied for preliminary approval of a section or sections of an approved general development plan within five (5) years of the date upon which the general development plan was approved such approval may be terminated by the Planning Board upon written notice to the applicant.
 3. The Planning Board may grant these rights for a period of time longer than five (5) years but not longer than twenty (20) years as shall be reasonable taking into consideration:
 - (a) The number of dwelling units and nonresidential floor area permissible under the general development plan approval;
 - (b) Economic conditions; and
 - (c) The comprehensiveness of the development.
 4. The applicant may petition the Planning Board thereafter and the Planning Board may grant an extension of general development plan approval for such additional time period as shall be determined by the Planning Board to be reasonable taking into consideration:
 - (a) The number of dwelling units and nonresidential floor area permissible under the preliminary approval;

- (b) The potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval;
 - (c) Economic conditions; and
 - (d) The comprehensiveness of the development, provided that, if the design standards have been revised, such standards may govern
- K. Distribution. Upon the granting of general development plan approval by the Board, copies of the approved documents, including the resolution of approval, shall be sent to:
- 1. Applicant;
 - 2. Planning Board file;
 - 3. Municipal Engineer;
 - 4. Township Planner;
 - 5. Construction Code Official;
 - 6. Code Enforcement;
 - 7. Tax Assessor;
 - 8. Such other municipal, county or State agencies or officials as directed by the Board or in the resolution of approval.

§ 808 APPLICATION FOR PRELIMINARY MAJOR SUBDIVISION AND PRELIMINARY MAJOR SITE PLAN

- A. Submission required. When an applicant proposes an application that meets the definition of a preliminary major subdivision or site plan, an application in form, content, and number as required by this Chapter shall be submitted.
- B. Review by professionals. The Municipal Engineer, Planner, and/or other professional shall review all aspects of the application and shall expeditiously report their findings to the Board.
- C. Determination of completeness. The Board or its designee shall determine the completeness of the application in accordance with this Chapter. No application shall be scheduled for a public hearing unless it is determined to be complete.
- D. Public notice and hearing. If the application is found to conform to the definition of a general development plan and is complete, the Board shall formally determine that a complete application has been submitted, and shall set a time and date for public notice and hearing and shall so advise the applicant. The Board may delegate the setting of the time and date for public notice and hearing to the Administrative Officer. Public notice shall be given in accordance with this Chapter. All persons having an interest in the proposed development shall be given an opportunity to be heard at the hearing.
- E. Substantial amendment. If during the hearing on the submission, the Board requires any substantial amendment in the layout of the site or its improvements, as proposed by the applicant, that has been the subject of said hearing, an amended application shall be submitted and acted upon as an original submission.

- F. Remainder of tract. Where the remaining portion of the original tract is of sufficient size to be developed further, the applicant may be required to submit a conceptual plan of the entire remaining portion of the tract to indicate a feasible plan whereby the site plan applied for, together with subsequent site plan(s) that may be submitted, shall not create, impose, aggravate, or lead to any adverse condition.
- G. Board action on applications.
1. The Board shall act upon the application after it has sufficiently reviewed the application, that the Board professionals have adequately reviewed the application, that the applicant has had sufficient opportunity to present its request for development approval to the Board, and that the concerns of other interested persons have been considered.
 2. The Board shall grant, grant with conditions, or deny the application for a preliminary site plan in accordance with:
 - (a) A site plan of ten (10) acres or less or ten (10) dwelling units or less within forty-five (45) days of the date of determination that a complete application has been submitted to the Board or within such time as may be consented to by the applicant, or
 - (b) A site plan of more than ten (10) acres or more than ten (10) dwelling units within ninety-five (95) days of the date of determination that a complete application has been submitted to the Board or within such time as may be consented to by the applicant.
 - (c) Upon failure of the Board to act within the aforementioned time periods, the Board shall be deemed to have granted preliminary approval to the site plan.
 3. The decision and resolution of the Board shall be in writing in accordance with N.J.S.A. 40:55D-10g through -10i.
 4. The Board may condition approval on terms ensuring the applicant's conformance to this Ordinance and any other applicable ordinance.
 5. Whenever review or approval of an application for development by the Monmouth County Planning Board is required pursuant to N.J.S.A. 40:27-6.3, the Board shall condition any approval upon the timely receipt of favorable action on the application by the Monmouth County Planning Board or approval by the Monmouth County Planning Board by its failure to report thereon within the required time period.
 6. Failure of the Board to act within the time period prescribed shall constitute approval, and a certificate of the Administrative Officer as to the failure of the Board to act shall be issued on the request of the applicant. Such certificate shall be sufficient in lieu of a resolution of approval.
- H. Effect of approval. The approval of a preliminary major site plan shall confer upon the applicant the following rights for a three (3) year period from the date of a preliminary approval:
1. That the general terms and conditions on which preliminary approval have been granted shall not be changed, including but not limited to, use requirements;

- layout and design standards for streets, curbs, and sidewalks, lot sizes, dimensions, yards, and improvements, whether on-tract or off.
2. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary site plan.
 3. That the applicant may apply for and the Board may grant extensions on such preliminary approval for additional periods of time of at least one year and not to exceed two years, provided that if the design standards have been revised by ordinance, such revised standards may govern at the discretion of the Board.
 4. In the case of a site plan of fifty (50) acres or larger, the Board may grant these rights for a period of time longer than three (3) years as shall be reasonable taking into consideration:
 - (a) The number of dwelling units and nonresidential floor area permissible under the preliminary approval;
 - (b) Economic conditions; and
 - (c) The comprehensiveness of the development.
 5. The applicant may petition the Board thereafter and the Board may grant an extension of preliminary approval for such additional time period as shall be determined by the Board to be reasonable taking into consideration:
 - (a) The number of dwelling units and nonresidential floor area permissible under the preliminary approval;
 - (b) The potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval;
 - (c) Economic conditions; and
 - (d) The comprehensiveness of the development, provided that, if the design standards have been revised, such standards may govern.
 6. Whenever the Board grants an extension of preliminary approval pursuant to this subsection and preliminary approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The applicant may apply for the extension either before or after what would otherwise be the expiration date.
 7. The Board shall grant an extension of preliminary approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the applicant proves to the reasonable satisfaction of the Board that the applicant was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the applicant applied promptly for and diligently pursued the required approvals. An applicant shall apply for the extension before, 1), what would otherwise be the expiration date of preliminary approval, or 2), the ninety-first (91st) day after the applicant receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the Board from granting an extension otherwise permitted by this section.

- I. Expiration of Approval. After the granting of an application for preliminary subdivision or preliminary site plan, the applicant shall file an application for final approval within five years of the date of approval, otherwise the approval shall be considered null and void.
- J. Distribution. Upon the granting of site plan approval by the Board, copies of the approved documents, including the resolution of approval, shall be sent to:
 - 1. Applicant;
 - 2. Board file;
 - 3. Municipal Engineer;
 - 4. Municipal Planner;
 - 5. Code Enforcement;
 - 6. Construction Officer;
 - 7. Tax Assessor;
 - 8. Such other municipal, county or State agencies or officials as directed by the Board or in the resolution of approval.

§ 809 APPLICATION FOR FINAL MAJOR SUBDIVISION AND FINAL MAJOR SITE PLAN.

- A. Submission required. When an applicant proposes an application that meets the definitional requirement for a major site plan and prior to the expiration of preliminary approval for the subject tract, final plans, application forms and other required documentation shall be submitted. The applicant may submit for final approval of the whole, or a section, or sections of the preliminary development plan. Final plans shall conform substantially to preliminary plans.
- B. Minimum review time period. The applicant shall submit to the Administrative Officer an application and associated documentation at least thirty (30) days prior to a regularly scheduled meeting.
- C. Review by professionals. The Municipal Engineer, Planner, and/or other professional shall review all aspects of the application and shall expeditiously report their findings to the Board.
- D. Determination of completeness. The Board or its designee shall determine the completeness of the application in accordance with this Article. No application shall be scheduled for a public hearing unless it is determined to be complete.
- E. Hearing. If the application is found to conform to the definition of a final site plan or subdivision and is complete, the Board shall formally determine that a complete application has been submitted, and shall set a time and date for public notice and hearing and shall so advise the applicant. The Board may delegate the setting of the time and date for public notice and hearing to the Administrative Officer.
- F. Developer's Agreement

1. The terms and conditions of the Developer's Agreement shall be applicable to an identified property, described by block and lots located within the Neptune Township Tax Map.
2. The Developer, in accordance with the approved map and requirements established by the Planning Board and/or Board of Adjustment of the Township of Neptune, shall install site work improvements in accordance with the specifications and ordinances of the Township of Neptune, as amended to date. All work shall be approved by the Township engineer as complying with the ordinances and other regulations and the requirements of the Township.
3. The Developer shall post with the Township performance guarantees and fees. The guarantees and fees include: Surety Guarantee, Cash Guarantee, Estimated Engineering Fees and any other fees. The cash guarantee shall represent ten percent (10%) of the total performance guarantee. The cash guarantee shall be the last amount of performance guarantee released by the Township in order that the surety guarantee might be reduced and released prior to the release of any cash guarantee required. The performance guarantees and fees shall be posted and/or paid as provided by the land use ordinance of the Township.
4. The improvements contemplated in the Developer's Agreement shall be performed within a period of two (2) years from the date of the Agreement, or such additional periods of time as may be granted by the Township Planning Board and/or Board of Adjustment in accordance with N.J.S.A. 40:55D-52. In the event of an extension, the Township may periodically review the amount of the performance guarantees with regard to their sufficiency to insure faithful completion of remaining required improvements, and if found insufficient, require the developer to increase the amount of performance guarantees. The issuance of a certificate of occupancy by the Township within the stated period shall not be deemed waiver for defects in site work improvements ascertained during said period or subsequent thereto. In the event the subdivision or any party thereof if sold or otherwise conveyed by this developer prior to installation of all improvements, this developer shall have the right to assign both the performance guarantees and Developer's Agreement to a subsequent developer who is determined by the Township in its sole discretion to be qualified, with the requirement that the subsequent developer assume the same, in writing, and in a form that is acceptable to the Township Attorney. In the event the subsequent developer renders new guarantees to the Township, they shall be reviewed by the Township Attorney as to form and content prior to acceptance and release of the developer's performance guarantees.
5. The Developer agrees that prior to the release of the signed final subdivision map or maps, it shall tender to the Township, by payment to the Township Clerk, the required engineering inspection fees, if not previously posted. The Township engineer shall keep records of inspections and related reviews, and the costs thereof, and upon the Developer's written request, said records shall be made available for inspection by the Developer or its representative, not more than quarterly, during the regular business hours of the Township Engineer.
6. The developer shall also comply with the following terms and conditions in connection with the final approval of the said plat or map:
 - (a) All requirements of the ordinances of the Township;
 - (b) All conditions and requirements of the approvals of the Township Planning Board and/or Board of Adjustment and the Monmouth County

Planning Board, and the Developer shall pay all costs of improvements, if any, as may be required by the said Monmouth County Planning Board, including the posting of any bonds required by the said County of Monmouth Planning Board.

7. During the course of construction and until the time of final acceptance, the developer shall have full responsibility for all roads and all other improvements within the subdivision. The developer shall provide and pay for all street lighting and water hydrant service which any applicable authority requires to be installed and maintained in the subdivision, requires to be installed and maintained in the subdivision, and provide and pay for all snowing and plowing, and salt until the time of final acceptance. Final acceptance for purposes of this provision is deemed to be the date upon which the sidewalks, curbing, streets and street lighting are accepted by the Township and the maintenance guarantees for the same are posted with the Township. Acceptance shall not occur until all performance bonds are released and all conditions of the final released, including, but not limited to the posting and acceptance of maintenance guarantees, are satisfied. Said maintenance guarantees shall be posted with the Township in accordance with State and Township requirements. It is further agreed that in the event the developer fails to pay for fees for street lighting, water hydrant service, or like terms or fails to provide required snow plowing, sanding and salting or other repairs and/or maintenance, then, upon ten (10) days written notice by the Township to the Developer, the Township may withdraw from the cash portion of the performance guarantee such funds as are necessary to reimburse the agency supplying such service, and to continue to make such payments as necessary from said funds in order to ensure continued water, utility and snow plowing services. In addition, any amounts so expended from the cash portion of the performance guarantee shall be replaced by the Developer, and until such a time as the funds are replaced, the Township shall not be obligated to perform any inspections or issue building permits or certificates of occupancy for the property affected by the cash portion of the performance guarantee.
8. Model Homes: The Developer may construct a sales area, limited to one (1) model home of each style and a parking area, with a portion of a model home to be utilized as ended, it shall be converted to a dwelling and conform to all governmental regulations. All required improvements for that portion of the subdivision utilized as a sales area must be completed by the Developer prior to or contemporaneously with completion of the model area. Nothing within the Agreement shall be deemed to waive or reduce the Developer's obligation to construct all improvements in the location of the said sales area as well as in the entire subdivision in accordance with the approved subdivision map prior to final acceptance of said work and the release of the Developer's performance guarantees. The sales office shall be permitted, if otherwise qualified, the issuance of a temporary building permit and thereafter a temporary certificate of occupancy, if necessary, for which the Developer shall request extensions pursuant to the applicable Township ordinances.
9. Model Plans: In order to preserve the architectural and aesthetic quality of the proposed subdivision, the Developer agrees that at the time it submits an application for an initial building permit, it will at the same time, submit detailed architectural plans for all models (whether to be actually constructed as onsite model homes or not) for homes which it intends to construct in the subdivision. Thereafter, if the Developer, its representatives, successors, or assigns, desires to revise its plans for models or provide additional models or plans for models for homes which it intends to construct in the subdivision, it shall first submit revised

or new detailed architectural plans for review and approval by the Construction Code Official. No revised or new plans shall be approved by the Construction Code Official if the home or homes to be constructed under such a plan would reduce by ten percent (10%) or more, the square footage of the average of model homes shown on any previously submitted and approved plan or plans, or if the new plans would in any manner contravene the Zoning Ordinance concerning uniformity of exterior design and appearance. The Developer further agrees on behalf of itself, its representatives, successors or assigns, that if any individual lot or lots are sold as vacant land, such sale shall be subject to the requirements of this provision and will be set forth as a restriction or condition in the deed of conveyance.

10. Sales and Leasing Signs: The size, number and location of sales and leasing signs shall be addressed in the developer's agreement and approved by the Township Committee.
11. Certificates of occupancy shall be issued to one or more housing units, in accordance with the ordinances and regulations of the Township upon the completion and acceptance by the Township of all required improvements that serve the specific housing unit group of housing units for which a certificate of occupancy is sought.
12. The Developer agrees to record the Developer's Agreement document and to provide the Township with a duly recorded copy of it.
13. If any terms or conditions of the within Agreement are deemed invalid by a court of competent jurisdiction, the remainder shall remain in full force and effect.
14. Within the Developer's Agreement, the Developer will attach a list setting forth the names and addresses of the individuals and/or entities each having an interest of ten percent (10%) or more in this development and certify the correctness of that list. The Developer will provide the Township with notice of any changes in this list, in writing, within thirty (30) days of the date of such occurrence. Such changes shall be separately certified, and the Township reserves the right to revise or rescind any or all terms of the within Agreement as the result of any such changes.
15. All notices required or permitted under the Developer's Agreement shall be in writing by certified mail, return receipt requested, to the addresses set forth or as otherwise designated by the parties in writing.

G. Board action on applications.

1. The Board shall act upon the application after it has sufficiently reviewed the application, that the Board professionals have adequately reviewed the application, that the applicant has had sufficient opportunity to present its request for development approval to the Board, and that the concerns of other interested persons have been considered. Final approval shall be granted if the detailed drawings, specifications, plans, estimates, and other documentation of the application conform to the standards established by this Ordinance and any other applicable ordinance for final approval and the conditions of preliminary approval.
2. The Board shall grant, grant with conditions, or deny the application for a final major subdivision or site plan within forty-five (45) days of the determination of completeness or within such time as may be consented to by the applicant.

3. The Board shall not act upon an application until it has determined that it is complete.
4. The decision and resolution of the Board shall be in writing in accordance with N.J.S.A. 40:55D-10g through -10i.
5. The Board may condition approval on terms ensuring the applicant's conformance to this Ordinance and any other applicable ordinance and shall condition approval on the approval of other agencies with development review powers over the subdivision or site plan application.
6. Whenever review or approval of an application for development by the Monmouth County Planning Board is required pursuant to N.J.S.A. 40:27-6.3, the Board shall condition any approval upon the timely receipt of favorable action on the application by the Monmouth County Planning Board or approval by the Monmouth County Planning Board by its failure to report thereon within the required time period.
7. Failure of the Board to act within the time period prescribed shall constitute approval, and a certificate of the Administrative Officer as to the failure of the Board to act shall be issued on the request of the applicant.

H. Effect of approval.

1. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, whether conditionally or not, shall not be changed for a period of two (2) years after the date of final approval.
2. If the developer has followed the standards prescribed for final approval, the Board may extend such period of protection of rights for extensions of one year but not to exceed three such extensions. The granting of final approval terminates the time period of preliminary approval for the section granted final approval.
3. In the case of a subdivision or site plan for a planned unit development of fifty (50) acres or more; or, a conventional subdivision or site plan of 150 acres or more; or, of a nonresidential development of 200,000 square feet or more, the Board may grant these rights for a period of time longer than two years as shall be reasonable taking into consideration:
 - (a) The number of dwelling units and nonresidential floor area permissible under the final approval;
 - (b) Economic conditions; and
 - (c) The comprehensiveness of the development.
4. The applicant may petition the Board thereafter and the Board may grant an extension of final approval for such additional time period as shall be determined by the Board to be reasonable taking into consideration:
 - (a) The number of dwelling units and nonresidential floor area permissible under the final approval;
 - (b) The potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval;

- (c) Economic conditions; and
 - (d) The comprehensiveness of the development.
5. Whenever the Board grants an extension of final approval pursuant to this subsection and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The applicant may apply for the extension either before or after what would otherwise be the expiration date.
6. The Board shall grant an extension of final approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the applicant proves to the reasonable satisfaction of the Board that the applicant was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the applicant applied promptly for and diligently pursued the required approvals. An applicant shall apply for the extension before, 1), what would otherwise be the expiration date of final approval, or 2), the ninety-first (91st) day after the applicant receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the Board from otherwise granting an extension pursuant to this section.
- I. Distribution. Upon the granting of site plan approval by the Board, copies of the approved documents, including the resolution of approval, shall be sent to:
- 1. Applicant;
 - 2. Board file;
 - 3. Municipal Engineer;
 - 4. Municipal Planner;
 - 5. Code Enforcement;
 - 6. Construction Officer;
 - 7. Tax Assessor;
 - 8. Such other municipal, county or State agencies or officials as directed by the Board or in the resolution of approval.

§ 810 RECORDING OF FINAL PLAT AFTER APPROVAL

- A. Within the time period established by statute or by condition of the resolution of approval, the developer shall submit three prints for review for compliance with the conditions of approval to the Planning and Zoning Department. Once it has been determined that the plat meets the conditions of approval, the developer shall submit two mylars and one plat in digital form for the permanent records of the municipality and any other instruments to be recorded with the Monmouth County Clerk's Office. The format of the digitized plat shall be as directed by the Municipal Engineer. The Municipal Engineer may waive the requirement for the submission of the digitized plat under special circumstances. No plat shall be signed by the Township Clerk, Board Chair, Board Secretary or Municipal

Engineer without first complying with required guarantees for on- and off-tract improvements as set forth in Article X of this Chapter.

- B. Final approval of a major subdivision shall expire ninety-five (95) days from the date of signing the plat unless within such period the plat shall have been duly filed by the developer with the county recording officer. The Board of Jurisdiction may for good cause shown extend the period for recording for an additional period not to exceed 190 days from the date of the signing of the plat. The Board of Jurisdiction may extend the ninety-five (95)-day or 190-day period if the developer proves to the reasonable satisfaction of the Board of Jurisdiction that:
1. The developer was barred or prevented, either directly or indirectly, from filing because of delays in obtaining legally required approvals from other government or quasi-governmental entities; and
 2. The developer applied promptly for and diligently pursued the required approvals.

The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board of Jurisdiction. The developer may then apply for an extension either before or after the original expiration date.

- C. No subdivision plat shall be accepted for filing by the county recording officer until it has been approved by the Board of Jurisdiction as indicated on the instrument by the signature of the Chairman or Chairwoman and Secretary of the Board of Jurisdiction or a certificate issued in lieu of action by the Board in accordance with N.J.S.A. 40:55D-47, -50, -56, -61, -67 or -76. If the County Recording Officer records any plat without such approval, such recording shall be deemed null and void, and upon request of the municipality, the plat shall be expunged from the official records.
- D. It shall be the duty of the County Recording Officer to notify the Planning Board in writing within seven (7) days of the filing of any plat, identifying such instrument by its title, date of filing, and official number.

§ 811 CIRCULATION IMPACT STUDY

Circulation Impact Studies, when required, shall conform to the following provisions:

- A. When required. A circulation impact study shall be submitted for all general development plans, preliminary major subdivisions and preliminary major site plans.
- B. Submission format. Circulation impact studies shall consist of two components, a planning report and a traffic impact report.
1. Planning report. The planning report component of the circulation impact study shall include the following:
 - (a) An introduction indicating the applicant, the location of the site in question, and a description of the site from a land use and transportation perspective.
 - (b) The extent to which any proposed street system meets requirements for street hierarchy, right-of-way and cartway width, and sidewalks.

- (c) The extent to which the proposed circulation system conforms to the Circulation Element of the Master Plan.
 - (d) The extent to which internal circulation for vehicles, people and the movement of goods is adequate.
 - (e) The extent to which the safety of pedestrians, bicyclists and the traveling public is protected.
 - (f) The provisions made to provide connectivity to the street system, pedestrian generators, and the local and regional greenway network.
2. Traffic impact report. The traffic impact report component of the circulation impact study shall include the following.
- (a) A description of the project phasing, access points, and connection to other existing or proposed developments.
 - (b) An analysis of existing conditions, including:
 - (i) A description of the study area and the rationale behind choosing this area;
 - (ii) A description of the study area's roadway facilities, including number of lanes, functional classification, condition, location and type of traffic signals, and location of other traffic control devices or signs;
 - (iii) The location of transit routes and stops and any transit facilities, including on-street, off-street, and private facilities, and service frequency;
 - (iv) The location of school bus routes and stops;
 - (v) The location of pedestrian crosswalks, sidewalks, and bicycle pathways;
 - (vi) Traffic volume data including turning movement counts at key intersections during the peak periods of the day, truck movements, pedestrian counts, and transit use;
 - (vii) Volume/capacity analysis and an assessment of existing conditions.
 - (c) Traffic characteristics of the site.
 - (i) Traffic generation of the Proposed uses in the development;
 - (ii) Traffic distribution.
 - (d) Future demands on the transportation system.
 - (i) Projection of non-site related traffic to the build-out year or years of the site (base conditions);

- (ii) Projection of all traffic, including site traffic, to the build-out year or years of the site.
- (e) Impact analysis and recommendations.
 - (i) Levels of service shall be computed for each analysis year both with and without the inclusion of site traffic;
 - (ii) Comparison of levels of service conditions with site traffic, and, with site traffic after recommended improvements are constructed;
 - (iii) Recommendations for automobile reduction techniques;
 - (iv) Schematic plan of any recommended improvements.
- (f) Site plan analysis, if applicable.
 - (i) Location of access points;
 - (ii) Demand for parking and loading;
 - (iii) Sight distance analysis.

§ 812 SUBMISSION CHECKLISTS

§ 812.01 Zoning Data Table

The following table shall be included on the first sheet of all plans submitted to the Planning Board or Zoning Board of Adjustment for Site Plan, Minor Site Plan, Subdivision, Minor Subdivision or Variance approval:

ZONE DISTRICT:			
	REQUIRED	EXISTING	PROPOSED
Minimum lot area			
Maximum density			
Maximum FAR			
Minimum lot width			
Minimum lot frontage			
Minimum lot depth			
Minimum front yard setback			
Minimum side yard setback			
Minimum Combined side yard setback			
Minimum rear yard setback			
Maximum percent building cover			
Maximum percent lot cover			
Maximum number of stories			
Maximum building height			
Minimum improvable lot area			
Minimum improvable area- Diameter of circle (feet)			
Off-street parking spaces			
Loading spaces			
Signs			
Existing use or uses:			
Proposed use or uses:			
Existing floor area:			
Proposed floor area:			

NOTE: Any items that are not applicable to a particular application shall be marked with an "N/A."

§ 812.02 Site Plan Checklist

- A. Submission documents. Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted (only folded plans will be accepted):
1. Eighteen (18) copies of the application form;
 2. Eighteen (18) copies of the site plan (half-size prints for the Board plus 8 full size prints);
 3. Three (3) prints of the Soil Erosion and Sediment and Sediment Control Plans;
 4. Eighteen (18) prints of the Tree Preservation Plan;
 5. Storm Drainage and Detention Basin calculations;
 6. Certification of payment of property taxes;
 7. Proof of submission to the Monmouth County Planning Board;
 8. Notice and proofs of service;
 9. Certificate of Appropriateness, if applicable;
 10. Application fee;
 11. Zoning Determination from the Zoning Officer;
 12. A signed and sealed copy of the survey, prepared by a land surveyor;
- B. Plan Requirements. Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following items have been shown on, or included with, a site plan:
1. General Requirements. The site plan shall be signed and sealed by an architect, professional engineer, land surveyor and/or professional planner licensed to practice in the State of New Jersey, provided however, that the sanitary sewer, water distribution and storm drainage plans and water and sewage treatment facility plans may only be signed and sealed by a professional engineer. In addition, the following must be submitted:
 - (a) Site plan shall not be drawn at a scale smaller than one (1") inch equals fifty (50') feet nor larger than one (1") inch equals ten (10') feet.
 - (b) The site plan shall be based on a monumented, current certified boundary survey, prepared in accordance with New Jersey Administrative Code 13:40-5.1, "Preparation of Land Surveys" dated September 1984 and as amended. The date of the survey and the name of the person who made the survey, shall be shown on the site plan.
 2. Title Block. The title block shall appear on all sheets in conformance with N.J.S.A. 45:8-27 et seq. (Map Filing Law) and include:
 - (a) Title to read "Site Plan"

- (b) Name of the development, if any;
 - (c) Tax map sheet, block and lot numbers (s) of the site, as shown on the latest Township Tax Map, the date of which shall also be shown;
 - (d) Date of original and all revisions;
 - (e) Names and addresses of owner and developer, so designated;
 - (f) Name, signature, address and license number of the engineer, architect, land surveyor or planner who prepared the plan, and their embossed seal;
- 3. Zoning data table formatted in accordance with §812.01
 - 4. The tops of the banks and boundaries of the floodways and flood hazard areas of all existing water courses, where such have been delineated or the limits of alluvial soils where the boundaries of floodways and flood hazard areas have not been determined, and/or such other information as may assist the Planning Board or Zoning Board of Adjustment in the determination of floodway and flood hazard area limits.
 - 5. North arrow and written and graphic scale;
 - 6. Paving and right of way widths of existing streets within two hundred (200') feet of the site;
 - 7. The boundary, nature and extent of wooded areas, swamps, bogs and ponds within the site and within two hundred (200') feet thereof and delineation of all wetlands areas soils as required by the New Jersey Department of Environmental Protection.
 - 8. Existing and proposed manholes, sewer lines, fire hydrants, water lines, utility poles and all other topographic features of a physical or engineering nature with the site and within two hundred (200') feet thereof.
 - 9. All existing structures on the site and within two hundred (200') feet thereof, including their use, indicating those to be destroyed or removed and those to remain.
 - 10. Location, use, finished grade level, ground coverage, first floor and basement elevations, front, rear, and side setbacks of all buildings and other pertinent improvements.
 - 11. Existing and proposed public and private easements or rights-of-way and the purposes thereof, including conservation easements.
 - 12. A grading plan showing existing and proposed grading contours at one (1') foot intervals throughout the tract, except if slopes exceed five (5%) percent a two (2') foot interval may be used, and if they exceed ten (10%) percent a five (5') foot interval is permissible. datum shall be United States Coast and Geodetic Survey Datum (MSL=0) and source of datum and bench marks shall be noted. In addition to proposed grading contours, sufficient additional spot elevations shall be drawn to clearly delineate proposed grading.

13. On site drainage plan.
 - (a) The drainage plan shall be presented in graphic form which shall clearly show the street and site layout and those terms which are pertinent to drainage including existing and proposed contours as previously required.
 - (b) The plan shall outline each area contributing to each inlet.
 - (c) All proposed drainage shall be shown with pipe type and sizes, invert and grade or rim elevations, grades and all direction of flow. The direction of flow of all surface waters and of all streams shall be shown.
 - (d) The drainage shall be accompanied by complete drainage calculations made in accordance with the Soil Conservation Service method.
14. Off site drainage plan. The plan shall also be accompanied by an off site drainage plan prepared in accordance with the following standards:
 - (a) The plan shall consist of an outline of the entire drainage basin in which the site is located. The terminus of the basin and existing ground contours or other basis for determining basin limits shall be shown.
 - (b) The pertinent off site existing drainage shall be shown with elevations of inverts and grates to the nearest one tenth of a foot.
 - (c) To the extent that information is available and maybe obtained from the County or Township Engineer, any existing plans for drainage improvements shall be shown.
 - (d) In the event a temporary drainage system is proposed, full plans of that system shall be shown.
 - (e) The off site drainage plans shall be accompanied by profiles of all proposed drainage, showing existing details, pipe sizes, type inverts, crowns, slopes, all proposed structures and connections and design hydraulic grade lines for all conduits designed to carry forty (40) or more cubic feet per second. Cross sections at intervals not exceeding one hundred (100') feet shall be shown for all open channels.
15. If required by the Township Engineer, center line profiles of streets bordering the site, internal roadways, and major circulation aisles showing existing and final grades and slopes, and pipe sizes, type, inverts and grate or rim elevations of drainage and sanitary sewage facilities.
16. Soil Boring Logs. Unless the Township shall determine that a lesser number of boring logs are required or that some or all the boring logs may be deferred to the final plan stage, the site plan shall be accompanied by a set of boring logs and soil analyses for borings made in accordance with the following.
 - (a) One boring not less than fifteen (15) feet below grade or twenty (20) feet minimum depth shall be made for every five (5) acres (or portion thereof) of land where the water table is found to be ten (10) feet or more below proposed or existing grade at all boring locations.

- (b) One additional boring shall be made per acre (or portion thereof) in those areas where the water table is found to be less than ten (10) feet below proposed or existing grade.
 - (c) In addition to the above, in those areas where the water table is found to be five (5) feet or less below existing or proposed grade, two additional borings per acres (or portion thereof) will be required if construction of basement is contemplated. Borings shall be located where such basements are proposed.
 - (d) Boring logs shall show soil types and characteristics encountered, ground water depths, the methods and equipment used, the name of the firm, if any, making the borings and the name of the person in charge of the boring operation. The boring logs shall also show surface elevations to the nearest one tenth of a foot.
 - (e) Based on the borings, the site plan shall clearly indicate all areas having a water table within two (2) feet of the existing surface of the land, or within two (2') feet of proposed grade, of all areas within which two (2') feet or more of fill is contemplated or has previously been placed.
 - (f) Certified soil tests as a basis for design standards for pavement, pipe, bedding, etc.
- 17. Zone boundaries and the tax map sheet, lot and block numbers and the names of owners of all properties within two hundred (200') of the site.
 - 18. A key map, at a scale of not less than one (1) inch equals 1,000 feet, showing the location of the site with reference to surrounding areas, existing streets, the names of all such streets and any zone boundary or municipal boundary which is within 200 feet of the site.
 - 19. The location, area, dimensions and proposed disposition of any area or areas of the site proposed to be retained as common open space, indicating the facilities to be provided in such areas.
 - 20. The capacity of off street parking areas, and the location and dimensions of all access drives, aisles and parking stalls. The location and treatment of existing and proposed entrances and exits to public rights of way, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, additional width and any other device necessary for traffic safety and/or convenience, and the estimated average number of passenger vehicles, single unit trucks or buses and semi-trailers that will enter the site each day.
 - 21. Graphic depiction of the anticipated routes and details of the system of on site vehicular and pedestrian circulation.
 - 22. The location and size of proposed loading docks.
 - 23. The location of curbs and sidewalks.
 - 24. Cross sections showing the composition of pavement areas, curbs and sidewalks.
 - 25. Sign plan indicating measurements, content, dimensions and design.

26. Exterior lighting plan, including the location, direction of illumination, amount of illumination expressed in horizontal foot candles, wattage and drawn details of all outdoor lighting standards and features.
27. Landscaping and screening plan showing the location, type, spacing and number of each type of tree or shrub and the location, type and size, spacing and number of each type of ground cover to be utilized and planting details for trees, shrubs and/or ground cover.
28. Tree Removal Plan in accordance with §525.
29. Drawn details of the type of screening to be utilized for refuse storage areas, outdoor equipment and bulk storage areas.
30. Floor plans and building elevation drawings of any proposed structure or structures or existing structures to be renovated.
31. Location of facilities for the handicapped, including parking spaces and ramps (where applicable), and including construction details for ramps for the handicapped.
32. Sectionalization and staging plan. Developers of large uses such as shopping centers, multifamily dwellings, industrial parks or other such uses proposed to be developed in stages shall submit a sectionalization and staging plan showing the following:
 - (a) The anticipated date of commencing construction of each section or stage;
 - (b) Plans for separate construction emergency access for the project in order to avoid occupancy conflict;
33. Written description of the proposed operations in sufficient detail to indicate the effects of the use in producing traffic congestion, noise, glare, air pollution, fire hazards or safety hazards. The written description shall also include the hours of operation of the use, the number of shifts to be worked, the number of employees in each shift, the number of vehicles to be stored or parking on the site and provisions to be made for site maintenance.
34. Traffic analysis report and recommendations from a qualified traffic engineer.
35. Such other information as the Municipal Agency and/or Township Engineer may require during site plan review.
36. Use Group Classification of the building or structure.
37. Type of construction classification of building or structure to be erected, altered or extended, as defined by the B.O.C.A. Code.

§ 812.03 Minor Site Plan Checklist

- A. Submission documents. Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted (only folded plans will be accepted):
 1. Eighteen (18) copies of the application form;

2. Eighteen (18) sets of the minor site plan (half-size prints for the Board plus 8 full size prints);
 3. Three (3) prints of the Soil Erosion and Sediment and Sediment Control Plans;
 4. Eighteen (18) prints of the Tree Preservation Plan;
 5. Storm Drainage and Detention Basin calculations;
 6. Certification of payment of property taxes;
 7. Proof of submission to the Monmouth County Planning Board;
 8. Notice and proofs of service;
 9. Certificate of Appropriateness, if applicable;
 10. Application fee;
 11. Zoning Determination from the Zoning Officer;
 12. A signed and sealed copy of the survey, prepared by a land surveyor;
- B. Plan Requirements. Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following items have been shown on, or included with, a minor site plan:
1. General Requirements. The minor site plan shall be signed and sealed by an architect, professional engineer, land surveyor and/or professional planner licensed to practice in the State of New Jersey, provided however, that the sanitary sewer, water distribution and storm drainage plans and water and sewage treatment facility plans may only be signed and sealed by a professional engineer. In addition, the following must be submitted:
 - (a) Minor site plan shall not be drawn at a scale smaller than one (1") inch equals fifty (50') feet nor larger than one (1") inch equals ten (10') feet.
 - (b) The minor site plan shall be based on a monumented, current certified boundary survey, prepared in accordance with New Jersey Administrative Code 13:40-5.1, "Preparation of Land Surveys" dated September 1984 and as amended. The date of the survey and the name of the person who made the survey, shall be shown on the site plan.
 2. Title Block. The title block shall appear on all sheets in conformance with N.J.S.A. 45:8-27 et seq. (Map Filing Law) and include:
 - (a) Title to read "Minor Site Plan"
 - (b) Name of the development, if any;
 - (c) Tax map sheet, block and lot numbers (s) of the site, as shown on the latest Township Tax Map, the date of which shall also be shown;
 - (d) Date of original and all revisions;

- (e) Names and addresses of owner and developer, so designated;
 - (f) Name, signature, address and license number of the engineer, architect, land surveyor or planner who prepared the plan, and their embossed seal;
 - (g) If the minor site plan contains more than one (1) sheet, each sheet shall be numbered and titled.
3. Zoning data table formatted in accordance with §812.01.
 4. The tops of the banks and boundaries of the floodways and flood hazard areas of all existing water courses, where such have been delineated or the limits of alluvial soils where the boundaries of floodways and flood hazard areas have not been determined, and/or such other information as may assist the Planning Board or Zoning Board of Adjustment in the determination of floodway and flood hazard area limits.
 5. Paving and right of way widths of existing streets within 200 feet of the site;
 6. The boundary, nature and extent of wooded areas, swamps, bogs and ponds within the site and within 200 feet thereof and delineation of all wetland soils as defined by the New Jersey Department of Environmental Protection and the U.S. Army Corps of Engineers.
 7. Existing and proposed manholes, sewer lines, fire hydrants, water lines, utility poles and all other topographic features of a physical or engineering nature with the site and within 200 feet thereof.
 8. All existing structures on the site and within 200 feet thereof, including their use, indicating those to be destroyed or removed and those to remain.
 9. Location, use, finished grade level, ground coverage, first floor and basement elevations, front, rear and side setbacks of all buildings and other pertinent improvements.
 10. A signage plan indicating type, size, location, and method of illumination of all signs proposed.
 11. Existing and proposed public and private easements or rights-of-way and the purposes thereof, including conservation easements.
 12. Sufficient grading information for the Planning Board Engineer to review the proposed changes and impact of the project.
 13. If required by the Township Engineer, center line profiles of streets bordering the site, internal roadways and major circulation aisles showing existing and final grades and slopes and pipe sizes, slope type inverts, and grate or rim elevations or drainage and sanitary sewerage facilities.
 14. Zone boundaries and the tax map sheet, lot and block numbers and the names of owners of all properties within two hundred (200') feet of the site.
 15. A key map, at a scale of not less than one inch equals on thousand (1,000') feet, showing the location of the site with reference to surrounding areas, existing streets, the names of all such streets and any zone boundary or municipal

boundary which is within two hundred (200') feet of the site.

16. The location, area, dimensions and proposed disposition of any area or areas of the site proposed to be retained as common open space, indicating the facilities to be provided in such areas.
17. Graphic depiction of the anticipated routes and details of the system of on site vehicular and pedestrian circulation.
18. The location and size of proposed loading docks.
19. The location of curbs and sidewalks.
20. The location of any proposed exterior lighting.
21. The location of any proposed landscaping and screening.
22. Drawn details of the type of screening to be utilized for refuse storage areas, outdoor equipment and bulk storage areas.
23. Floor plans and building elevation drawings of any proposed structure of structures, or existing structures to be renovated.
24. Location of facilities for the handicapped, including parking spaces and ramps (where applicable).
25. Use group classification of the building or structure.
26. Type of construction classification of building or structure to be erected, altered or extended, as defined by the B.O.C.A. Code.

§ 812.04 Preliminary Major Subdivision Checklist

- A. Submission documents. Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted (only folded plans will be accepted):
 1. Eighteen (18) copies of the application form;
 2. Eighteen (18) black on white prints of the preliminary plan (10 half-size prints for the Board plus 8 full size prints) {Only folded plans will be accepted};
 3. Three (3) prints of the Soil Erosion and Sediment and Sediment Control Plans;
 4. Certification of taxes paid;
 5. Certification of owner authorizing submission of the application;
 6. Proof of submission to the Monmouth County Planning Board;
 7. Three (3) copies of a letter, in a form prescribed by the Township Attorney, saving the Township, its engineer, and Officers harmless from any loss due to damage resulting from the grading, drainage or development of the property.
 8. Notice and proofs of service;

9. Certificate of Appropriateness, if applicable;
 10. Application fee;
 11. Deed for property;
- B. Plan Requirements. Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following items have been shown on, or included with, a site plan:
1. General Requirements. The plan for a major subdivision shall be drawn at a scale of not less than one hundred feet (100') to the inch, shall conform to the provisions of the New Jersey Map Filing Law, N.J.S.A. 16"23-0.9 et seq. and shall include, or be accompanied by, the information specified below:
 - (a) All dimensions, both linear and angular, of the exterior boundaries of the subdivision, all lots and lands reserved or dedicated for public use shall balance and their descriptions shall close within a limit of error of not more than one (1) par in ten thousand (10,000).
 - (b) The major subdivision shall be abased on a current boundary survey prepared in accordance with New Jersey Administrative Code 13"40-5.1 et seq., "Preparation of Land Surveys", dated September 1984 and as may be amended, certified to the sub-divider.
 2. Title Block. The title block shall appear on all sheets in conformance with N.J.S.A. 45:8-27 et seq. (Map Filing Law) and include:
 - (a) Title to read "Major Subdivision"
 - (b) Name of the subdivision, if any;
 - (c) Tax map sheet, block and lot numbers (s) of the tract to be subdivided as shown on the latest Township Tax Map, the date of which shall also be shown;
 - (d) Acreage of the tract to be subdivided to the nearest hundredth of an acre.
 - (e) Names and addresses of owner and developer, so designated.
 - (f) Date of original and all revisions;
 - (g) Name, signature, address and license number of the land surveyor who prepared the map and made the survey and their embossed seal.
 3. Zoning data table formatted in accordance with Section 812.01.
 4. Minimum improvable lot area in tabular and graphic form.
 5. A key map at a scale of not less then one (1") inch equals one thousand (1,000.') feet showing the location of the tract to be subdivided with reference to surrounding areas, existing street which border the tract, the names of al such streets and any zone boundaries which are within five hundred (500') feet of the subdivision.

6. Sufficient elevations or contours to determine the general slope and natural drainage of the land the high and low points and tentative cross sections and center line profiles for all proposed new streets.
7. The location of existing and proposed property lines, streets, buildings water courses, railroads, bridges, culverts, drain pipes and any natural features such as wooded areas and rock formations.
8. Preliminary plans of proposed utility layouts for sewers, storm drains, water, gas and electricity showing feasible connections to existing or any proposed utility systems. If no permanent water supply or sewage disposal system is available, the developer shall be required to provide permanent installation for future connections to a proposed system: the plan for such system must be approved by the appropriate local, county, or State health agency. When a public sewage disposal system is not available, the developer shall have percolation tests made as required by the State Board of Health and submit the results with the preliminary plat. Any sub-division or part thereof which does not meet with the established requirements of this ordinance or other applicable regulations shall not be approved. Any remedy proposed to overcome such a situation shall first be approved by the appropriate local, county or State health agency.
9. A copy of any protective covenants or deed restrictions applying to the land being subdivided.
10. North arrow.
11. Written graphic scales.
12. Proposed lot and block numbers as assigned by the Neptune Township Tax Assessor.

§ 812.05 Final Major Subdivision Checklist

- A. Submission documents. Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted (only folded plans will be accepted):
 1. Eighteen (18) copies of the application form;
 2. The original tracing of the plat. Two (2) translucent tracings or mylars, and eighteen (18) black and white paper prints (10 half-size prints for the Board plus 8 full size prints);
 3. Three (3) prints of the Soil Erosion and Sediment and Sediment Control Plans;
 4. Tree Removal Plan
 5. Certification of taxes paid;
 6. Proof of submission to the Monmouth County Planning Board;
 7. Proof of ability to guarantee by bonding, cash deposits or other means, the maximum amount of performance and maintenance guarantees as they relate to the improvements shown on the final plan.
 8. Notice and proofs of service;

9. Certificate of Appropriateness, if applicable;
 10. Application fee;
 11. Deed for property;
- B. Plan Requirements. Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following items have been shown on, or included with, a site plan:
1. General Requirements. The plan for a major subdivision shall be drawn at a scale of not less than fifty feet (50') to the inch, shall conform to the provisions of the New Jersey Map Filing Law, N.J.S.A. 16"23-0.9 et seq. and shall include, or be accompanied by, the information specified below:
 - (a) All dimensions, both linear and angular, of the exterior boundaries of the subdivision, all lots and lands reserved or dedicated for public use shall balance and their descriptions shall close within a limit of error of not more than one (1) part in ten thousand (10,000).
 - (b) The major subdivision shall be based on a current boundary survey prepared in accordance with New Jersey Administrative Code 13"40-5.1 et seq., "Preparation of Land Surveys", dated September 1984 and as may be amended, certified to the sub-divider.
 2. Title Block. The title block shall appear on all sheets in conformance with N.J.S.A. 45:8-2 et seq. (Map Filing Law) and include:
 - (a) Title to read "Major Subdivision"
 - (b) Name of the subdivision, if any;
 - (c) Tax map sheet, block and lot numbers (s) of the tract to be subdivided as shown on the latest Township Tax Map, the date of which shall also be shown;
 - (d) Acreage of the tract to be subdivided to the nearest hundredth of an acre.
 - (e) Names and addresses of owner and developer, so designated.
 - (f) Date of original and all revisions;
 - (g) Name, signature, address and license number of the land surveyor who prepared the map and made the survey and their embossed seal.
 3. Zoning data table formatted in accordance with §812.01
 4. A key map at a scale of not less than one (1") inch equals one thousand (1,000.') feet showing the location of the tract to be subdivided with reference to surrounding areas, existing street which border the tract, the names of all such streets and any zone boundaries which are within five hundred (500') feet of the subdivision.

5. Tract boundary lines, right of way lines of streets, street names, easements and other rights of way, land to be reserved or dedicated to public use, all lot lines and other site lines, with accurate dimensions, bearing or deflection angles and radii, arcs and central angles of all curves.
6. The purpose of any easement or land, reserved or dedicated to public use shall be noted.
7. Each block shall be numbered and the lots within each block shall be numbered consecutively beginning with number one. No more than one number may be assigned to each lot, as approved by the Neptune Tax Assessor.
8. Minimum building setback lines.
9. North arrow.
10. Written and graphic scales.
11. Location and description of all monuments.
12. Names of owners of adjoining un-subdivided land.
13. Certification of engineer or surveyor as to accuracy of details of the plan.
14. Certification that the applicant is agent or owner of the land, or that the owner has given consent under the option agreement.
15. When approval of a plan is required by an officer or body of the Township County, or State, approval shall be certified on the plan.
16. Cross sections and profiles of streets, approved by the municipal engineer.
17. Contours at five (5') feet intervals for slopes averaging ten (10%) percent or greater and at two (2') feet intervals for land of less slope.
18. Plans and profiles of storm and sanitary sewers and water mains.

§ 812.06 Minor Subdivision Checklist

- A. Submission documents. Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted (only folded plans will be accepted):
 1. Eighteen (18) copies of Application form;
 2. Eighteen (18) copies of the sketch plan (10 half-size prints for the Board plus 8 full size prints) [only folded plans will be accepted];
 3. Certification of owner authorizing submission of the application;
 4. Certification of payment of property taxes;
 5. Proof of application to the Monmouth County Planning Board;
 6. Certificate of Appropriateness, if applicable;

7. Application fee;
 8. Deed of property.
- B. General Requirements: The plat for a minor subdivision shall be drawn at a scale of not less than one hundred feet (100') to the inch, shall conform to the provisions of the New Jersey Map Filing Law, N.J.S.A. 16:23-9.9 et seq. and shall include, or be accompanied by, the information specified below:
1. All dimensions, both linear and angular, of the exterior boundaries of the subdivision, all lots and lands reserved or dedicated for public use shall balance and their descriptions shall close within a limit of error of not more than one (1) part in ten thousand (10,000).
 2. The minor subdivision shall be based on a current boundary survey prepared in accordance with New Jersey Administrative Code, 13:40-5.1 et seq., "Preparation of Land Surveys," dated September 1984 and as may be amended, certified to the sub-divider.
 3. Title Block. The title block shall appear on all sheets in conformance with N.J.S.A. 45:8-27 et seq. (Map Filing Law) and include:
 - (a) Title to read "Minor Subdivision"
 - (b) Name of Subdivision, (if any)
 - (c) Tax map sheet, block and lot number (s) of the tract to be subdivided as shown on the latest Township Tax Map, the date of which shall also be shown.
 - (d) Acreage of the tract to be subdivided to the nearest hundredth of an acre.
 - (e) Names and addresses of owners and sub-divider, so designated.
 - (f) Date of original and all revisions.
 - (g) Name, signature, address and license number of the land surveyor who prepared the map and made the survey; the plat shall bear the embossed seal of said land surveyor.
- C. Plat Detail Information:
1. A key map at a scale of not less than one (1") inch equals one thousand (1,000') feet showing the location of the tract to be subdivided with reference to surrounding areas, existing street which border the tract, the names of all such streets and any zone boundaries which are within five hundred (500') feet of the subdivision.
 2. Zoning data table formatted in accordance with §812.01
 3. The location of that portion which is to be subdivided in relation to the entire tract.
 4. All existing structures and wooded areas within the portion to be subdivided and within the portion to be and within twenty five (25) feet thereof.

5. The names of the owners and of all adjoining property owners as disclosed by the most recent municipal tax records.
6. The tax map sheet, block and lot numbers.
7. All street or roads and streams within one hundred (100) feet of the tract.
8. North arrows.
9. Written and graphic scale.
10. A copy of any existing or proposed covenants or deed restrictions applying to the land being subdivided.
11. Proposed lot and block numbers as assigned by the Neptune Township Tax Assessor.

ARTICLE IX- HISTORIC PRESERVATION PROVISIONS AND PROCEDURES

§ 900 APPLICATION PROCEDURE IN HISTORIC ZONE DISTRICTS AND FOR DESIGNATED HISTORIC SITES

- A. This Section establishes the circumstances, conditions and procedures to obtain a Certificate of Appropriateness from the Historic Preservation Commission as it pertains to exterior architectural features, applications for a permit from the Zoning Officer and/or Construction Official or for applications for development for properties in any Historic District Zone District or for designated historic sites situated elsewhere in the Township. No zoning permit where such is required shall be issued unless a Certificate of Appropriateness has been issued previously by the Historic Preservation Commission and when additionally required an approval has been granted by the appropriate Neptune Township Planning Board or Zoning Board.
- B. It shall be the duty of the Zoning Officer or his designee of the Township to review and submit to the Historic Preservation Commission all plans for the construction, alteration, repair, restoration or demolition of structures located in any Historic District Zone including any changes in the existing exterior elements of the building and other improvements on the site that can be seen from the outside, except for landscaping outside of the Historic Flared Avenue Open Space and walls less than eighteen (18") inches in height. All applications for site plan, subdivision, variance, conditional use, appeal or interpretation as is specified herein shall additionally be reviewed in accordance with the requirements of this Ordinance. [NOTE: This Section 900.B has been amended per Ordinance No. 02-41]
- C. No building or structure shall be erected, reconstructed, altered, restored or demolished until the Historic Preservation Commission shall approve an application for a building or demolition permit in relation to those exterior architectural features which are subject to public view from a public street or place.

§ 901 ADDITIONAL SUBMISSIONS REQUIRED FOR APPLICATIONS IN HISTORIC ZONE DISTRICTS OR OTHER DESIGNATED HISTORIC SITES

In addition to the prevailing applicable submission requirements of the Township for zoning permits, development applications, demolition or relocation permits and any other actions that would affect the exterior appearance of a structure or of its site, the following requirements also pertain to properties located in an Historic District or other formally designated sites elsewhere in the Township. The following (in two (2) copies each) shall be submitted with the application for a Certificate of Appropriateness to the Secretary of the Historic Preservation Commission.

- A. RESERVED. [Deleted per Ordinance No. 02-41]
- B. Drawings at a scale of not less than one-fourth inch equals one (1/4 = 1') foot showing the proposed improvements in the plan and changes of all affected elevations; drawings shall be prepared by either a licensed architect or by the property owner, accompanied by an affidavit of ownership and shall contain the name of the person who prepared the plan and the date of preparation, as required by the laws of the State of New Jersey. This requirement shall not apply to applications relating to single-family dwellings where construction permits are not required.
- C. Drawings shall be in sufficient detail to show the conformity of the proposal with the particular architectural style of the structure as documented by prototype drawings

contained in Design Guidelines or other accepted sources and the general compatibility and appropriateness of the applicant's proposal and show dimensional relationship to adjoining structures.

- D. As-built drawings at a scale of one-fourth inch equals one (1/4=1') foot or photographs of all sides of the structure in its present design and condition to enable the Historic Preservation Commission to determine the compatibility of the applicant's proposal with the design type and existing characteristics of the structure.
- E. Detailed information shall be provided on the construction materials, color, design and any of the following or other elements of the proposal to provide a clear and comprehensive understanding for the Historic Preservation Commission in its determination of the compatibility of the proposal:
 - 1. Roof design materials and surfacing;
 - 2. Walls, siding, pattern of shingles and painting;
 - 3. Windows: style, relationship to each other, awnings, shutters;
 - 4. Doors;
 - 5. Ornaments or trim, awnings, screening or privacy screening;
 - 6. Colors/materials (see color chips available in the Office of the Secretary of the Historic Preservation Commission);
 - 7. Railings, porches, fences, gutters and leaders;
 - 8. Chimneys;
 - 9. Fences; Walls greater than eighteen (18") inches in height. [NOTE: This section 901.E.9 has been amended per Ordinance No. 02-41];
 - 10. Garbage can enclosures, trash receptacles, dumpsters, accessory structures and pool; [NOTE: This section 901.E.10 has been amended per Ordinance No. 02-41]
 - 11. Garages, carports, driveways, sidewalks, patios and curbs/curb cuts;
 - 12. Signs, vending machines, lighting and telephones;
 - 13. TV antennas, communication antennas and other exterior communication devices;
 - 14. Solar energy installations;
 - 15. Outdoor furniture for accessory use of a principal (nonresidential) use such as a restaurant's outdoor eating section;
 - 16. Street furniture generally relative to a public use or a semi-public (e.g., Camp Meeting Association) user;
 - 17. For new construction, except single-family dwellings, utilities shall be placed underground and site plans shall show the placement of same; statements from

the relevant public utility company may be requested by the Historic Preservation Commission.

§ 902 APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

The following types of applications shall be subject to review by the Historic Preservation Commission for a Certificate of Appropriateness (other than those aspects of an application for development which has been approved by the Planning Board or Zoning Board of Adjustment, as the case may be):

- A. Any exterior alteration on existing structures or buildings or other improvements on their sites, including, but not limited to: windows, doors, shutters, balustrades, railings, columns, cornices, moldings, trim, stairs, steps, porches, walks, patios, siding, gutters, signs, solar panels, fences, walls greater than eighteen (18") in height, and roofs, etc. in any historic zone district or other designated sites in the Township. The repainting of any exterior existing structure, building or improvement in the same color shall be specifically excluded from the requirements of this subsection. In addition to the above-mentioned exclusions, any painting of any part of the exterior, existing structure, building or improvement in any of the historic colors approved by the Historic Preservation Commission by resolution and on display in the office of the Secretary of the Historic Preservation Commission shall be specifically excluded from the requirement of this section of the application. [NOTE: This section 902.A has been amended per Ordinance No. 02-41]
- B. Applications for construction permits for new construction or alteration in any historic zone district.
- C. Applications for construction permits to demolish a structure in any historic zone district or any other designated site in the Township.
- D. Applications to relocate a structure in a historic zone district or any other designated site in the Township.
- E. The construction of new sidewalks or changes to existing sidewalks within the public right-of-way.

§ 903 REVIEW PROCEDURES FOR CERTIFICATE OF APPROPRIATENESS APPLICATIONS

- A. Persons interested in obtaining Historic Preservation Commission approval for proposed work are encouraged to apply directly to the Historic Preservation Commission for review and approval. At their option, they may apply to the Administrative Officer.
- B. A presentation for review before the Historic Preservation Commission shall be set for no later than forty-five (45) days from receipt by the Historic Preservation Commission of the complete application.
- C. Notice of such a review shall be sent by regular mail or personal delivery to the applicant with a copy to the Construction Official and if the application was referred to the Historic Preservation Commission by the Planning Board or Zoning Board of Adjustment, a copy shall be sent to the Planning Board or Zoning Board.
- D. The Historic Preservation Commission may take testimony from the applicant or any other interested party which is necessary and relevant for its architectural review.

§ 904 TIME FOR DECISIONS; CERTIFICATE OF APPROPRIATENESS

- A. Within forty-five (45) days from the receipt by the Historic Preservation Commission of a complete application or such additional period of time as extended by mutual consent by the applicant and the Historic Preservation Commission, the Historic Preservation Commission shall make a determination and report as to whether the proposal is consistent with the regulations set forth in this chapter.
- B. For an application for the issuance of a permit from the Zoning Officer and/or Construction Official, if within the forty-five (45) days of referral of a permit application to the Historic Preservation Commission, the Historic Preservation Commission recommends against the issuance of the permit and does not grant a Certificate of Appropriateness or recommends conditions to the permit in the form of a Certificate of Appropriateness, the Zoning Officer and/or Construction Official shall deny the issuance of the permit or include the conditions in the permit as the case may be.
- C. Failure to make a determination within the forty-five (45) day period, unless extended as set forth in paragraph A above, shall be deemed to constitute the issuance of the Certificate of Appropriateness without the recommendations of conditions to the Certificate of Appropriateness.
- D. For applications before the Planning Board or Board of Adjustment, advice shall be conveyed through the delegation of one (1) of Historic Preservation Commission's members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.

§ 905 EFFECT OF DECISIONS; CERTIFICATE OF APPROPRIATENESS

- A. Issuance of a Certificate of Appropriateness shall be deemed to be final approval pursuant to this Article. Such approval shall neither cause nor prevent the filing of any collateral application or other proceeding required by any other municipal ordinance to be made prior to undertaking the action requested vis-a-vis the site or structure in the historic district.
- B. A denial of a Certificate of Appropriateness shall be deemed to preclude the applicant from undertaking the activity applied for.

§ 906 APPEALS OF HISTORIC PRESERVATION COMMISSION DECISION

Any decision by the Historic Preservation Commission to deny a Certificate of Appropriateness or a demolition permit may be appealed to the Zoning Board of Adjustment in the manner set forth in Section 706 (Appeals and applications to the ZBOA) of the Zoning Ordinance. The applicant shall also be required to provide the Historic Preservation Commission with written notice of such an appeal simultaneously with the filing of the appeal to the Zoning Board of Adjustment.

§ 907 DEMOLITION OF STRUCTURES ON PROPERTIES IN HISTORIC ZONE DISTRICTS OR ON DESIGNATED HISTORIC SITES; NON-PUBLIC USES

- A. Applicability. This Section applies where the proposed demolition (in whole or in part) of a structure in any historic zone district or other designated historic site situated elsewhere in the Township is for a purpose other than providing a site for a public building or land for public use such as a road widening.
- B. Application for permit. An application for a permit to demolish a structure in whole or in part, which is in any historic zone district or other designated site situated elsewhere in

the Township, shall be forwarded by the Zoning Officer and/or Construction Official to the Historic Preservation Commission.

- C. Written findings by Historic Preservation Commission. The Historic Preservation Commission shall make written findings on the following matters:
1. The existing ownership, use and applicant's reason for requesting demolition.
 2. The structure's historical ownership and use.
 3. The structure's architectural/historic importance and its status in the Township of Neptune, County, State, or national listings of such properties after notification by the Historic Preservation Commission to the appropriate agencies.
 4. Any unique, unusual or rare qualities of design, materials or craftsmanship found in the subject property that could not be reproduced easily.
 5. The structural soundness and integrity of the structure and the economic feasibility of restoring or rehabilitating the structure so as to comply with the requirements of any applicable building code. At the Historic Preservation Commission's request, an inspection by the Township's Construction Official shall be conducted to determine the number and extent of code violations and an estimate of the cost of needed improvements to bring the structure up to compliance with all applicable building codes.
 6. The impact of the structure's demolition on the Historic District in which it is located or on neighborhoods surrounding an identified historic site, also taking into consideration undue hardship, reasonable beneficial use and the condition of the premises. The economic base of the community shall be considered as well as the public's interest in architectural, historic and aesthetic matters generally.
 7. The structure's importance to the Township and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest.
 8. The extent to which the structure is of such old, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty.
- D. Public Hearings. The Historic Preservation Commission shall conduct a public hearing in order to determine whether to grant or deny the demolition permit.
1. Notice. The hearing shall be advertised, arranged and conducted by the Historic Preservation Commission as hearings are conducted by the Township for development applications. The applicant shall be responsible for sending out the appropriate notices and shall be responsible for paying the cost of the proceedings. On the date of the hearing, the applicant shall be required to provide the Historic Preservation Commission with proof of fulfilling the notification requirements specified hereinafter. The applicant shall notify in writing by certified mail, return receipt requested, the following County, State and Federal agencies at least ten (10) days prior to the date of the hearing.
 - (a) Township of Neptune Historical Society;
 - (b) Historical Society of Ocean Grove;

- (c) State Office of Historic Preservation;
 - (d) State Historic Sites Council;
 - (e) Office of Archaeology and Historic Preservation, Department of the Interior; and
 - (f) National Trust for Historic Preservation.
2. Stenographer required. There shall be a stenographer present to record the proceedings, the cost of which shall be the responsibility of the applicant.
- E. Issuance or Denial of Demolition Permit. Based on the Historic Preservation Commission's findings (as required in Paragraph B above) and the testimony at the public hearing and following the waiting period as specified in Paragraph E below, the Historic Preservation Commission shall act on the request for demolition by either granting or denying the demolition permit.
- F. Waiting Period. Following the date of the initial public hearing, there shall be established a waiting time period of at least ninety (90) days and no more than one hundred twenty (120) days to enable any interested parties to acquire or to establish a procedure for the preservation of the subject property.
- G. Demolition Notice Posted. During the entirety of the waiting period, as specified in Subsection F above, a notice of the proposed demolition activity shall be posted on the premises of the building, place or structure in a location such that it is clearly readable from each street frontage. In addition, the applicant shall publish notices in the official newspaper of the Township as follows:
- 1. Within the first ten (10) days of the waiting period; and
 - 2. Within not less than ten (10) nor more than fifteen (15) days prior to the expiration of the waiting period.
- H. Procedure Where Demolition Application is Denied. In the event that the Historic Preservation Commission denies an application for a Certificate of Appropriateness to demolish a historic building, place or structure, the owner shall, nevertheless, as a matter of right, be entitled to raze or demolish such building, place or structure provided that all of the following requirements have been fully met:
- 1. The owner has applied for the necessary demolition permit and has received notice of denial of same from the Historic Preservation Commission and has appealed to the Zoning Board of Adjustment, which has affirmed such denial.
 - 2. The owner has met the notice requirements set forth in Subsection G above for the full waiting period as defined in Subsection F above.
 - 3. The owner has, during the waiting period and at a price reasonably related to its fair market value, made a bona fide offer to sell such building, place or structure and the land pertaining thereto to any person, organization, government or agency thereof or political subdivision which gives reasonable assurance that it is willing to preserve the building, place or structure and the land pertaining thereto.
 - 4. The owner shall not have been a party to any bona fide contract, binding upon all parties thereto, for the sale of any such building, place or structure and the land

pertaining thereto executed prior to the expiration of the notice period, except a contract made in accordance with Paragraph (3) above.

§ 908 DEMOLITION OF STRUCTURES ON PROPERTIES IN HISTORIC ZONE DISTRICTS AND ON DESIGNATED HISTORIC SITES; PUBLIC USES

- A. Applicability. This Section applies where the proposed demolition (in whole or in part) of a structure in any historic zone district or other designated historic site situated elsewhere in the Township is for the purpose of providing a site for a public building or land for public use such as a road widening.
- B. Notice Required. The applicant for the demolition permit shall notify the following agencies as well as the Historic Preservation Advisory Committee:
 - 1. Township of Neptune Historical Society;
 - 2. Historical Society of Ocean Grove;
 - 3. State Office of Historic Preservation;
 - 4. State Historic Sites Council;
 - 5. Office of Archaeology and Historic Preservation, Department of the Interior; and
 - 6. National Trust for Historic Preservation.

§ 909 RELOCATION OF STRUCTURES IN ANY HISTORIC ZONE DISTRICT AND OTHER STRUCTURES OF ARCHITECTURAL AND HISTORICAL IMPORTANCE

- A. Application for Permit; Statement of Construction Official. An application for a permit to relocate a structure shall be forwarded by the Zoning Officer and/or Construction Official to the Historic Preservation Advisory Committee, accompanied by a statement from the Zoning Officer and/or Construction Official that the property has no Code violations and that the subject property conforms to all requirements of the Township of Neptune Zoning Ordinance for the new zoning district to which the property will be relocated.
- B. Nonconformance to Zoning Ordinance. Where the relocated structure will not conform to all of the requirements of the Township Zoning Ordinance, the applicant shall accompany the relocation application with evidence of the needed approval(s) by the Zoning Board of Adjustment, Planning Board, Township Committee or any other Township Board having jurisdiction.
- C. Correction of Building Code Violations Required. When the subject structure contains building code violations that will be corrected after the structure has been relocated to the new site, the Construction Official shall not issue a Certificate of Occupancy until those violations have been corrected and approved by the Code Enforcement Department.
- D. Exterior Changes. When the relocation of a structure will cause needed improvements that will include the exterior of the structure, the applicant for a relocation permit shall also submit the drawings, photographs and other material describing the contemplated changes in the exterior appearance.
- E. Field Inspection; Findings. Prior to acting on an application for the relocation of a structure that is subject to this Subsection, the Historic Preservation Commission shall make a field inspection of the proposed site to determine that the site and its surroundings are appropriate for that specific structure in terms of land use, design of

buildings, traffic topography, landscaping, etc. The Historic Preservation Commission's findings on which their decision will be based upon findings made during the field inspection and shall include the field inspection date and the names of the Historic Preservation Commission members who make the inspection.

§ 910 EMERGENCY REPAIRS IN HISTORIC ZONE DISTRICTS AND ON DESIGNATED HISTORIC SITES

Performance and Review of Repairs. When an historic landscape requires immediate emergency repair to preserve the continued habitability of the landmark and/or the health and safety of its occupants or others, such repairs may be performed in accordance with Township Codes, without the necessity of first obtaining the Historic Preservation Commission's review.

Under such circumstances, the repairs performed shall be only such as are necessary to protect the health and safety of the occupants of the historic landmark or others and/or to maintain the habitability of the structure. A request for the Historic Preservation Commission's review shall be made as soon as possible and no further work shall be performed upon the structure until an appropriate request for approval is made and obtained in accordance with the procedures set forth in this chapter. All work done under this section shall conform to the criteria set forth in Subsection 508(Design Guidelines/Visual Compatibility factors) and the procedures for review of applications as adopted by the Historic Preservation Commission in accordance with requirements for Applications for Certificate of Appropriateness.

§ 911 PROCEDURES FOR DESIGNATION OF HISTORIC SITES AND HISTORIC DISTRICTS

- A. Designation. Any person may request the designation of an historic site or Historic District by submitting to the Historic Preservation Commission a completed application for such designation on a form furnished by the Historic Preservation Commission. The Historic Preservation Commission, in addition may, on its own motion, initiate proceedings for the designation of any historic site or Historic District.

- B. Criteria for Designation. In considering an individual site, building or a structure or a district that is of particular historical, archaeological, cultural, scenic or architectural significance to the Township of Neptune, the County of Monmouth, the State of New Jersey or to the nation and reflects or exemplifies the broad cultural, political, scenic, economic or social history of the nation, State or locality, the Historic Preservation Commission shall give consideration to the following criteria:
 - 1. That it is associated with events that have made a significant contribution to the broad patterns of our history; and/or
 - 2. That it is associated with the lives of persons significant in our past; and/or
 - 3. That it embodies the distinctive characteristics of a type, period or method of construction or that it represents the work of a master or that it possesses high artistic values or that it represents a significant and distinguishable entity whose components may lack individual distinction; and/or
 - 4. That it has yielded, or may be likely to yield, information important in pre-history or history.
 - 5. Ordinarily, cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature and properties that have achieved significance within the past fifty (50) years shall not be considered eligible for

designation as an historic site. However, such properties will qualify if they are integral parts of historic sites that do meet the criteria or if they fall within the following categories:

- (a) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
 - (b) A building or structure removed from its original location but which is significant primarily for architectural value or which is the surviving structure most importantly associated with an historic person or event; or
 - (c) A birthplace or grave of an historical figure of outstanding importance if there is no other appropriate site or building associated with his/her productive life; or
 - (d) A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features or from association with historic events; or
 - (e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
 - (f) A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance; or
 - (g) A property achieving significance within the past fifty (50) years if it is of exceptional importance.
- C. Notice of Consideration. When the Historic Preservation Commission decides to consider an application for designation, notice that such application is being considered shall be given by ordinary mail and certified first class mail to each owner of record of the proposed historic site or of the tax lots located in the proposed Historic District. In addition, each owner of record shall be given notice of any public hearing on a proposed designation at least fifteen (15) days prior to the hearing by certified mail and ordinary mail.
- D. Hearing and Record. The Historic Preservation Commission shall hold a public hearing on each proposed designation. Interested persons shall be entitled to present their opinions, suggestions and objections at this public hearing. A list shall be prepared for each structure and district proposed for designation, specifying the locations, any popular names and a description of the boundaries of any proposed Historic District or historic site. This list shall be published in a newspaper of general circulation in the Township not more than thirty (30) nor less than ten (10) days before such hearing is to be held. Completed applications for designations scheduled for consideration at a hearing shall be on file with the Township Clerk and available for inspection by interested persons during the regular business hours at least ten (10) days before such hearing.
- E. Decision of the Historic Preservation Commission. After consideration of all information in the application and presented at the hearing, the Historic Preservation Commission shall have the authority to recommend to the Planning Board, within forty-five (45) days of the hearing, that all or part of any proposed structure or district qualifies for (a) inclusion in the Historic Preservation Element and other appropriate elements of the Master Plan; or (b) designation in the Zoning Ordinance. This determination of the

Historic Preservation Commission shall constitute a recommendation to the Township Committee and Planning Historic Preservation Commission.

- F. Township Committee Determination. Upon the Historic Preservation Commission's approval of any designation of the landmark or Historic District, such an ordinance shall immediately become effective upon approval of the Township Committee and Planning Board, and in accordance with applicable law. At once upon approving a designation, the Historic Preservation Commission shall forward its recommendation for approval of the designation to the Township Committee. The Township Committee shall act to approve or disapprove the designation within sixty-five (65) days of receipt of the Board's recommendations. If the Township Committee disapproves a designation, this chapter will no longer apply to the subject structure or district. The Township Committee may, at its discretion, call a further public hearing on any recommendation for designation. Such hearings, if called, shall occur within thirty (30) days of the receipt of the decision of Historic Preservation Commission, and the Township Committee decision shall be rendered within sixty-five (65) days of the close of such further public hearing.
- G. Notice of Determination. If the Historic Preservation Commission disapproves any application for designation, the proceedings with regard to the proposed Historic District or landmark shall terminate. If the Historic Preservation Commission approves an application for designation, the notice of such approval and of its transmittal to the Township Committee shall be given to the Township Construction Official, the Planning Board, the Board of Adjustment and sent by ordinary mail and first class certified mail to any owner of record of the subject property. When the Township Committee approves or disapproves a designation or if a designation becomes final because the Township Committee did not act upon it within sixty-five (65) days, notice of the landmark or Historic District decision shall be given to the Zoning Officer, Township Construction Official, Planning Board and the Board of Adjustment and sent by ordinary mail and first class certified mail to any owner of the subject property.

§ 912 PREVENTIVE MAINTENANCE IN HISTORIC ZONE DISTRICTS AND FOR DESIGNATED HISTORIC SITES

- A. Code Enforcement. Recognizing the need for preventive maintenance to insure the continued useful life of historic sites and structures in Historic Districts and other designated sites in the Township of Neptune, the Township Committee hereby declares that code enforcement for such sites and structures is a high municipal priority.
- B. Notice of Violations. In the event that any historic site or improvement in an historic zone district or any other designated site in the Township deteriorates to the point that, in the best estimate of the Construction Official, the cost of correcting the outstanding code violations equals more than twenty-five (25%) percent of the cost of replacing the entire improvement on which the violation occurs, the Construction Official shall serve personally, or by certified mail, return receipt requested, a notice on the owner of the property listing the violations, the estimate for their abatement and the replacement cost of the improvements and stating that if the owner does not take all necessary remedial action within sixty (60) days or such extensions as the Construction Official shall for good cause grant, the Township's designated official may, at the expiration of the sixty (60) days, enter upon the property and abate such violations and cause the cost thereof to become a lien on the property.
- C. Deterioration of Buildings and Structures Prohibited. All buildings and structures in an Historic District or any other designated site in the Township shall be maintained so that all exterior walls, roofs, stairs, porches, windows and door frames are in waterproof condition. Cornices, entablatures, wall facings, trim and similar decorative features shall be maintained so as to prevent deterioration. All structural and architectural features

shall be maintained so as to prevent deterioration and any deterioration which adversely affects the overall character of the building or the district in which the building is located is prohibited. The Construction Official shall serve personally or by certified mail, return receipt requested, a notice on the owner of any property requiring preventive maintenance as set forth herein, listing the violations and following the procedures as set forth in Subsection B above.

- D. Request for Hearing. Upon receipt of such notice, the owner may, within ten (10) days after such receipt, notify the Construction Official of his or her intention to have a hearing as to the allegations and estimates set forth in the notice. The hearing shall be conducted by Historic Preservation Commission and shall, so far as possible, be a formal adversary proceeding in which the Construction Official shall establish the matters alleged in the notice by a preponderance of the evidence.
- E. Service of Opinion of Construction Official. If the owner does not request a hearing, the procedure set forth in Subsection D above shall be binding. If a hearing is requested, the Construction Official will within ten (10) days following the hearing, serve on the owner an opinion in writing setting forth his conclusions and the reasons therefor. Such opinion shall be deemed to be a first notice pursuant to this section.
- F. Abatement by Township. Thereafter, if the owner does not comply, the Construction Official may enter onto the premises and, by use of municipal labor or outside contractors or both, perform such work as is necessary to abate all violations.
- G. Certification of Costs. The Construction Official shall then certify to the Township Committee the cost of such work plus all administrative, clerical and legal costs and overhead attributable thereto and shall present the same to the Township Committee.
- H. Costs a Lien on Property. The Township Committee may, by resolution, vote to cause the sum so certified to become a lien upon the property, payable with the next quarter's property taxes and if not then paid, bearing interest at the same rate as delinquent taxes.

§ 913 PENALTIES; CERTIFICATE OF APPROPRIATENESS

- A. Failure to Obtain Approval. Any person who shall undertake any activity in violation of any provisions relating to historic zone districts and designated historic sites without first having obtained a Certificate of Appropriateness or any other required approval, shall be deemed to be in violation of those provisions.
- B. Service of Notice of Violation. Upon learning of the violation, the Administrative Officer shall personally serve upon the owner of the lot whereon the violation is occurring a notice describing the violation in detail. The violator shall be required to file an application for a Certificate of Appropriateness to Historic Preservation Commission within ten (10) days of receipt of the notice of violation. If the owner cannot be personally served within the municipality with the notice, a copy of the same shall be posted on the site in question and a copy shall be sent by certified mail, return receipt requested, to the owner at his or her last known address, as it appears on the Township tax rolls.
- C. Issuance of Summons and Complaint. In the event that the violator fails to file an application for a Certificate of Appropriateness within the specified ten (10) day period following service and/or posting on the site in question, whichever is earlier, the Administrative Officer shall cause to be issued a summons and complaint, returnable in the Municipal Court, charging violation of this Chapter. Each separate day the violation exists shall be deemed to be a new and separate violation of this Chapter.

- D. Penalties Designated. Any person or persons who violate or who permit, take part or assist in any violation of this chapter shall for each and every violation thereof, and for each and every day that such violation thereof continues to be subject to a fine of not more than five hundred (\$500.00) dollars or be subject to imprisonment in the municipal or County Jail for a period not exceeding ninety (90) days or both and/or be required to correct, abate and/or restore premises in the discretion of the magistrate before whom such conviction shall be had.

- E. Injunctive Relief. In the event that any action which would permanently and/or adversely change the Historic District or the historic site or any other property of architectural/historic significance, such as demolition or removal is about to occur without a Certificate of Appropriateness having been issued, the Administrative Officer is hereby authorized to apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction of such property.

§ 914 EXPIRATION OF CERTIFICATE OF APPROPRIATENESS

- A. Effective Approval. An approval of Historic Preservation Commission shall be valid for a period of two (2) years from the date of approval unless reasonable extensions are granted by Historic Preservation Commission.

ARTICLE X- FEES, GUARANTEES, INSPECTIONS & OFF-TRACT IMPROVEMENTS

§ 1000 APPLICATION AND ESCROW FEES

- A. Fee schedule. Every application for development shall be accompanied by a check payable to the municipality in accordance with the following schedule:

TABLE 10.1: APPLICATION FEES

Type of Application			Administrative Fee	
Appeals and Interpretations			\$100.00	
Appeal to Governing Body			\$250.00	
Conceptual/Informal Reviews			\$50.00	
Bulk Variances	Residential		\$75.00	
	Nonresidential		\$200.00 per variance	
Use Variances			\$750.00	
Conditional Use			\$250.00	
Subdivision	Minor		\$500.00	
	Major	<i>Preliminary</i>	\$500.00 plus \$50.00 per lot	
		<i>Final</i>	\$250.00 plus \$25.00 per lot	
Site Plan	Minor Site Plan		\$250.00	
	Major Site Plan	Residential	<i>Prelim</i>	\$500.00 plus \$50.00 per dwelling unit
			<i>Final</i>	50% of Preliminary
		Non-residential	<i>Prelim</i>	\$1,000.00 plus \$50.00 per acre, plus \$0.05 per square foot of proposed building area.
			<i>Final</i>	50% of preliminary
General Development Plan			\$1,500.00	
Certified List per MLUL			\$10.00 or \$0.25/name	
Special Meeting			\$1,500.00	
Resubmission or Revision Fee			\$50.00 or 40% of original fee, whichever is greater	
Appeal to the Township Committee			\$250.00	
Issuance of a Permit in Certain Areas			\$150.00	
Tree Removal Permit			For new residential building lots, \$15.00 dollars per tree, up to a maximum of \$300.00 per lot; For all other properties, \$15.00 per tree up to a maximum of \$600.00 for each acre.	
Zoning Permit/Certificate of Appropriateness			\$10.00	
Certification of Pre-existing Nonconforming Use (from Administrative Officer or Zoning Board of Adjustment)			\$50.00	
Extension of Approvals			\$250.00	
Soil Removal			\$25.00 per permit	

TABLE 10.2: ESCROW FEES

Type of Application			Escrow	
Appeals and Interpretations			\$500.00	
Conceptual/Informal Reviews			\$500.00	
Bulk Variances	Residential		\$125.00	
	Nonresidential		\$1,000.00	
Use Variances			\$1,500.00	
Conditional Use			\$2,000.00	
Subdivision	Minor		\$2,000.00	
	Major	<i>Preliminary</i>	0-5 lots - \$2,000 6-24 lots - \$3,500 25-100 lots - \$5,000 101+ - \$7,500	
		<i>Final</i>	50% of Preliminary	
Site Plan	Minor Site Plan		\$1,000.00	
	Major Site Plan	Residential	<i>Prelim</i>	\$2,000.00 plus \$25.00 per dwelling unit
			<i>Final</i>	50% of preliminary
		Non-residential	<i>Prelim</i>	\$1,000.00 plus 0-5,000 sf - \$1,500.00 5,001-10,000 sf - \$2,500.00 10,001 - 25,000 sf - \$5,000.00 25,001-75,000 sf - \$7,500.00 75,000 sf + - \$10,000.00
			<i>Final</i>	50% of preliminary
General Development Plan			Same as Preliminary Site Plan	
Certified List			None	
Special Meeting			\$500.00	
Resubmission or Revision Fee			\$50.00 or 40% of original fee, whichever is greater	
Appeal to the Township Committee			None	
Issuance of a Permit in Certain Areas			\$200.00	
Tree Removal Permit			See §525 for Escrow Schedule	
Zoning Permit/Certificate of Appropriateness			None	
Certification of Pre-existing Nonconforming Use (from Administrative Officer or Zoning Board of Adjustment)			None	
Extension of Approvals			\$1,000.00	
Soil Removal			\$100.00 for review of an application by the Township Engineer and inspection of the site, plus \$0.05 per sq. foot of area disturbed due to the removal of soil	

- B. Purpose of fees. The application charge is a flat fee to cover direct administrative expenses and is non-refundable. The escrow account is established to cover the costs of professional services including engineering, legal, planning and other expenses connected with the review of the submitted materials. In accordance with N.J.S.A. 40:55D-53 and N.J.S.A. 40:55D-53.1, sums not utilized in the review process shall be returned to the applicant upon written request. If additional sums are deemed necessary, the applicant shall be notified by certified mail or personal service of the required additional amount and shall add such sum to the escrow. Payment shall be due from the applicant within fifteen (15) days of receipt of the notice. If payment is not received within fifteen (15) days, the applicant shall be considered to be in default, and such default may be grounds for denial of the application.

- C. More than one request. Where one application for development includes several approval requests, the sum of the individual required fees shall be paid.
- D. Costs of review and inspection. Each applicant for subdivision or site plan approval shall agree in writing to pay all reasonable costs for professional review of the application, including costs incurred with any informal review of a concept plan which may have preceded the submission of a preliminary application. Additionally, each applicant shall agree in writing to pay all reasonable costs for the municipal inspection of the constructed improvements. All such costs for review and inspection must be paid before any construction permit is issued and all remaining costs must be paid in full before any occupancy issued or bonding is released.
- E. Court reporter. If an applicant desires a court reporter, the cost of taking testimony and transcribing it and providing a copy of the transcript to the municipality shall be at the expense of the applicant who shall arrange for the reporter's attendance. The municipality provides for the tape recording of the proceedings before the Board.
- F. Waiver of fees for affordable housing. Notwithstanding any other provision of this Ordinance, a waiver of municipal subdivision and site plan application fees, and zoning permit fees may be granted by the approving municipal agency for all housing units being provided by the applicant for low and moderate income families.

§ 1001 AFFORDABLE HOUSING CONTRIBUTION

- A. Purpose. The purpose of this subsection is to establish standards for the collection, maintenance and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing monies for the rehabilitation of low and moderate-income housing. This Ordinance shall be interpreted within the framework of COAH's rules on development fees.
- B. Residential development fees. Developers of new residential uses shall pay a development fee of one-third of one percent (0.33%) of the equalized assessed value of newly constructed residential development, provided no increased density is permitted.
- C. Nonresidential development fees. All developers of non-residential uses, other than public agencies, shall pay a development fee of one-half of one percent (0.5%) of the equalized assessed value for non-residential development.
- D. Eligible exaction, ineligible exaction and exemptions.
 - 1. Developers of low and moderate-income units shall be exempt from paying development fees.
 - 2. Substantial change. The payment of a fee for affordable housing shall be required for any substantial change, including but not limited to, expansion or intensification in use of an existing structure, any increase in an approved project's building bulk or floor area which exceeds any of the requirements of the zoning district where the project is located and exceeds the limitations necessary to qualify as an "insubstantial change". "Insubstantial change" is a revision to an approved preliminary or final site plan or subdivision which meets all the requirements of this Ordinance or does not exceed any of the following limitations:
 - (a) Five (5) feet in any yard setback;

- (b) Seven (7) feet in building height;
- (c) One (1) percent in floor area ratio;
- (d) One (1) percent in impervious coverage;
- (e) Five (5) feet in building spacing;
- (f) Three (3) parking spaces;
- (g) Five (5) feet in driveway locations;
- (h) One (1) percent in site disturbances.
- (i) Any such change enumerated above shall not alter the percentage of low/moderate income housing in an approved project.

A substitution of similar landscaping material, lighting fixtures and signage is not a substantial change as long as there is no change in approved quantities or dimensions.

- E. Collection of fees. Developers shall pay up to fifty (50) percent of the calculated development fee to Neptune Township at the issuance of construction permits. At the issuance of certificates of occupancy, the appropriate development fee shall be based on one of the options in Subsections B & C above. The developer shall be responsible for paying the difference between the fee calculated at construction permit and paid at issuance of certificate of occupancy. The entire fee may also be paid at the issuance of the certificate(s) of occupancy.
- F. Housing trust fund. There is hereby created an interest bearing housing trust fund for the purpose of receiving development fees from residential and nonresidential developers. All development fees paid by developers pursuant to this Ordinance shall be deposited in this fund. No money shall be expended from the housing trust fund unless the expenditure conforms to a spending plan approved by COAH.
- G. Use of funds.
 - 1. Money deposited in a housing trust fund may be used for any activity approved by COAH for addressing Neptune Township's low and moderate income-housing obligation. Such activities may include, but are not necessarily limited to, housing rehabilitation and administrative costs necessary to implement Neptune Township Master Plan Housing Element. The expenditure of all money shall conform to a spending plan approved by COAH.
 - 2. No more than twenty (20) percent of the revenues shall be expended on administrative costs necessary to develop, revise or implement the housing element. Examples of eligible administrative activities include personnel, consultant services, space costs, consumable supplies and rental or purchase of equipment directly associated with plan development or plan implementation.
 - 3. Development fee revenues shall not be expended to reimburse Neptune Township for housing activities that preceded a first or second round substantive certification.
- H. Expiration of ordinance. This subsection of the Land Development Ordinance shall expire if:

1. COAH revokes this subsection; or
2. COAH's approval for urban aid municipalities to collect development fees expires.

§ 1002 GUARANTEES REQUIRED FOR ON-AND-OFF-TRACT IMPROVEMENTS

- A. Guarantee required. Before recording final subdivision plats or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to N.J.S.A. 40:55D-65d, the approving Board, for the purpose of assuring the installation and maintenance of on- and off-tract (pursuant to N.J.S.A. 40:55D-42) improvements, shall require and accept in accordance with the standards adopted by this Ordinance, the following:
1. The furnishing of a performance guarantee in favor of the Township of Neptune in an amount not to exceed 120% of the cost of installation, which cost shall be determined by the Municipal Engineer according to the method of calculation set forth in (§1003B - Determination of Performance Guarantee Estimate) for improvements which the Board may deem necessary or appropriate, including; streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, as shown on the final subdivision plat and required by the Map Filing Law (N.J.S.A. 46:23-9.9 et seq.), culverts, storm sewers, drainage structures, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping. A separate estimate shall be prepared for soil erosion and sedimentation control devices.
 2. Provision for a maintenance guarantee to be posted with the Township Committee for a period not to exceed two (2) years after final acceptance of the improvement, in an amount not to exceed fifteen (15) percent of the cost of the improvement, which cost shall be determined by the Municipal Engineer according to the method of calculation set forth in Section 1003-B Determination of Performance Guarantee Estimate. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements.
 3. The Municipal Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the developer.
- B. Time period for installation. All public improvements shall be completed within six (6) months of issuance of the last Certificate of Occupancy or five (5) years of issuance of a Soil Disturbance Permit, whichever comes first. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Township Committee by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Municipal Engineer according to the method of calculation set forth in §1003-B Determination of Performance Guarantee Estimate as of the time of the passage of the resolution.

- C. Developer liability. If the required improvements are not completed or corrected in accordance with the performance guarantee, the developer and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected and the Township may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.).

§ 1003 CERTIFICATION OR GUARANTEE REQUIRED; ESTIMATE OF GUARANTEE

- A. Improvements to be installed. No final plan shall be approved unconditionally by the Board until the satisfactory completion and performance of all such required improvements have been certified to the Board by the Municipal Engineer, unless the owner shall have filed with the municipality a performance guarantee sufficient in amount to cover the cost of all such improvements in uncompleted portions thereof as estimated by the Municipal Engineer, and assuring the installation of such uncompleted improvements on or before an agreed upon date.
- B. Determination of performance guarantee estimate. A performance guarantee estimate shall be prepared by the Municipal Engineer or the developer's engineer and approved by the Municipal Engineer, setting forth all requirements for improvements as fixed by the Board and their estimated cost. The estimated cost of the installation of improvements determined by the Municipal Engineer shall be based on documented construction costs for public improvements prevailing in the general area of the Township. The developer may appeal the Municipal Engineer's estimate to the Township Committee. The Township Committee shall decide the appeal within forty-five (45) days of receipt of the appeal in writing by the Township Clerk. After the developer posts a guarantee with the Township based on the cost of the installation of improvements as determined by the Township Committee, he may institute legal action within one (1) year of the posting in order to preserve the right to a judicial determination as to the fairness and reasonableness of the amount of the guarantee.
- C. Determination of maintenance guarantee estimate. The approved performance guarantee estimate shall fix the requirements of maintenance of the utilities and improvements to be installed and completed by the developer. A surety company or cash bond meeting the requirements herein above set forth may be furnished to secure the maintenance guarantee, or the performance bond may be styled or amended to provide such security in reduced amount in keeping with the requirements.

§ 1004 APPROVAL BY TOWNSHIP ATTORNEY

- A. The applicant shall present two (2) copies of the performance guarantee in an amount equal to the amount of the approved performance guarantee estimate for approval as to form and execution by the Department of Finance with assistance by the Township Attorney, if necessary.
- B. The Department of Finance shall forward its approval of the form of the performance guarantee for consideration for adoption by the governing body.

§ 1005 BONDING AND CASH REQUIREMENTS

- A. The performance guarantee shall be the approved performance guarantee estimate and as surety a performance bond in which the applicant shall be principal, the bond to be provided by an acceptable surety company licensed to do business in the State of New Jersey, an irrevocable letter of credit drawn on a banking or savings and loan institution

located in and licensed to do business in the State of New Jersey or such other form of security as may be approved by the Township Attorney, or cash, or a certified check shall be deposited with the Township of Neptune by payment to the Township Treasurer. The performance guarantee in favor of the Township shall be in an amount not to exceed 120% of the cost of the installation and improvements. The Township Treasurer shall issue its receipt for such cash deposits and shall cause the same to be deposited in a bank named by the Township for this purpose to be retained as security for completion of all requirements and to be returned to the developer on completion of all required work and expiration of the period of maintenance guarantee or, in the event of default on the part of the subdivider, to be used by the Township of Neptune to pay the cost and expense of obtaining completion of all requirements. Every bond, whether cash or surety, shall contain a clause to the effect that the obligation shall remain in full force and effect until such time as certification is received from the Municipal Engineer that the principal has met and complied with all specifications and requirements for which said cash or surety bond has been posted.

- B. Ten (10) percent of the amount of the approved performance guarantee estimates shall be deposited with the Township by the applicant in cash. The remaining ninety (90) percent may be in cash, surety bond or other securities or guaranties approved by the Township Attorney. In the event of default, the ten-percent fund herein mentioned shall be first applied to the completion of the requirements and the cash or the surety shall thereafter be resorted to, if necessary, for the completion of the requirements. The cash or surety may recite the foregoing provisions. The Municipal Engineer's determination that the principal has defaulted in his obligation shall be binding and conclusive upon the principal.
- C. Irrevocable letters of credit shall include, but not be limited to, the following provisions:
 - 1. An unconditional payment obligation of the issuer running solely to the Township for an express initial period of time in the amount determined pursuant to N.J.S.A. 40:55D-53 and Section 1003-B Determination of Performance Guarantee Estimate.
 - 2. Is for a period of time of at least two (2) years; and
 - 3. Permits the Township to draw upon the letter of credit if the developer fails to furnish another letter of credit which complies with the provisions of this subsection thirty (30) days or more in advance of the expiration date of the letter of credit or such longer period in advance thereof as is stated in the letter of credit.

§ 1006 INSPECTIONS AND TESTS

- A. All improvements and utility installations shall be inspected during the time of their installation under the supervision of the Municipal Engineer to ensure satisfactory completion. The cost of said inspection shall be the responsibility of the applicant, and he shall deposit with the Township Treasurer for placement in a trust fund account a sum equal to five (5%) percent of the amount of the cost of installation improvements estimate of the cost of public improvements to be built in the subdivision or site development to be applied to the payment of inspection costs. If inspection costs exceed such fund, the developer shall deposit with the Township Treasurer additional sums upon notice from the Municipal Engineer. The inspection fee shall in no case be less than \$500.00. The Township Treasurer shall return any balance of the inspection deposit to the developer upon expiration of the maintenance bond, together with the paid invoices for all expenses charged.

- B. In no case shall any paving work be done without permission from the Municipal Engineer's office. At least two (2) days notice shall be given to the Municipal Engineer's office prior to any such construction so that he or a qualified representative may be present at the time the work is to be done.
- C. The Municipal Engineer's office shall be notified after each of the following phases of the work has been completed so that he or a qualified representative may inspect the:
1. Soil disturbance activities;
 2. Road subgrade;
 3. Curb and gutter forms;
 4. Curbs and gutters;
 5. Road paving;
 6. Sidewalk forms;
 7. Sidewalks;
 8. Drainage pipes and other drainage structures before backfilling;
 9. Street name signs;
 10. Survey monuments; and
 11. Street trees;
- and in the case of site plan inspection-
12. Parking lots;
 13. Lighting;
 14. Landscaping; and
 15. Signage.
- D. A final inspection of all improvements and utilities will be done by the Municipal Engineer within ten (10) days of notification by the developer to determine whether the work is satisfactory and in agreement with the approved final plat drawings and the Township specifications. The general condition of the site shall also be considered. Upon a satisfactory final inspection report, action will be taken to release or declare in default the performance guarantee covering such improvements and utilities.
- E. Inspection by the Township of the installation of improvements and utilities by the applicant shall not subject the Township to liability for claims, suits or any other liability of any kind that may at any time arise because of defects or negligence during construction or at any time thereafter; it is recognized that the responsibility to maintain safe conditions at all times during construction and to provide proper utilities and improvements is upon the applicant and his contractors, if any.
- F. Improvements installed without notice for inspection shall constitute a valid cause for any of the following actions:

1. The issuance of a stop work order;
 2. The removal of any improvements not so inspected;
 3. The payment by the developer of any costs of materials testing by the municipal for the improvements not so inspected;
 4. The restoration of the site from disturbance caused by the materials testing process.
- G. Improvements installed contrary to the approved plat shall be a rebuttable presumptive that such approval is null and void.

§ 1007 REDUCTION OF GUARANTEE.

- A. Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the developer may request of the Township Committee in writing, by certified mail addressed in care of the Township Clerk, that the Municipal Engineer prepare, in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to §1002 Guarantee Required, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the developer shall send a copy of the request to the Municipal Engineer. As-built plans, pursuant to §1010-B As Built Required, shall be submitted prior to the request for a reduction in the guarantee. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the developer. Thereupon the Municipal Engineer shall inspect all improvements covered by the developer's request and shall file a detailed list and report, in writing, with the Township Committee, and shall simultaneously send a copy thereof to the developer not later than 45 days after receipt of the developer's request.
- B. The list prepared by the Municipal Engineer shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the Municipal Engineer shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to §1002 Guarantee Required.
- C. The Township Committee, by resolution, shall either approve the improvements determined to be complete and satisfactory by the Municipal Engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to §1002 Guarantee Required. This resolution shall be adopted not later than forty-five (45) days after receipt of the list and report prepared by the Municipal Engineer. Upon adoption of the resolution by the Township Committee, the developer shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the

- amount of the performance guarantee posted may be retained to ensure completion and acceptability of all improvements.
- D. If the Municipal Engineer fails to send or provide the list and report as requested by the developer pursuant to §1007 A Reduction of Guarantee within forty-five (45) days from receipt of the request, the developer may apply to the court in a summary manner for an order compelling the Municipal Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
- E. If the Township Committee fails to approve or reject the improvements determined by the Municipal Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within forty-five (45) days from the receipt of the Municipal Engineer's list and report, the developer may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to (§1002 Guarantee Required Section A); and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
- F. In the event that the developer has made a cash deposit with the Township or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.
- G. If any portion of the required improvements is rejected, the approving authority may require the developer to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.
- H. Nothing herein, however, shall be construed to limit the right of the developer to contest by legal proceedings any determination of the Township Committee or the Municipal Engineer.
- I. The developer shall reimburse the municipality for all reasonable inspection fees paid to the Municipal Engineer for the foregoing inspection of improvements; provided that the Township of Neptune may require of the developer a deposit for a portion of the reasonably anticipated fees to be paid for such inspection. The initial deposit made by a developer shall not exceed twenty-five (25) percent of the reasonably anticipated inspection fees unless the developer offers to pay an additional deposit amount. The developer shall be required to maintain the deposit at not less than ten (10) percent of the balance of the anticipated inspection fees as that balance is adjusted from time to time by the amount paid to the Township Engineer for inspection. For those developments for which the reasonably anticipated fees are less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited by a developer shall be fifty (50) percent of the reasonably anticipated fees. When the balance on deposit drops to ten (10) percent of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspection, the developer shall deposit the remaining fifty (50) percent of the anticipated inspection fees. For those developments for which the reasonably anticipated fees are \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be twenty-five (25) percent of the reasonably anticipated fees. When the balance on deposit drops ten (10)

percent of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspection, the developer shall make additional deposits of twenty-five (25) percent of the reasonably anticipated fees. The Township Engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

- J. In the event that final approval is by stages or sections of development pursuant to N.J.S.A 40:55D-38, the provisions of this section shall be applied by stage or section.

§ 1008 CONDITIONS FOR ACCEPTANCE OF IMPROVEMENTS; MAINTENANCE GUARANTEE

The approval of any plat under this Article by the approving Board or Township Committee, or both, shall in no way be construed as acceptance of any street or drainage system or any other improvement required by this Ordinance, nor shall such plat approval obligate the Township in any way to maintain or exercise jurisdiction over such street or drainage system or other improvement. No improvement shall be accepted by the Township Committee unless and until all of the following conditions have been met.

- A. The Municipal Engineer shall have certified in writing that the improvements are complete and that they comply with the requirements of this Ordinance.
- B. The final plat shall have been approved by the Board.
- C. Maintenance guarantee.
1. After final acceptance of all improvements, the developer shall have filed with the Township Committee a maintenance guarantee in an amount equal to not more than fifteen (15) percent of the original estimate of the cost of installing the improvements and shall run for a period not exceeding two years. The procedures and requirements governing such maintenance guarantee shall be identical with the procedures and requirements for a performance guarantee set forth in this Article. The requirements for a maintenance guarantee may be waived by the Township Committee only if the Township Engineer has certified that the improvements have been in continuous use for not less than two years from the date the Township Engineer certified completion of such improvements and that during this period the developer has maintained the improvements in a satisfactory manner.
 2. In the event that any other Township or governmental agencies or public utilities automatically win own the utilities to be installed, or the improvements are covered by a performance or maintenance guarantee to another municipal or governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Township for such utilities or improvements.
- D. Acceptance of publicly dedicated streets. A publicly dedicated street shall be deemed accepted by the municipality when the governing body grants full release of the performance guarantee and acceptance of the maintenance guarantee.
- E. Acceptance of street lighting on publicly dedicated streets. The Township shall accept responsibility for the costs of street lighting on publicly dedicated streets within thirty (30) days upon written notice when the following conditions have been fulfilled by the developer:
1. The street lights have been connected to a public utility;
 2. The street lights have been installed and accepted for service by the public utility; and

3. Certificates of occupancy have been issued for at least fifty (50) percent of the dwelling units and fifty (50) percent of the floor area of the non-residential uses by section or phase of development.

Compliance by the municipality with the provisions of this subsection shall not be deemed to constitute acceptance of the street by the Township.

§ 1009 ISSUANCE OF CERTIFICATE OF OCCUPANCY

- A. Occupancy permits for any buildings will be issued only when the installation of any curbs, all utilities, all functioning water supply and sewage treatment facilities, all necessary storm drainage to ensure proper drainage of the lot and surrounding land, rough grading of lots, final course for the driveway and base course for the streets, unless formally waived by the Municipal Engineer, are installed to serve the lot and structure for which the permit is requested.
- B. Streets, if installed prior to final approval, shall not be paved until all heavy construction is complete; shade trees shall not be planted until all grading and earthmoving is completed; and seeding of grass areas shall be the last operation.

§ 1010 AS-BUILT PLAN REQUIREMENTS

- A. As-built plans shall be presented to the Municipal Engineer before improvements may be inspected. No certificate of occupancy shall be issued unless an as-built plan is submitted and approved by the Municipal Engineer.
- B. An as-built plan shall be submitted which indicates the constructed conditions and/or location of:
 1. Final grading;
 2. Roads including curbing and sidewalks;
 3. Utilities;
 4. Building location;
 5. Driveways and parking lots;
 6. Stormwater management facilities, including as-built topographic contours and volume calculations;
 7. Walls and fences, and
 8. Other structures deemed pertinent by the Municipal Engineer.
- C. As-built plans shall be submitted by a New Jersey licensed land surveyor in the form of three (3) prints.

§ 1011 OFF-TRACT IMPROVEMENTS

- A. Payment of pro rata share. The Board of Jurisdiction shall require as a condition of final subdivision or final site plan approval that the applicant pay for his or her pro rata share of providing off-tract improvements, including the acquisition of land and easements, necessitated or required by the approved development. The applicant shall either install

the necessary off-tract improvements or pay the pro rata share to the municipality at the option of Neptune Township. Such off-tract improvements shall be clearly, directly and substantially related to the approved development.

- B. Improvements to be constructed at the sole expense of the applicant. In cases where the need for an off-tract improvement is created by the proposed subdivision or site plan and where no other property owners receive a special benefit thereby or where no planned capital improvement by a governmental entity is contemplated, the applicant shall be solely responsible for the cost and installation of the required improvements.
- C. Other improvements.
1. In cases where the need for any off-tract improvement is created by the proposed subdivision or site plan and where the Board of Jurisdiction determines that properties outside the subdivision or tract will also be benefited by the improvement, the Board shall forward to the Township Committee a list and description of all such improvements together with its request that the Township Committee determine and advise the Board of the procedure to be followed in its construction or installation. The Board shall defer final action upon the subdivision or site plan until receipt of the Township Committee's determination or until the expiration of thirty (30) days after the forwarding of such list and description to the Township Committee without such determination having been made, whichever occurs sooner.
 2. The Township Committee, within thirty (30) days after receipt of said list and description, shall determine and advise the Board whether:
 - (a) The improvement or improvements are to be constructed or installed by the municipality:
 - (i) As a general improvement, the cost of which is to be borne at general capital improvement (except as otherwise provided as a contribution by the applicant); or
 - (ii) As a local improvement, all or part of the cost of which is to be specially assessed against properties benefited thereby in proportion to benefits conferred by the improvements in accordance with N.J.S.A. 40:56 (except as otherwise provided as a contribution by the applicant); or
 - (b) The improvement or improvements are to be constructed or installed by the applicant under a formula for partial reimbursement as hereinafter set forth.
 3. If the Township Committee determines that the improvement or improvements shall be constructed or installed as a general capital improvement, the Municipal Engineer shall estimate the amount, if any, by which the total cost thereof will exceed the total amount by which all properties, including the subject tract, will be specially benefited thereby, and the applicant shall be liable to the municipality for such excess. The Township Committee shall adopt an Ordinance authorizing and providing for the financing of the capital improvement or improvements in a manner consistent with the obligation of the applicant for any difference in the total cost over total benefits conferred.
 4. If the Township Committee determines that the improvement or improvements shall be constructed or installed as a benefit assessment, the Municipal Engineer

shall estimate the difference between the total costs to be incurred and the total amount by which all properties, including the subject tract, will be specifically benefited by the improvement. The applicant shall be liable to the municipality for the difference in total cost over total benefits occurred as well as for the amount of any special assessments against the subdivision property or tract for benefits conferred by the improvement or improvements. The Township Committee shall adopt an ordinance authorizing and providing for the financing of the improvement or improvements and the assessment of benefits arising in a manner consistent with the obligation of the applicant. The Township Committee shall proceed in accordance with N.J.S.A 40:56, except to the extent modified by the obligation of the applicant for any excess of total costs over total benefits conferred.

- D. Cost allocation. Nothing in this section shall be construed to prevent the municipality and applicant from agreeing to use a different method of allocating cost.
- E. Costs included. The cost of an improvement shall be construed to encompass all costs related to such improvement, including, but not limited to, planning, feasibility studies, surveying, permit acquisition, property and easement acquisition, design, construction, and inspection of a project.
- F. Performance guarantee. The applicant shall be required to provide, as a condition for final approval a performance guarantee for the off-tract improvements in accordance with §1002 Guarantee Required.
- G. Refund of deposit. In any case in which an applicant shall deposit money with the municipality for the completion of an improvement that is to be constructed pursuant to this Ordinance by the municipality, the applicant shall be entitled to full refund of such deposit if the Township Committee of the municipality shall not have enacted an ordinance authorizing the improvement within ten (10) years after the date of all other improvements are completed.
- H. Deposit of funds. All monies paid an applicant pursuant to this section shall be deposited with the municipality in a trust fund account. Such funds shall be used only for the improvements for which they are deposited or improvements serving the same purpose.
- I. Redetermination of assessment. Upon completion of off-tract improvements required pursuant to this section, the applicant's liability, shall be recalculated in accordance with the actual, as compared with the estimated, cost of the improvements. To the extent that it shall decrease the amount of the cost estimate, the Township shall refund the amount of such difference to the applicant. In cases where improvements are specially assessed against all benefited properties, recalculation shall be made by the municipal assessing authority in the course of the special assessment proceedings. In other cases, it shall be made by the Municipal Engineer.

ARTICLE XI - ADMINISTRATION, ENFORCEMENT, VIOLATIONS & PENALTIES

§ 1100 ADMINISTRATION

These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the municipality. Any action taken by the municipality under the terms of this Ordinance shall give primary consideration to the above mentioned matters and to the welfare of the entire community.

§ 1101 ENFORCEMENT

It shall be the duty of the Construction Official and Zoning Officer of the municipality to administer and enforce the provisions of this Ordinance. No structure or building improvement shall be erected until a zoning permit is obtained by the Zoning Officer and a construction permit is obtained from the Construction Official and no structure or lot shall be used in violation of this Ordinance. It shall be the duty of the Zoning Officer to keep a record of all applications and all zoning permits which are either issued or denied, with notations of any conditions involved, which data shall form a part of the municipality's public records. A quarterly report of zoning permits issued shall be filed with the municipal tax assessor. It shall be the duty of the Zoning Officer to inspect the structures and land in the municipality and order the owner in writing to remedy any condition found to exist in violation of any provision(s) of this Ordinance.

§ 1102 ZONING PERMITS

- A. When required. A zoning permit shall be issued prior to:
1. The commencement or change of use of a property, building or structure;
 2. The occupancy of any building or structure;
 3. The construction, erection, reconstruction, alteration, conversion, or installation of any building or structure;
 4. Issuance of a Certificate of Appropriateness, where applicable.
- B. Submission requirements. Every application for a zoning permit shall be accompanied by three (3) sets of plans drawn in ink or a blueprint showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of all existing and proposed structures and substructures, all existing easements, the existing or intended use of each structure, the number of dwelling units the structure is designed to accommodate, the number and location of off-street parking spaces and off-street loading areas and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance.
- C. A zoning permit shall be granted or denied in writing within ten (10) business days from the date of a complete application unless additional time is agreed upon in writing by the applicant. One copy of such plans shall be returned to the owner when such plans shall have been approved or denied by the zoning official together with such permit as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey of the lot by a land surveyor licensed in the State of New Jersey. No zoning permit shall be issued for any structure until prior site plan, subdivision and variance approvals as may be necessary, have been granted by the appropriate board in accordance with the provisions of this Ordinance and until all

review and inspection fees and all local taxes and assessments on the property have been paid.

- D. Lot grading and elevation plan. As a condition precedent to the issuance of a new zoning permit, a proposed grading plan for each individual lot shall be submitted to the Municipal Engineer for review and approval. Details of the individual grading plan shall conform to the submission requirements for plot plans in Neptune Township's Engineering Standards. Additionally, a proposed grading plan shall be required for any construction in a steep slope area or area abutting a steep slope area, any building addition or swimming pool that would change existing grades or drainage patterns, or if requested by the Municipal Engineer. Grading activities and retaining walls shall be in accordance with regulations governing slopes and retaining walls as set forth in Article IV and Article V.

[NOTE: The previous subsection has been amended per Ordinance No. 03-035]

- E. Location plans. Prior to issuance of a zoning permit for any development, a location plan showing property line offsets shall be submitted to the Zoning Officer for review. The Zoning Officer and the Municipal Engineer shall determine if a grading plan is required. If required, this grading plan shall include the proposed improvement footprint, proposed ground elevations and contours, sufficient to indicate no adverse impact to adjoining neighboring properties.

§ 1103 CERTIFICATE OF OCCUPANCY

- A. Certificate of occupancy required. It shall be unlawful to use or permit the use of any structure or part(s) thereof, either occupied by a new use or occupant or hereafter erected, altered, converted or enlarged wholly or in part, until a certificate of occupancy shall have been issued by the Construction Official. It shall be the duty of the construction official to issue a certificate of occupancy only when:
1. The structure or part(s) thereof and the proposed use conform to this Ordinance and all other applicable codes and ordinances of the municipality;
 2. Prior site plan, subdivision and variance approvals, as may be necessary, have been granted by the appropriate board in accordance with the provisions of this Ordinance;
 3. All local taxes and assessments on the property have been paid; and
 4. A letter from each utility company has been received by the municipality stating that the utility has been inspected, has been installed in accordance with the approved plan and is ready for use.
 5. Soil certification:
 - (a) A soil certification must be obtained from the Municipal Engineer prior to the issuance of a certificate of occupancy. An as-built plan of site improvements shall be submitted for review when the soil certification is requested. The as-built grading plan shall be prepared by a land surveyor licensed in the State of New Jersey in accordance with the Engineering Departments Standards.
 - (b) If site conditions do not warrant issuance of a permanent soil certification, a temporary soil certification may be issued at the discretion of the Municipal Engineer. If a temporary soil certification is issued, a

bond for permanent stabilization shall be submitted in accordance with the fee schedule established by the Municipal Engineer.

- (c) If stabilization of the soil is not completed in accordance with a schedule as approved by the Municipal Engineer, the performance guarantee held to ensure such stabilization shall be forfeited upon 30 days written notice from the Municipal Engineer and the funds used to complete the required work.
- 6. Zoning permit. A valid zoning permit must be issued by the Zoning Officer prior to the issuance of a certificate of occupancy. The applicant may submit the as-built grading plan mandated in -A.5 above or a location plan indicating the required and constructed yard areas and other pertinent zoning information as deemed necessary by the Zoning Officer.
- 7. Health Department approval. Approval of the Health Department shall be obtained prior to the issuance of a certificate of occupancy in circumstances where the Department has jurisdiction.
- B. Time for decision. A certificate of occupancy shall be granted or denied in writing within ten (10) business days from the date that a written notification is filed with the construction official that the erection of the structure is completed, unless additional time is agreed upon by the applicant in writing.
- C. Temporary certificate of occupancy. A temporary certificate of occupancy may be issued for any structure or use for which site plan or subdivision approval has been granted, although not all conditions for such approval have been complied with. Such temporary certificate of occupancy shall be issued only in extenuating circumstances and only with the approval of the construction official who shall establish specific terms and conditions including, but not limited to, a timetable for the installation of the uncompleted improvements and the receipt of a performance guarantee assuring the installation if improvements as indicated on the approved plat or plan, and further that no zoning or construction permit will be issued for any accessory use or structure when a temporary occupancy permit has not been finalized by said occupant or builder except in excessively due hardship cases which involve the welfare, sanitary or structural requirements of said property or occupants.
- D. Denial record. Should the construction official decline to issue a certificate of occupancy, the reason for doing so shall be so stated on two copies of the application and one copy shall be returned to the application and one retained in the file.
- E. Invalidation. Upon notice being served of any condition found to exist in violation of any provision(s) of this Ordinance with respect to any land use, the certificate of occupancy for such use shall thereupon, without further notice, be null and void and a new certificate of occupancy shall be required for any further use of such structure or land. In the event of any unlawful encroachment or reduction of open space or yard area, the building or structure, as the case may be, shall be deemed in violation of the provisions of this Ordinance and the certificate of occupancy for such building or structure shall be null and void.
- F. Monthly report. A monthly report of the certificates of occupancy issued shall be filed with the municipal tax assessor. A record of all certificates of occupancy shall be kept in the office of the construction official and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the structure or land affected. The charge for each copy shall be established by resolution of the governing body except that there shall be no charge to a municipal agency.

§ 1104 VIOLATIONS

In case any building or structure is erected, constructed, reconstructed, altered, moved or converted; or any building, structure or land is used in violation of, or contrary to, the provisions of this Ordinance, the municipality may institute an action to enjoin or take any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, conversion or use. However, nothing in this Ordinance shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law.

§ 1105 PENALTIES

A. Fines.

1. Any person, firm or corporation that shall violate any provisions of this Ordinance shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be fined such sum not exceeding \$1,250, as such court in its discretion may impose; or, if the party so convicted be a natural person, such person may be imprisoned for such term not exceeding ninety (90) days, as such court in its discretion may impose; or be fined a sum not exceeding \$1,250, as such court in its discretion may impose; or such natural person may be both imprisoned and fined not exceeding the maximum limits set forth herein, as such court in its discretion may impose. Each day that such violation exists shall constitute a separate offense.
2. The owner of any building or structure, lot or land, or part thereof, and/or the tenant or occupant of any building or structure, lot or land, or part thereof, where anything in violation of this Ordinance shall be placed or shall exist or be suffered, allowed or permitted to exist; and any architect, builder, developer, contractor, agent, person or corporation engaged in connection therewith and who assists in the commission of any such violation, shall each be guilty of a separate violation, and upon conviction thereof shall each be liable to the fine or imprisonment, or both, specified above.

B. Selling Land Before Final Subdivision Approval.

1. If, before final subdivision approval has been granted, any person as owner or agent, transfers or sells or agrees to transfer or sell any land which forms a part of a subdivision for which municipal approval is required in accordance with the provisions of this Ordinance, except pursuant to an agreement expressly conditioned on final subdivision approval, such person shall be subject to a penalty not to exceed \$1,000.00, and each lot disposition so made may be deemed a separate violation.
2. In addition to the foregoing, the municipality may institute and maintain a civil action:
 - (a) For injunctive relief; and
 - (b) To set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56.
3. In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the subdivider or his or her assigns or successors, to secure

the return of any deposit made or purchase price paid, and also a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument of transfer, sale conveyance of said land, or within six (6) years if unrecorded.

ARTICLE XII- AMENDMENT, SEVERABILITY, INTERPRETATION, REPEALER & ENACTMENT

§ 1200 AMENDMENTS

This Ordinance may be amended from time to time by the governing body after the appropriate referrals, notices, hearings and other requirements of law.

§ 1201 SEVERABILITY OF ORDINANCE

If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Chapter as a whole, or any other part thereof

§ 1202 INTERPRETATION

If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Neptune, then the restriction which imposes the greater limitation shall be enforced.

§ 1203 REPEALER

All ordinances or parts of ordinances of the Township of Neptune which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

§ 1204 COPY TO BE FILED WITH COUNTY PLANNING BOARD

Immediately upon adoption of this Ordinance, the Township Clerk shall file a copy of this Ordinance with the County Planning Board as required by law. The Township Clerk shall also file with the said County Planning board copies of all other ordinances of the municipality relating to land use.

§ 1205 ENACTMENT

This Ordinance shall take effect on July 24, 2000 and upon the filing thereof with the Monmouth County Planning Board after final passage, adoption, and publication by the Township Committee of the Township of Neptune in the manner prescribed by law.

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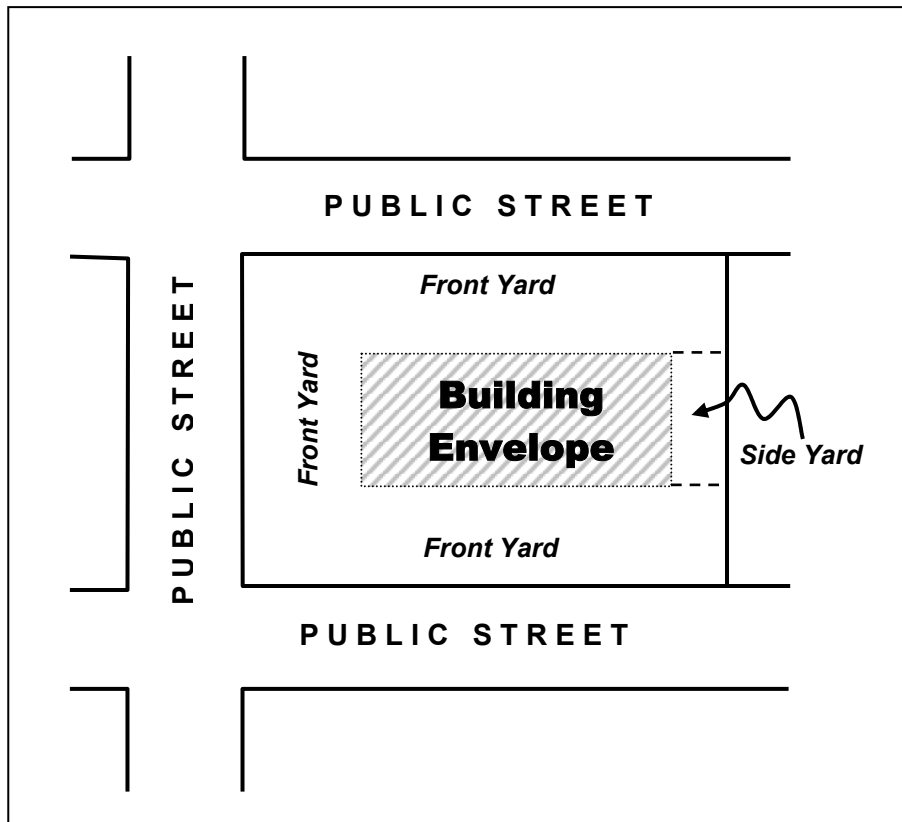
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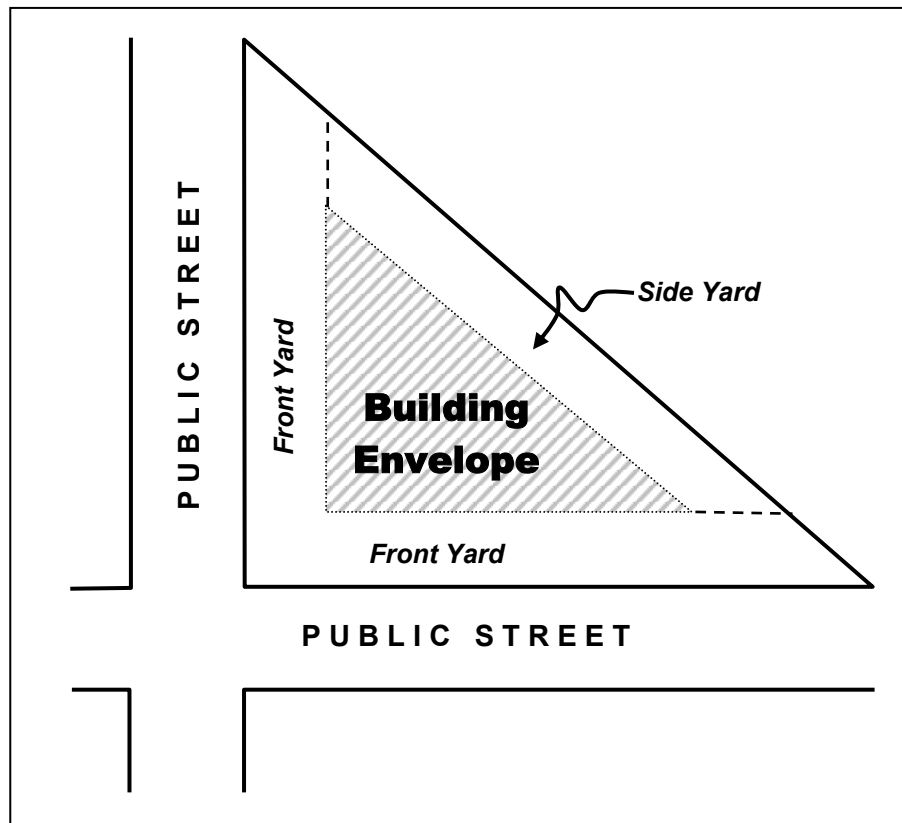
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APPENDIX A: CORNER LOTS



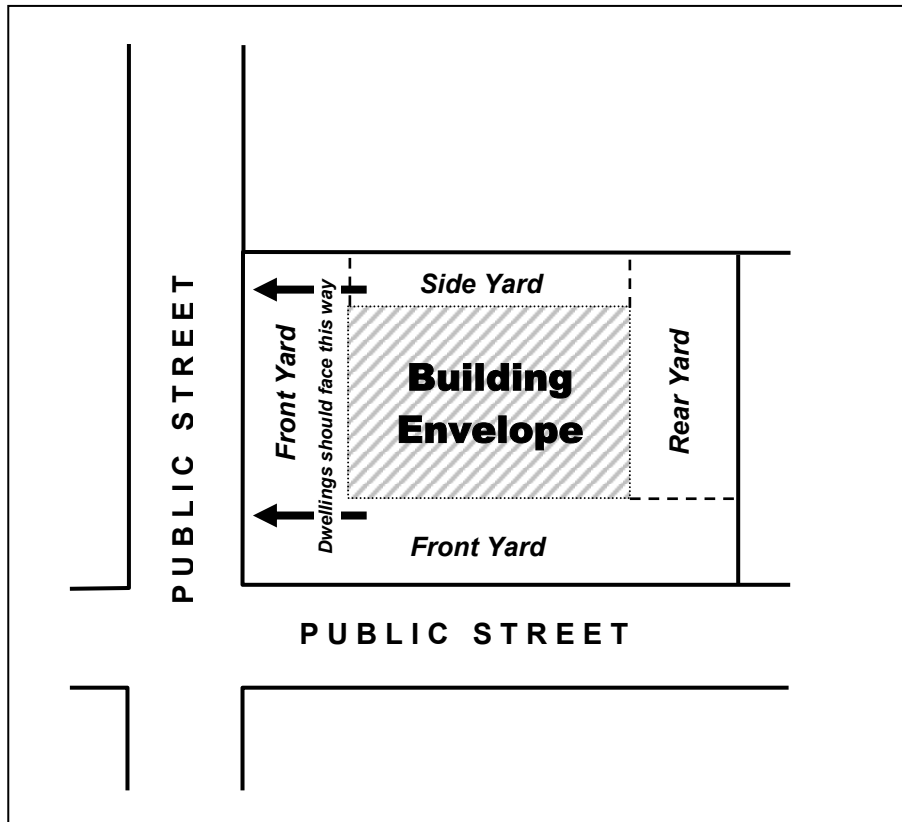
Three Front Yards

APPENDIX A: CORNER LOTS



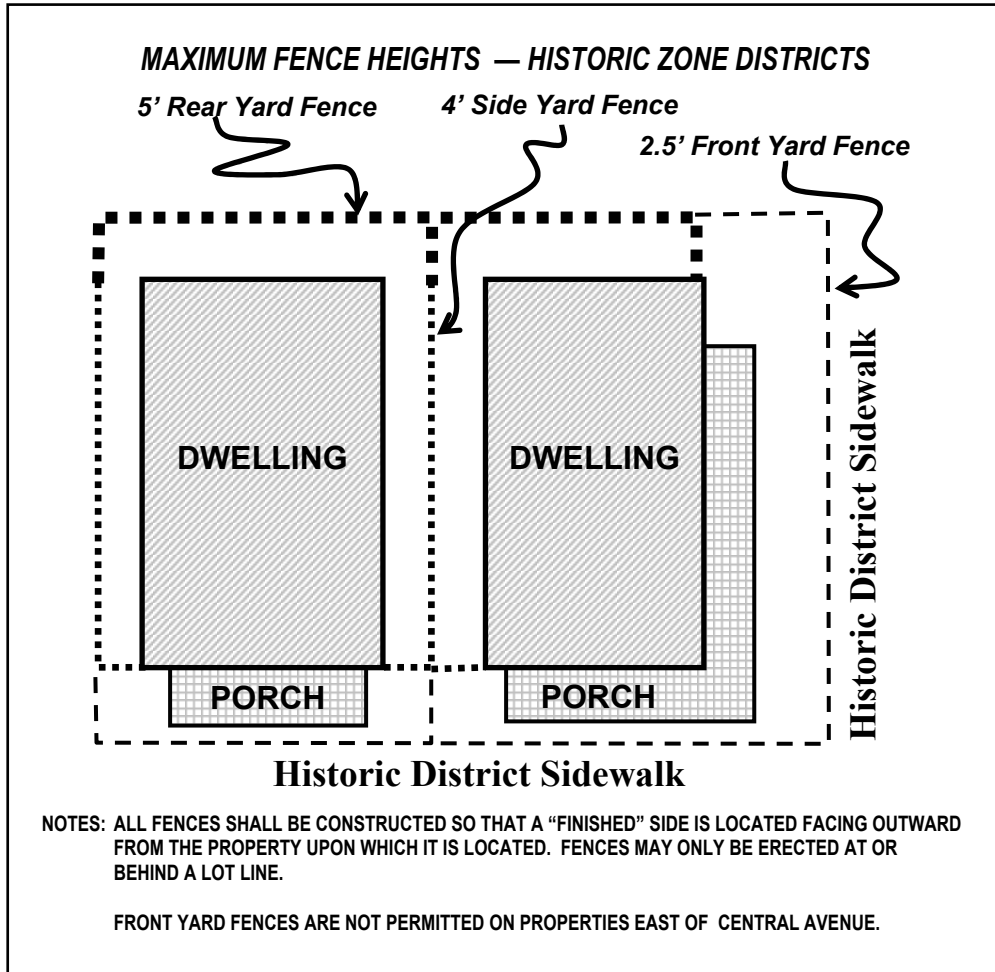
Triangular Configuration

APPENDIX A: CORNER LOTS



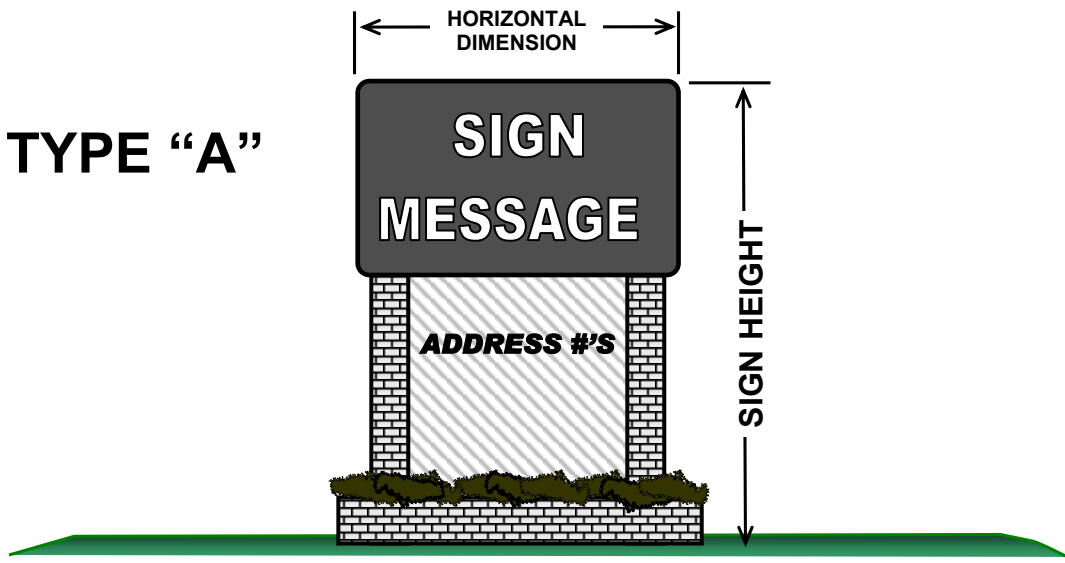
Two Front Yards

APPENDIX B: FENCES IN HISTORIC ZONE DISTRICTS

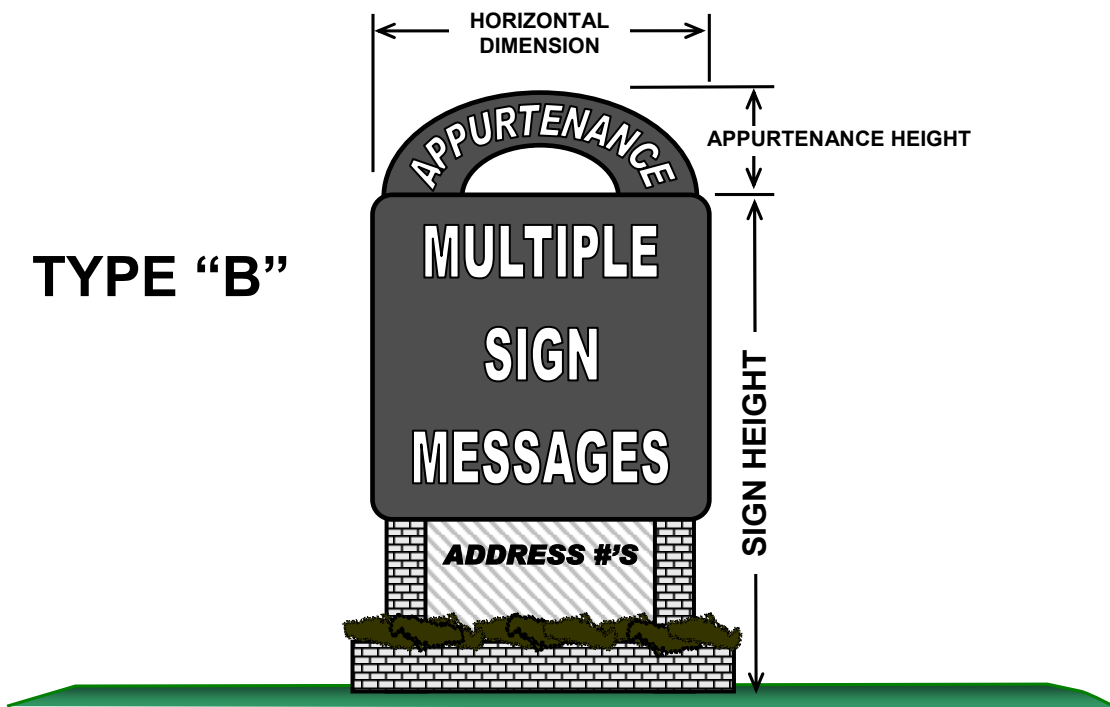


APPENDIX C: TYPES OF FREESTANDING SIGNS

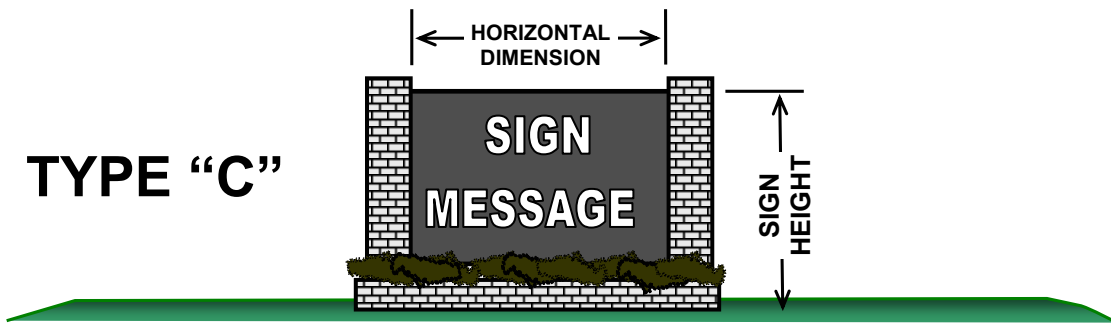
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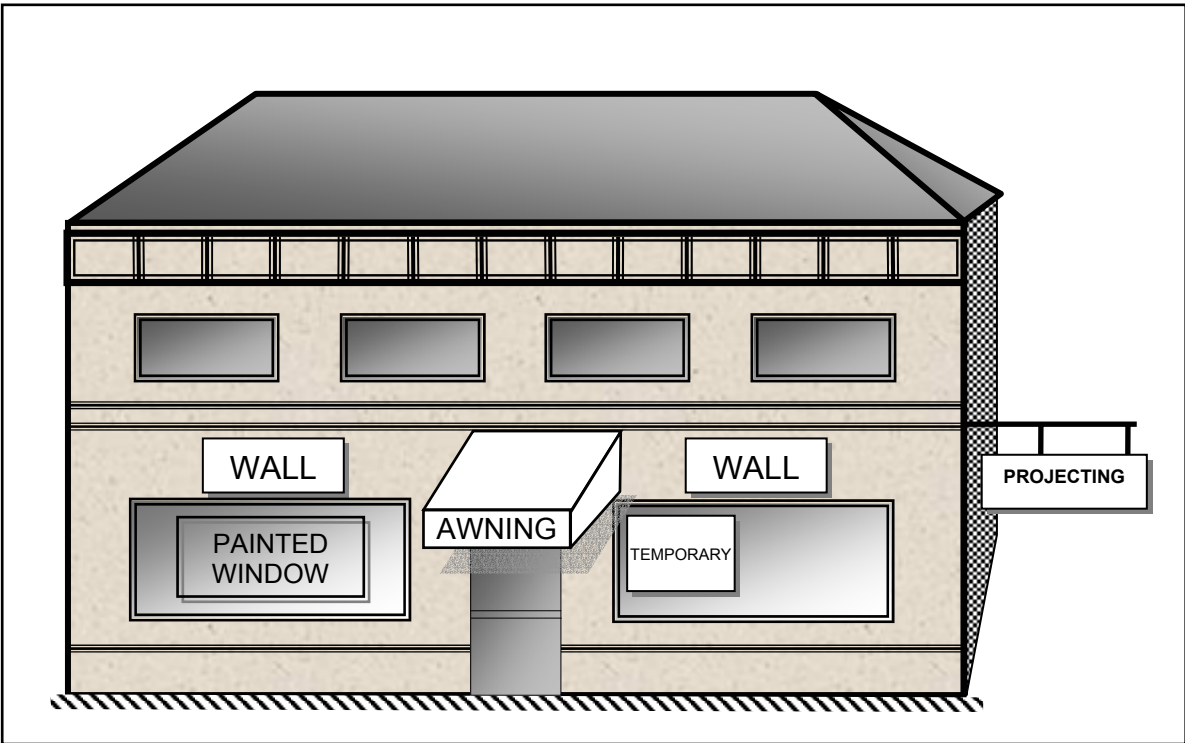
TYPE "B"



TYPE "C"

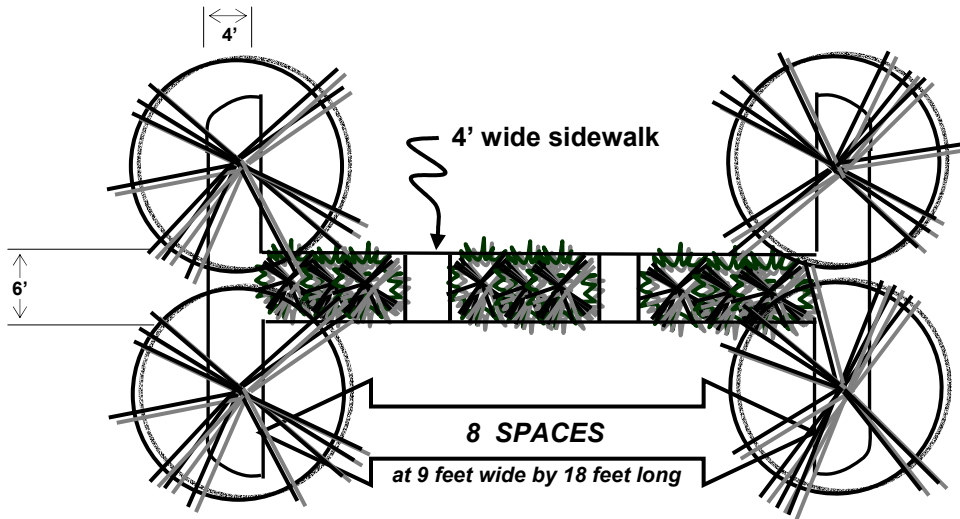


APPENDIX D: TYPES OF BUILDING-MOUNTED SIGNS

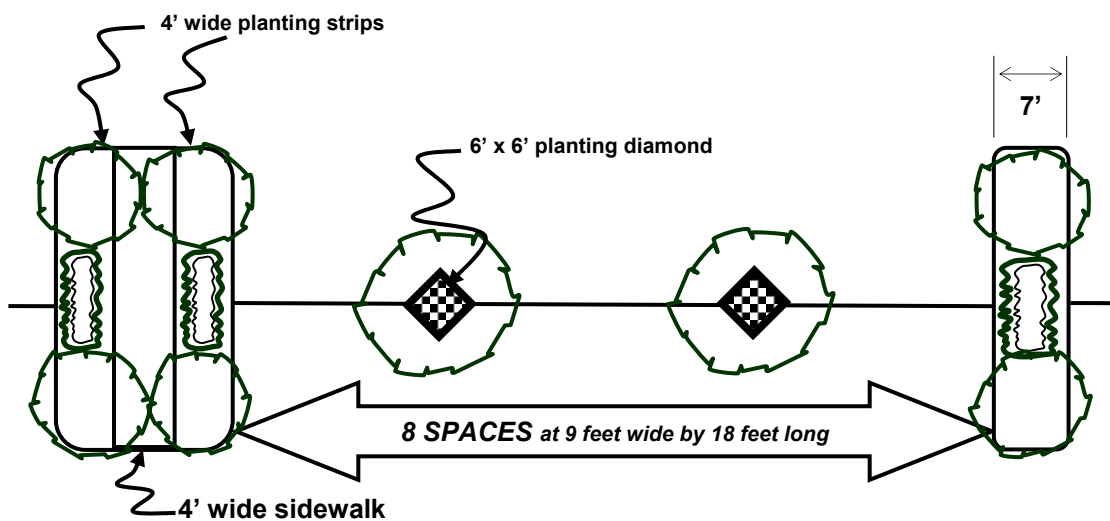


APPENDIX E: PARKING LOT ISLANDS AND TREE PLANTINGS

TYPICAL PARKING LOT ISLAND & TREE PLANTING (between 11 and 99 spaces)



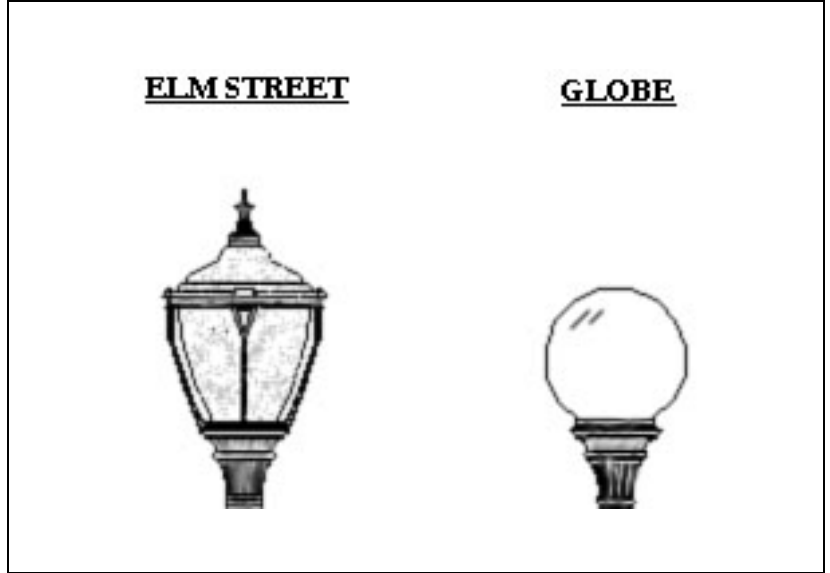
TYPICAL PARKING LOT ISLANDS & TREE PLANTING (greater than 99 spaces)



APPENDIX F: LIGHTING

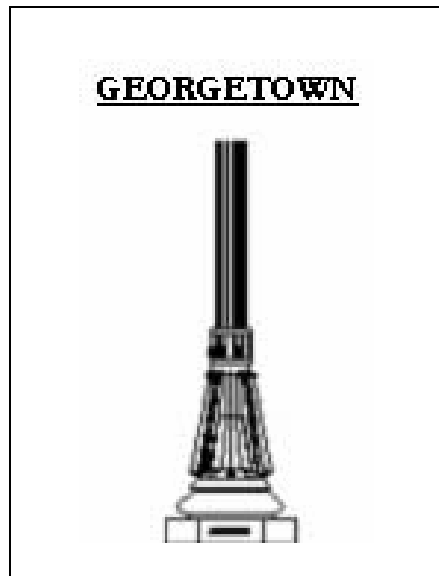
**LOCATIONS OTHER THAN
HISTORIC DISTRICTS OR
WEST LAKE AVENUE**

HISTORIC ZONE DISTRICTS



PILGRIM PATHWAY

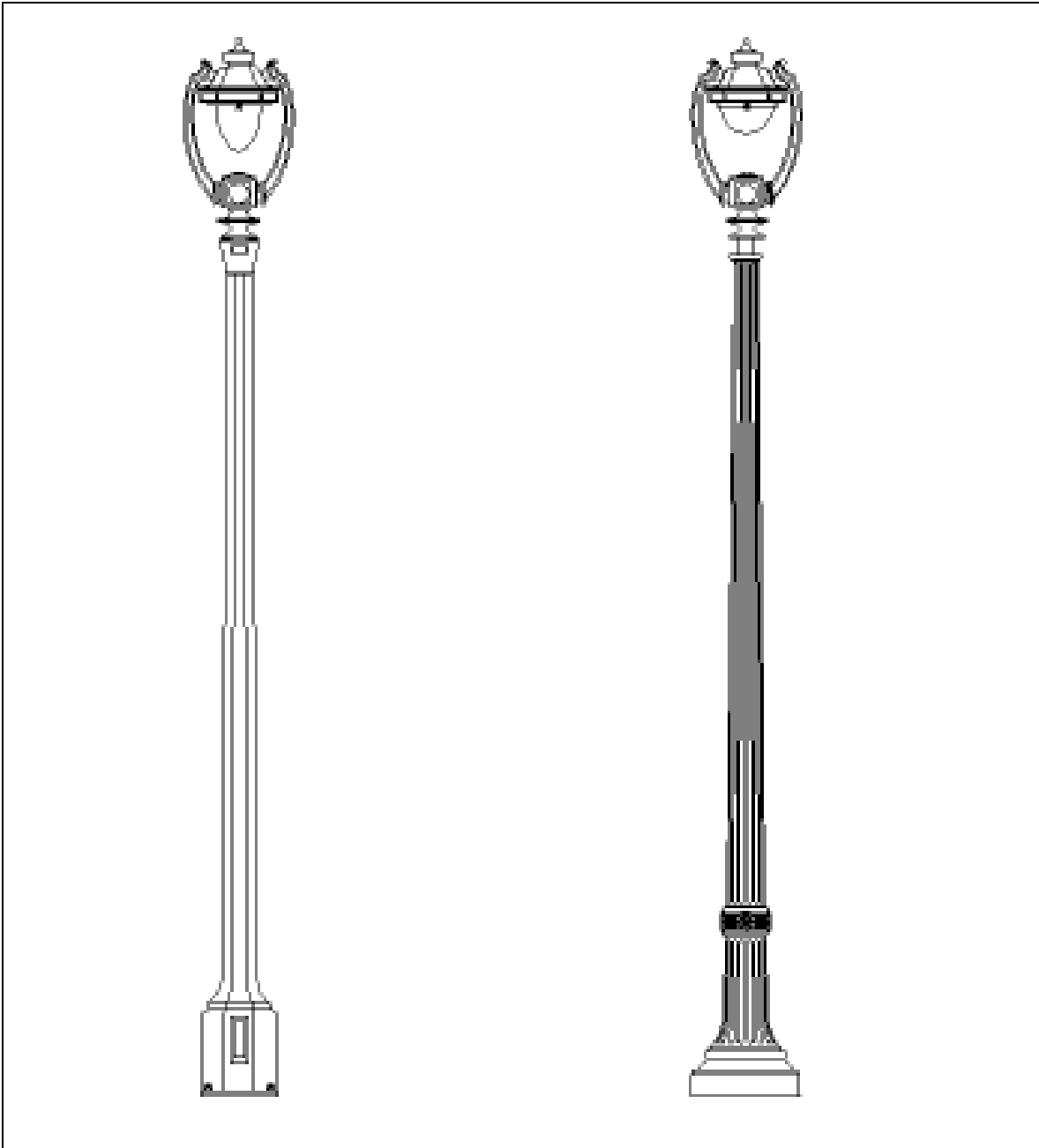
MAIN AVENUE



LIGHT POST STYLE

*Details per Sternberg Vintage Lighting Catalog

APPENDIX F: WEST LAKE AVEUNE LIGHTING



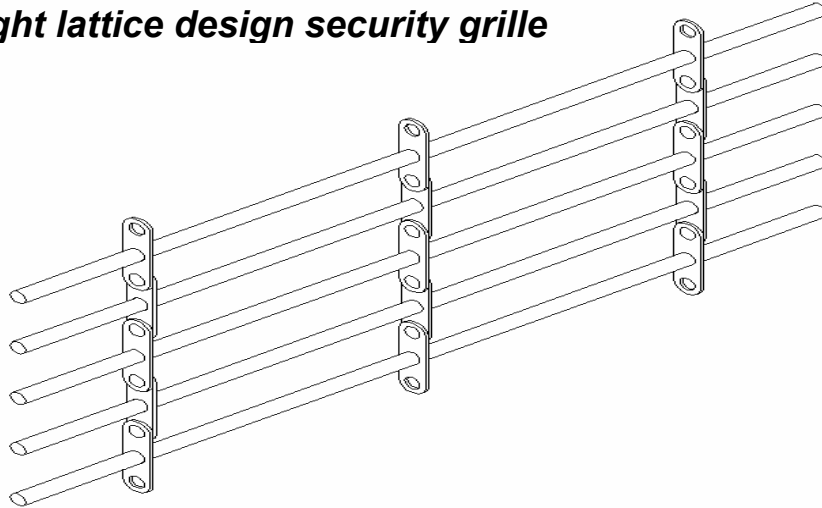
Milwaukee Harp
on a steeped octagonal
post

Liberty Harp
on a North Yorkshire cast
iron post

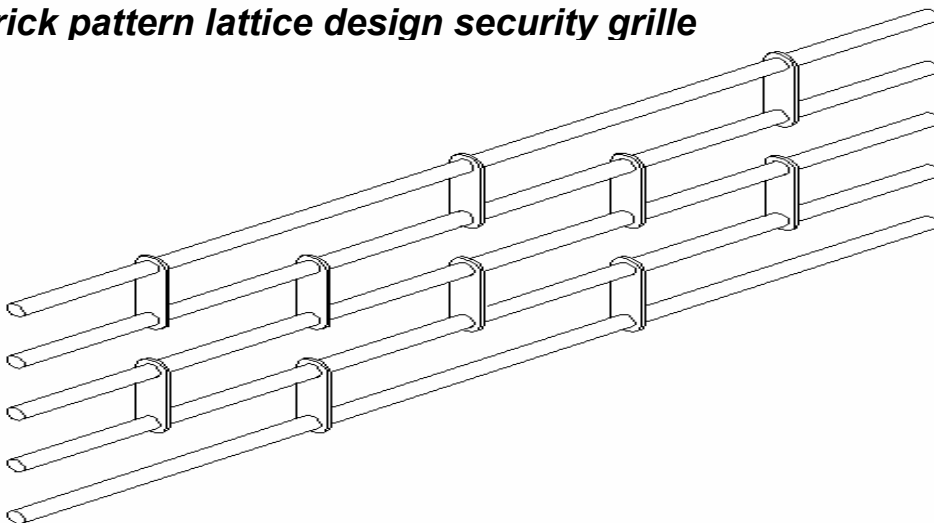
*Details per Holophane Corporation 1998 Outdoor Architectural Lighting Catalog

APPENDIX G: SECURITY GRILLES

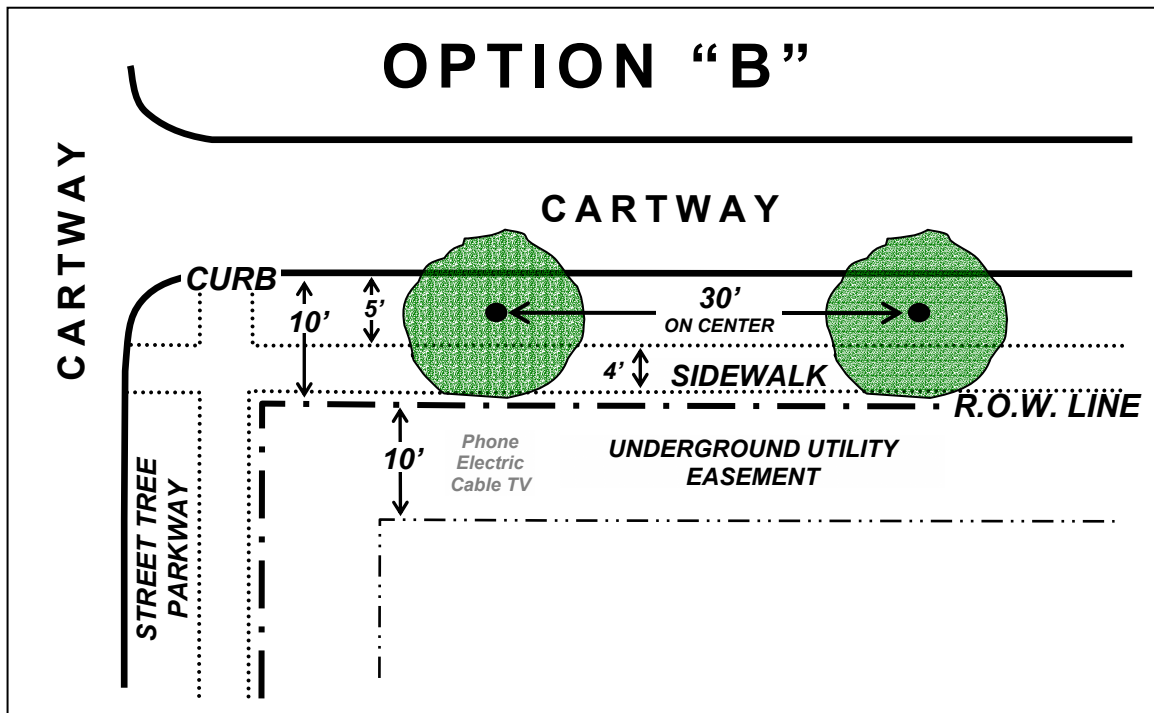
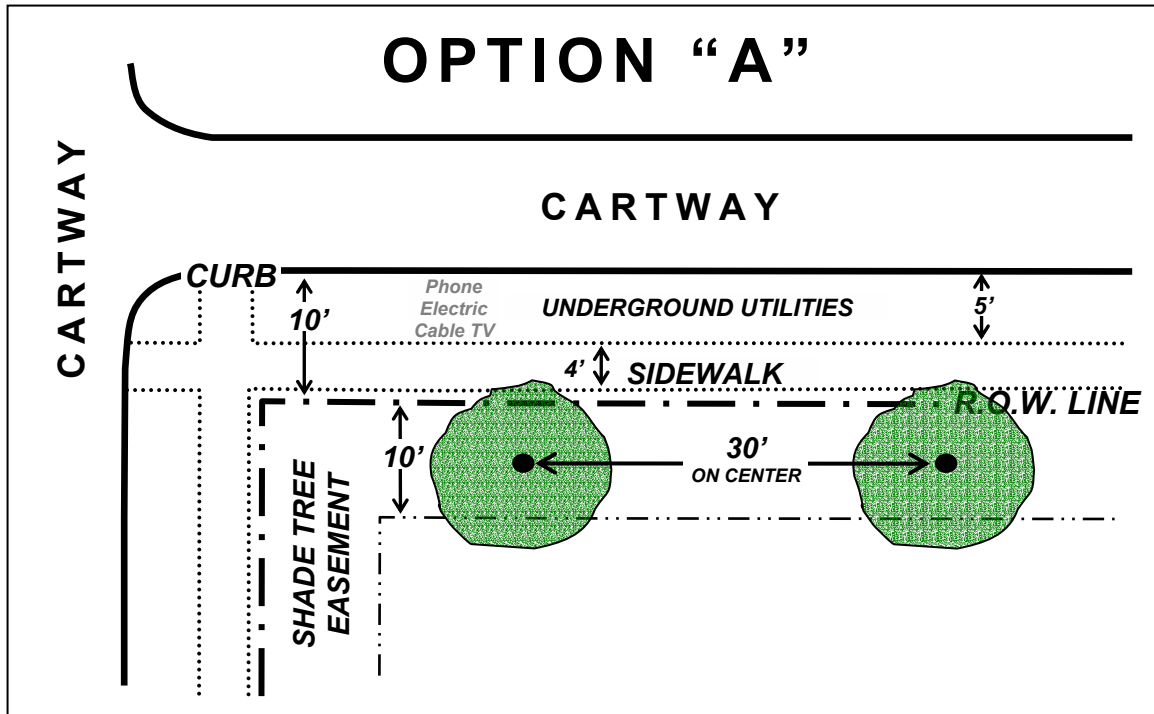
Straight lattice design security grille



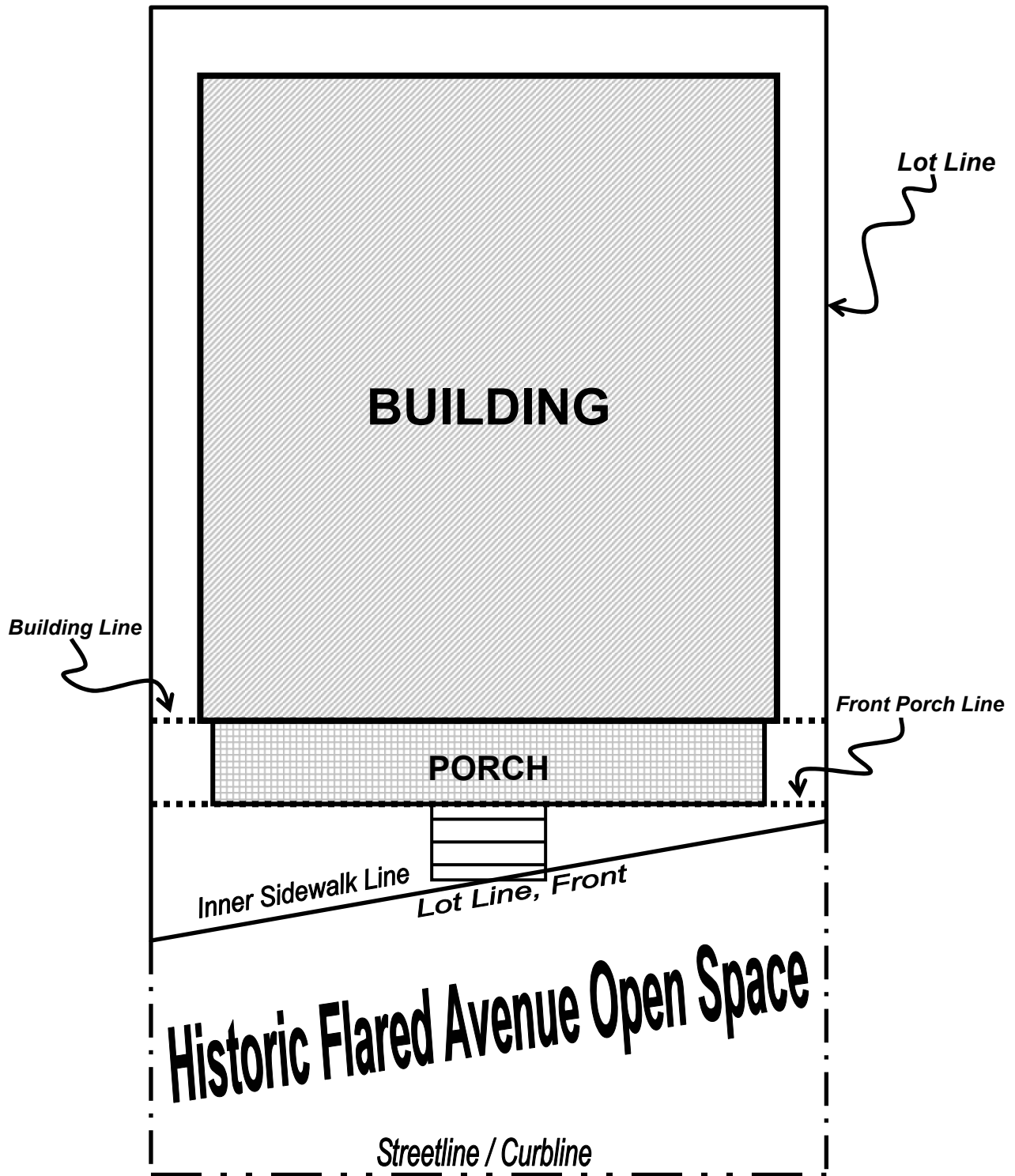
Brick pattern lattice design security grille



APPENDIX H: STREET TREE/ SIDEWALK/ UTILITY EASEMENT LOCATIONS



APPENDIX I: HISTORIC FLARED AVENUE OPEN SPACE



**APPENDIX J: SHADE TREE COMMISSION
TREE PLANTING GUIDE**

TREE GUIDELINES

1. Trees should not be planted or placed under power lines. Under special situations shrubs or small trees with a mature height of 25 feet or less may be placed in and around power lines provided they are maintained below the wires.
2. Trees of any kind should NOT be placed between the sidewalk and curb unless pre-approved by the Shade Tree Commission.
3. All maintenance of trees and shrubs are the responsibility of the property owner.
4. The Shade Tree Commission reserves the right to deny permission for removal of any rare or endangered species, any tree of historical significance or that would register in the top 10 size tree in New Jersey.
5. See attached list of trees that are suggested for planting in Neptune Township.
6. By appointment only – a member of the Shade Tree Commission will make an on-site inspection of property in Neptune Township. These appointments are subject to the availability of the members and at no cost to the homeowner.

**APPENDIX J: SHADE TREE COMMISSION
TREE PLANTING GUIDE**

SHADE TREE GUIDELINES

Suggested List by Type

TREES FOR WET LOCATIONS

White Cedar
Dark American Arborvitae
Red Maple Cultis
Amalanchier Sppculxs
River Birch & Cults
Green Ash & Cults
Sweet Gum
Sweet Magnolia
Blackgum
American Sycamore
Swamp White Oak
Pin Oak
Willow Spp. & Cults
Arborvitae, species
Birch, species
Gray Dogwood
Silky Dogwood
Balsam Fir
Canaan Fir
Linden, species
Scarlet Maple
White Spruce

SHRUBS FOR WET LOCATIONS

Red Twig Dogwood
Summer Sweet
Yellow Twig Dogwood
Inkberry Holly
Goat Willow
Cranberry
Arrow-wood Viburnum
Nanny berry
European Cranberry
American Cranberry

**APPENDIX J: SHADE TREE COMMISSION
TREE PLANTING GUIDE**

SHADE TREE GUIDELINES

Suggested List by Type

TREES TOLERANT TO POLLUTION (DRIVEWAYS/PARKING LOTS)

Arborvitae
Carolina Hemlock (better than Canadian Hemlock)
Linden, species
Locust, species
Oak, species
Olive, species
Austrian Pine
Scotch Pine
Mugho Pine (dwarf ornamental pine)

TREES FOR WINDBREAKS AND SCREENING

Black Alder
Arborvitae (pyramidal species)
Fir, species
Pine, species (excluding Black Pine)
Spruce, species

FLOWERING TREES

Chinese Dogwood – 20’
Gray Dogwood – 15’
Red Flowering Dogwood – Cherokee Chief 15-20’
White Flowering Dogwood – Curnus Florida – 40’
Japanese Crabapple – 25’
Sargent Crabapple – 8’
Ginkgo – 40-50’
Eastern Redbud – 20’
Cleveland Select Pear – 30-40’
Sourwood – 25’ (moist, acid soil)
Magnolia Sieboldii – 10-15’
Saucer Magnolia – 15-20’
Bradford Pear – 25-30’
Kwanzan Cherry
Flowering Plum, Thundercloud – 15-20’
Holly, species

**APPENDIX J: SHADE TREE COMMISSION
TREE PLANTING GUIDE**

TREES FOR PLANTING IN LAWN AREAS – MAXIMUM 40’

ORNAMENTAL (FLOWERING)

Callery Pear – Redspire, Aristocrat, Autumn Blaze
Scholartree
Golden Rintree
Red Horse Chestnut – Briotli
Flowering Cherry – Kwanzan, Sargent, Higan
Merrill Magnolia

SHADE TREES

European Hornbeam
Hedge Maple
Shantung Maple
River Birch
Amur Corktree
Honey Locust – Imperial
Sawtooth Oak

EVERGREEN TREES

American Holly
False Cypress
Leyland Cypress
Spruce – Blue, White

ZONING SCHEDULE A-I USE REGULATIONS - RESIDENTIAL ZONING DISTRICTS

	R-1	R-2	R-3	R-4	R-5	HD-R-1	HD-O	HD-R-2
Age Restricted Residences					P			
Assisted Living Facility				C				C
Bed & Breakfast Guesthouse							C	
Bed & Breakfast Homestay							C	
Cemetery		P	P		P			
Community Centers	P	P	P	C	C	P		
Community Shelter	P	P	P	P	P	P	P	
Detached Single Family Residence	P	P	P	P	P	P	P	P
Family Day Care	A	A	A	A	A	A	A	
Historic Hotel							C	
Historic Hotel Restaurant/Retail							C	
Home Occupation	A	A	A	A	A	A		
Home Professional Office	A	A	A	A	A	A		
Long-term care facility								P
Marina		P						
Multi-family Dwellings					P			P
Ocean Grove Camp Meeting Association (OGCMA)						P	P	P
Professional Office						C		
Personal Boatslip or Dock			A					
Place of Worship	P	P	P	P	P	P		
Public or Private Elementary, Middle or High School	P	P	P	P	P			
Public Utility Facility		C	C					
Recreation Facility	P	P	P	P	P			
Townhouses					P			P
Parking for Principal Use	A	A	A	A	A			
Parking Lot				C				

KEY:

P = Permitted Principal Use

C = Conditional Principal Use (See Section # 415 for Conditional Use Standards)

A = Accessory Use

**Zoning Schedule A-2
Use Regulations
Business, Commercial, and Industrial Zoning Districts**

P = Permitted Principal Use
C = Permitted Conditional Use
A = Permitted Accessory Use

TYPE OF USE	B-1	B-2	B-3	HD-B-1	C-1	C-2	C-3	C-4	C-5	C-6	C-7	LI	PUD/R1	CIVIC
Residential														
Adult Retirement Community													P	P
Age Restricted Residences														
Senior Citizen Apartment Building	P													
Detached Single Family Residence			P	P									P	P
Multi-family Dwellings			P										P	
Accessory Apartments	C			C										
Townhouses			P										P	
Mobile home park												C		
Home Occupation			A										A	A
Home Professional Office			A										A	A
Swimming pools, private			A										A	A
Tennis courts, private			A										A	A
Development Options														
Planned Commercial Development					P							P		
Planned Unit Development													P	
Retail Trade														
Automotive parts and accessories store (no repairs or service)														
Auto Auction														
New car dealers														
Used car dealers														
Automobile Dealerships							P							
Recreational vehicle dealerships														
Motorcycle, mini-bike, mo-ped dealers														
Boat and marine equipment dealers			P											
Tire dealers (sales only)														
Furniture stores	P			P	P		P		P			P		
Floor covering stores	P			P	P		P		P			P	C	P
Home furnishings stores	P			P	P		P		P			P	C	P
Household appliance stores				P	P		P					P	C	P
Radio, television & other electronics stores	P			P	P		P		P	P		P	C	P
Computer & software stores	P			P	P		P		P	P		P	C	P
Musical instrument Stores	P			P	P		P		P	P		P	C	P
Music stores (CDs, cassettes, videos, records)	P			P	P		P		P	P		P	C	P
Home centers					P		P							P
Hardware stores	P			P	P		P		P			P		P
Outdoor lumberyards														P
Building material and plumbing supply dealers												C	P	

**Zoning Schedule A-2
Use Regulations
Business, Commercial, and Industrial Zoning Districts**

P = Permitted Principal Use
C = Permitted Conditional Use
A = Permitted Accessory Use

TYPE OF USE	B-1	B-2	B-3	HD-B-1	C-1	C-2	C-3	C-4	C-5	C-6	C-7	LI	PUD/R1	CIVIC
Power equipment stores												C	P	
Grocery (except convenience) stores	P				P		P				P		P	
Convenience stores	P			P	P		P			P	P		P	
General stores	P			P	P								P	
Retail bakeries	P			P	P		P		P	P	P		P	
Delicatessens	P			P	P		P			P	P		P	
Butcher shops	P			P	P					P	P		P	
Fish & seafood markets	P			P	P					P	P		P	
Fruit & vegetable markets	P			P	P					P	P		P	
Beer, wine & liquor stores	P				P					P	P		P	
Pharmacies & drug stores	P			P	P					P	P		P	
Cosmetics, beauty supplies & perfume store	P			P	P					P	P	C	P	
Food (health) supplement stores	P			P	P					P	P	C	P	
Health & personal care stores	P			P	P					P	P	C	P	
Gasoline fueling stations							C							
Gasoline fueling stations with convenience stores							C							
Family clothing & apparel stores	P			P	P		P			P	P	C	P	
Lingerie and corset stores	P				P		P			P	P	C	P	
Swimwear stores	P			P	P		P			P	P	C	P	
Jewelry stores	P			P	P		P			P	P	C	P	
Shoe stores	P			P	P		P			P	P	C	P	
Hobby, toy & game stores	P			P	P		P			P	P	C	P	
Bicycle stores	P			P	P		P			P	P	C	P	
Sporting goods stores (excluding firearms)	P			P	P		P			P	P	C	P	
Firearms and ammunition dealers	P													
Arts & craft shops	P			P	P		P			P	P	C	P	
Family book stores	P			P	P		P			P	P		P	
Magazine/newspaper stands	P			P	P		P			P	P		P	
Department stores	P				P		P						P	
General merchandise stores	P			P	P							C	P	
Florists / flower shops	P			P	P		P			P	P		P	
Gift shops	P			P	P		P			P	P		P	
Greeting card stores	P			P	P		P			P	P		P	
Seasonal holiday stores	P			P	P								P	
Christmas tree sales (outdoor)	P	P			P							P	P	
Office equipment, supplies & stationery stores	P			P	P		P			P	P	C	P	
Pet food & pet supplies stores	P				P		P			P	P	C	P	

**Zoning Schedule A-2
Use Regulations
Business, Commercial, and Industrial Zoning Districts**

P = Permitted Principal Use
C = Permitted Conditional Use
A = Permitted Accessory Use

TYPE OF USE	B-1	B-2	B-3	HD-B-1	C-1	C-2	C-3	C-4	C-5	C-6	C-7	LI	PUD/R1	CIVIC
Pet stores					P		P			P	P		P	
Electronic shopping & mail-order houses												C		
Membership warehouse club (retail)					P		P						P	
Vending machines (outdoor)														
Heating/fuel oil dealers & distributors												P		
Flea markets														
Tobacco shops	P				P		P			P	P		P	
Art dealers	P			P	P		P			P	P		P	
Antique shops	P			P	P		P			P	P		P	
Garden Centers / Nurseries	P					P	A		P					
Outdoor Displays and Sales				A						A				
<i>Finance & insurance</i>														
Commercial banking	P	P	P	P	P		P		P	P	P	P	P	P
Savings institutions	P	P	P	P	P		P		P	P	P	P	P	P
Bank	P	P	P	P	P		P		P	P	P	P	P	P
Credit unions	P	P	P	P	P		P		P	P	P	P	P	P
Consumer lending	P	P		P	P		P		P	P	P	P	P	P
Real estate credit	P	P		P	P		P		P	P	P	P	P	P
All other nondepository credit intermediation	P	P		P	P		P		P	P	P	P	P	P
Financial clearinghouse & reserve activities	P	P		P	P		P		P	P	P	P	P	P
Investment banking & securities dealing	P	P		P	P		P		P	P	P	P	P	P
Securities brokerage	P	P		P	P		P		P	P	P	P	P	P
Direct life Insurance carriers	P	P		P	P		P		P	P	P	P	P	P
Direct health & medical insurance carriers	P	P		P	P		P		P	P	P	P	P	P
Insurance agencies & brokerages	P	P		P	P		P		P	P	P	P	P	P
Claims adjusting	P	P		P	P		P		P	P	P	P	P	P
All other insurance related activities	P	P		P	P		P		P	P	P	P	P	P
<i>Real estate & rental & leasing</i>														
Offices of real estate agents	P	P	P	P	P		P		P	P	P	P	P	P
Offices of real estate appraisers	P	P	P	P	P		P		P	P	P	P	P	P
Other activities related to real estate	P	P	P	P	P		P		P	P	P		P	P
Consumer electronics & appliances rental	P			P	P								P	
Videotape & disc rental	P			P	P		P			P	P		P	
Home health equipment rental	P			P	P		P			P	P		P	
Consumer goods rental	P			P	P								P	
Musical instrument rental	P			P	P		P			P	P		P	
General rental centers	P			P	P								P	
Rental of rolling beach chairs														
<i>Educational services</i>														

**Zoning Schedule A-2
Use Regulations
Business, Commercial, and Industrial Zoning Districts**

P = Permitted Principal Use
C = Permitted Conditional Use
A = Permitted Accessory Use

TYPE OF USE	B-1	B-2	B-3	HD-B-1	C-1	C-2	C-3	C-4	C-5	C-6	C-7	LI	PUD/R1	CIVIC
Private or Public Elementary, Middle or High School	P	P								P				P
Early childhood education center	P	P					P			P				P
Vocational School	P						P							P
Computer training facility		P			P		P		P	P		P		P
Apprenticeship training		P			P		P		P	P		P		
Other technical & trade schools		P			P		P		P			P		
Sports & recreation instruction	P			P	P	P	P		P	P		P		P
Art, music, dance & martial-arts instruction	P			P	P	P	P		P	P	P	P		P
All other miscellaneous schools & instruction	P			P	P	P	P					P		P
Educational support services	A			A	A	A	P			A		A		A
Health care and social assistance														
Offices of physicians (exc mental health)	P	P		P	P	P	P	P	P	P		P	P	P
Offices of physicians, mental health	P	P		P	P	P	P	P	P	P		P	P	P
Offices of dentists	P	P		P	P	P	P	P	P	P		P	P	P
Offices of chiropractors	P	P		P	P	P	P	P	P	P		P	P	P
Offices of optometrists	P	P		P	P	P	P	P	P	P		P	P	P
Offices of physical, occupational and speech therapists, and audiologists	P	P		P	P	P	P	P	P	P		P	P	P
Offices of podiatrists	P	P		P	P	P	P	P	P	P		P	P	P
All other outpatient care centers	P	P		P	P	P	P	P	P	P		P	P	P
Diagnostic Imaging centers	P	P		P	P	P	P	P	P	P		P	P	P
Home health care services	P	P		P	P	P	P	P	P	P		P	P	P
Ambulance and first aid services	P	P		P	P	P						P	P	P
General medical & surgical hospitals														P
Hospital														P
Assisted Living Facility							C						C	P
Homes for the elderly							C						C	P
Long term care facility														P
Nursing care facilities														P
Other residential care facilities														P
Nonresidential services for elderly & disabled persons, including adult day care	P	P	P	P	P	P						P	P	P
Child Care Center	P	P	P	P	P	P	P	P	P	P		P	P	P
Family Day Care	P		P										P	P
Community Shelter							P	P			P			
Arts, entertainment, recreation & cultural														
Agents, managers for artists & other public entertainers	P	P					P		P	P	P		P	

Zoning Schedule A-2 Use Regulations Business, Commercial, and Industrial Zoning Districts

P = Permitted Principal Use
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TYPE OF USE	B-1	B-2	B-3	HD-B-1	C-1	C-2	C-3	C-4	C-5	C-6	C-7	LI	PUD/R1	CIVIC
Independent artists, writers & performers	P	P					P		P	P	P		P	
Adult Entertainment Use						C								
Nightclub			P			P								
Amusement arcades	P				P								P	
Gambling industries														
Psychic readings & fortune telling services														
Marinas			P							P				
Personal Boatslip or Dock			P											
Bowling centers					P	P		P					P	
Billiards / pool halls	P												P	
Golf course, full size													P	P
Golf course, miniature					P	P							P	P
Golf course driving range													P	P
Health and Fitness Club		P	P		A	P	P		P	P		P	A	
Indoor recreational facility			P						P			P	P	P
Public Community Centers	P	P	P				C			P	P	P	P	P
Public Parks and recreational facilities	P	P	P	P	P	P	P	P	P	P		P	P	P
Recreational clubhouse, concession stand	A	A	A	A	A	A	A	A	A	A		A	A	A
Community swimming pool, indoor	P									P				
Community swimming pool, outdoor														
Theater, Motion Picture (indoor)					P		P			P	P		P	
Theater, Performing Arts	P			P			P			P	P		P	P
Places of Worship	P					P		P	P				P	P
Grantmaking foundations	P	P	P	P	P	P						P	P	
Civic & social organizations	P	P	P	P	P	P	P		P	P	P	P	P	
Professional organizations	P	P	P	P	P	P	P		P	P	P	P	P	
Labor unions & similar labor organizations	P	P	P	P	P	P	P		P	P	P	P	P	
Accommodation & food services														
Bed & Breakfast Guesthouse			P											
Bed & Breakfast Homestay			P											
Historic Hotel														
Historic Hotel Restaurant/Retail														
Hotels (excluding casino hotels)			P		P	P	P					P		
Hotels, Extended Stay Lodging Facilities					P	P	P					P		
Motels														
Drinking places (alcoholic beverages)			P				P			P	P			
Food service contractors / catering	P		P		P	P	P			P	P		P	
Banquet facilities	P		P		P	P	P				P		P	
Full-service restaurants	P		P	P	P	P	P	P	P	P	P	P	P	

**Zoning Schedule A-2
Use Regulations
Business, Commercial, and Industrial Zoning Districts**

P = Permitted Principal Use
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TYPE OF USE	B-1	B-2	B-3	HD-B-1	C-1	C-2	C-3	C-4	C-5	C-6	C-7	LI	PUD/R1	CIVIC
Outdoor Dining Facility	A		A	A						A	A			
Restaurant	P		P	P	P	P	P		P	P	P	P	P	
Restaurant, drive-through	C				C	C	P			C		C	C	
Restaurant, take-out	P			P	P	P	P			P	P		P	
Snack & nonalcoholic beverage bars	P		P	P	P	P						P	P	
Personal Services														
Barber & beauty shops, beauty salons & parlors, hairdressers	P			P	P					P	P		P	
Cosmetic salons & cosmetology services	P			P	P					P	P		P	
Hotel beauty parlors and beauty shops	P			P	P					P	P		P	
Manicure salon or nail services	P			P	P					P	P		P	
Wig grooming service	P			P	P					P	P		P	
Diet & weight reducing centers	P			P	P					P	P		P	
Baths (steam, Turkish, vapor, mineral)										P	P			
Depilatory salons (hair removal)	P				P					P	P		P	
Ear piercing services	P				P					P	P		P	
Body piercing services										P	P			
Electrologist's studio	P				P					P	P		P	
Electrolysis studio	P				P					P	P		P	
Massage parlor										P	P			
Scalp treatment	P			P	P					P	P		P	
Hair replacement	P				P					P	P		P	
Tanning salons	P				P					P	P		P	
Tattooing shop														
Funeral homes	P	P			P		P					P	P	
Cemeteries							P	P						
Retail services														
General automotive repair & maintenance (mechanical & electrical systems)								C					P	
Automotive body repair, painting & interior repair & maintenance								C					P	
Automotive oil change & lubrication shops								C					P	
Installation of auto phones								C					P	
Automotive Body Repair and Painting								C					P	
Automotive Service Station								C					P	
Marine related sales and services								C						
Automatic car washes						P	C							
Consumer electronics repair & maintenance	P			P	P		C						P	
Household item repair and maintenance	P			P	P		C						P	

**Zoning Schedule A-2
Use Regulations
Business, Commercial, and Industrial Zoning Districts**

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TYPE OF USE	B-1	B-2	B-3	HD-B-1	C-1	C-2	C-3	C-4	C-5	C-6	C-7	LI	PUD/R1	CIVIC
Computer & office machine repair & maintenance	P			P	P		C						P	
Communication equipment repair & maintenance	P			P	P		P						P	
Commercial equipment (excluding auto & electrical) repair & maintenance	P			P	P		P						P	
Appliance repair & maintenance	P			P	P		P						P	
Furniture cleaning, refinishing and repair shops	P			P	P		P						P	
Musical instrument repair shop	P			P	P		P			P	P		P	
Leather goods repair services	P			P	P		P			P	P		P	
Shoe repair and shoeshine parlors	P			P	P		P			P	P		P	
Bicycle repair shops	P			P	P		P			P	P		P	
Locksmiths	P			P	P		P			P	P		P	
Welding shops and blacksmiths						P						P	P	
Machine shops						P						P	P	
Gunsmiths (no retail)													P	
Swimming pool cleaning and maintenance services	P				P								P	
Coin-operated laundries & drycleaners	P			P	P								P	
Dry-cleaning & laundry services (excluding coin-op)	P			P	P					P	P		P	
Linen supply	P			P	P								P	
Tailor and mending of garments	P			P	P		P			P	P		P	
Film developing services, retail	P			P	P		P			P	P		P	
Pet grooming services	P				P		P			P	P		P	
Kennels														
Professional services														
Offices of lawyers	P	P	P	P	P	P	P			P	P	P	P	P
Offices of certified public accountants	P	P	P	P	P	P	P			P	P	P	P	P
Other accounting services	P	P	P	P	P	P	P			P	P	P	P	P
Architectural services	P	P	P	P	P	P	P			P	P	P	P	P
Landscape architectural services	P	P	P	P	P	P	P			P	P	P	P	P
Professional planning services	P	P	P	P	P	P	P			P	P	P	P	P
Engineering services	P	P	P	P	P	P	P			P	P	P	P	P
Building inspection services	P	P	P	P	P	P	P			P	P	P	P	P
Testing laboratories		P			P		P			P	P	P	P	P
Custom computer programming services	P	P	P	P	P	P	P			P	P	P	P	P
Computer systems design services	P	P	P	P	P	P	P			P	P	P	P	P
Computer facilities management services	P	P	P	P	P	P	P			P	P	P	P	P

**Zoning Schedule A-2
Use Regulations
Business, Commercial, and Industrial Zoning Districts**

P = Permitted Principal Use
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TYPE OF USE	B-1	B-2	B-3	HD-B-1	C-1	C-2	C-3	C-4	C-5	C-6	C-7	LI	PUD/R1	CIVIC
Other computer related services	P	P	P	P	P	P	P		P	P		P	P	P
Administration & general management consulting services	P	P	P	P	P	P	P		P	P	P	P	P	P
Other scientific & technical consulting services	P	P	P	P	P	P	P		P	P	P	P	P	P
Advertising agencies	P	P	P	P	P	P	P		P	P	P	P	P	P
Other services related to advertising	P	P	P	P	P	P	P		P	P	P	P	P	P
Veterinary services / animal hospital					P		P		P			P	P	P
Photography studios & videography services	P	P	P	P	P	P	P		P	P	P	P	P	P
All other professional, scientific & technical services	P	P	P	P								P	P	P
Support services														
Corporate, subsidiary & regional managing office					P		P		P	P	P	P	P	P
Office administrative services	P	P		P	P		P		P	P	P	P	P	P
Ocean Grove Camp Meeting Association				P							P			
Facilities support services	P	P		P	P	P						P	P	P
Employment placement agencies	P	P		P	P							P	P	P
Private mail centers	P			P	P		P		P	P	P	P	P	P
Quick printing	P			P	P		P			P	P	P	P	P
All other business support services	P			P	P		P			P	P	P	P	P
Travel agencies	P			P	P		P			P	P	P	P	
Investigation and security services	P				P		P			P	P	P	P	
Security systems services (except locksmiths)	P				P		P			P	P	P	P	
Janitorial services					P							P	P	
Landscaping maintenance services					P							P	P	
Carpet & upholstery cleaning services					P							P	P	
Other services to buildings & dwellings					P							P	P	
Municipal facilities	P	P	P		P	P	P	P	P	P		P	P	P
Fire department facilities	P	P	P		P	P	P	P	P	P		P	P	P
Public safety facilities	P	P	P		P	P	P	P	P	P		P	P	P
First aid facilities	P	P	P		P	P	P	P	P	P		P	P	P
Board of Education facilities	P	P	P		P	P	P	P	P	P		P	P	P
Public works facilities												P		P
Materials recovery facilities														
Resource Production														
Soil preparation, planting, & cultivating (for profit)													P	
Commercial nurseries													P	
Greenhouses	P												P	

**Zoning Schedule A-2
Use Regulations
Business, Commercial, and Industrial Zoning Districts**

P = Permitted Principal Use
C = Permitted Conditional Use
A = Permitted Accessory Use

TYPE OF USE	B-1	B-2	B-3	HD-B-1	C-1	C-2	C-3	C-4	C-5	C-6	C-7	LI	PUD/R1	CIVIC
Animal husbandry / keeping of livestock														
Agriculture processing														
Silviculture													P	
Mining activities and related services														
Construction Trades														
Plumbing, heating & AC contractors									C			P		
Painting & wall covering contractors									C			P		
Electrical contractors									C			P		
Masonry & stone contractors									C			P		
Carpentry contractors									C			P		
Floor laying & other floor contractors									C			P		
Roofing, siding, & sheet metal contractors									C			P		
Concrete contractors												P		
Structural steel erection contractors												P		
Glass & glazing contractors									C			P		
Excavation contractors												P		
Landscaping contractors												P		
Building equipment & other machine installation contractors									C			P		
All other special trade contractors												P		
Manufacturing														
Frozen specialty food manufacturing										P		P		
Animal slaughtering												P		
Meat processed from carcasses												P		
Rendering & meat by-product processing												P		
Commercial wholesale bakeries												P		
Knit fabric & lace mills												P		
Canvas & related product mills												P		
All other miscellaneous textile product mill												P		
Lumber millwork (including flooring)												P		
Commercial lithographic printing												P		
Other commercial printing												P		
Prepress services												P		
Medicinal & botanical manufacturing					P							P		P
Research Laboratory					P							P		P
Pharmaceutical preparation manufacturing					P							P		P
All other miscellaneous chemical product & prep manufacturing												P		
Fabricated structural metal manufacturing												P		

**Zoning Schedule A-2
Use Regulations
Business, Commercial, and Industrial Zoning Districts**

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TYPE OF USE	B-1	B-2	B-3	HD-B-1	C-1	C-2	C-3	C-4	C-5	C-6	C-7	LI	PUD/R1	CIVIC
Sheet metal work manufacturing												P		
Electroplating, polish, anodize, color												P		
Industrial mold manufacturing												P		
Other metalworking machinery manufacturing												P		
Radio, TV broadcast & wireless communications equipment manufacturing												P		
Other electronic component manufacturing												P		
Automatic environmental control manufacturing												P		
Surgical & medical instrument manufacturing												P		
Dental laboratories					P							P		P
Sign manufacturing							P					P		
All other miscellaneous light manufacturing												P		
Wholesale trade														
Automobile & other motor vehicle wholesale												P		
Furniture wholesale												P		
Home furnishing wholesale												P		
Computer & peripheral equip & software wholesale												P		
Other professional equipment & supplies wholesale												P		
Metal service centers & offices wholesale												P		
Electrical equipment, wiring supplies, construction materials wholesale												P		
Other electronic parts & equipment wholesale												P		
Hardware wholesale												P		
Refrigeration equipment & supplies wholesale												P		
Industrial machinery & equipment wholesale												P		
Industrial supplies wholesale												P		
Service establishment equipment & supplies wholesale												P		
Recyclable material wholesale												P		
Other miscellaneous durable goods wholesale												P		
Stationery & office supplies wholesale												P		
Industrial & personal service paper wholesale												P		
Drugs & druggists' sundries wholesale												P		
Women's, children's, infants' clothing wholesale												P		
General line grocery wholesale												P		
Packaged frozen food wholesale												P		

**Zoning Schedule A-2
Use Regulations
Business, Commercial, and Industrial Zoning Districts**

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TYPE OF USE	B-1	B-2	B-3	HD-B-1	C-1	C-2	C-3	C-4	C-5	C-6	C-7	LI	PUD/R1	CIVIC
Beverage Wholesale												P		
Dairy product (excluding dried or canned) wholesale													P	
Poultry & poultry product wholesale													P	
Fish & seafood wholesale													P	
Meat & meat product wholesale													P	
Fresh fruit & vegetable wholesale													P	
Other grocery & related products wholesale													P	
Plastics materials & basic forms, shapes wholesale													P	
Flower, nursery stock, florists' supplies													P	
Tobacco & tobacco product wholesale													P	
Other miscellaneous nondurable goods wholesale													P	
Transportation, storage & Warehousing														
General freight trucking, long-distance (Truckload)													P	
General freight trucking, long-distance (Less Than Truckload LTL)													P	
Long term storage of wholesale goods													P	
Self-storage facility													C	
Flex storage space													P	
Boatyards			A											
Junkyards														
Outdoor storage														
Household & office goods moving													P	
Business & other motor vehicle transit systems													P	
Taxi service	P				P	P							P	P
School & employee bus transportation operations						P							P	P
Motor vehicle towing operations						P							P	
Freight transportation arrangement													P	
Couriers	P			P	P	P							P	P
Local messengers & local delivery	P			P	P	P							P	P
Helistops					A								A	A
Parking for principal use	A	A	A		A	A	A	A	A	A			A	A
Information														
Billboard													C	
Newspaper publishers					P		P		P	P	P		P	

**Zoning Schedule A-2
Use Regulations
Business, Commercial, and Industrial Zoning Districts**

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TYPE OF USE	B-1	B-2	B-3	HD-B-1	C-1	C-2	C-3	C-4	C-5	C-6	C-7	LI	PUD/R1	CIVIC
Book publishers					P		P		P	P	P	P		
Software publishers					P		P		P	P	P	P		
Film & sound recording studios	P				P		P		P	P	P	P		
Telephone communication distribution	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Centralized telephone utility installations	C				C							C		C
Coaxial cable communication distribution	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Centralized coaxial cable utility installations	C				C							C		C
Television & radio antenna broadcasting												P		
Emergency services radio communication facilities	A	A	A	A	A	A	A	A	A	A		A	A	A
Wireless telecommunications facility					C							C/P		C
Data Center					P		P					P		
Satellite dish and ham radio antennas														
Utilities														
Public Utility Facility	C									C		C		C
Natural gas distribution	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Electric power transmission & distribution	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Electricity regulating substations	C	C			C	C	C	C	C	C		C	C	C
Electric power generation plant												A		
Public water supply purveyance & distribution	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Sanitary sewer lines	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Sanitary sewer treatment plant														C

\\Nept-svr4400\User Files\R-Gardella\Zoning\Zoning_Ordinance\Schedules\[Schedule_A-2(11-10-2003).xls]Non-Residential

ZONING SCHEDULE B - ZONING DISTRICT BULK REGULATIONS

	Minimum Lot Area (square feet)	Maximum Density (d.u. per acre)	Maximum Floor Area Ratio	Minimum Lot Width (feet)	Minimum Lot Frontage (feet)	Minimum Lot Depth (feet)	Front Yard Setback (feet)	Side Yard Setback (feet)	Combined Side Yard Setback (feet)	Rear Yard Setback (feet)	Maximum Percent Building Cover	Maximum Percent Total Lot Cover	Maximum Number of Stories	Maximum Building Height (feet)	Minimum Improvable Area (M.I.A. in square feet)	M.I.A. - Diameter of Circle (feet)
R-1	12,500	3.40	N/A	100	100	125	35	10	25	35*	25%	35%	2.5	35	2,600	33
R-2	10,000	4.30	N/A	100	100	100	25	10	25	30*	30%	40%	2.5	35	2,400	32
R-3	7,500	5.80	N/A	75	75	100	20	10	20	30*	30%	45%	2.5	35	2,000	29
R-4	5,000	8.70	N/A	50	50	100	20	5	15	30*	50%	65%	2.5	35	1,200	23
R-5																
Single-family	5,000	8.70	N/A	50	50	100	20	5	15	30*	50%	65%	2.5	35	1,200	23
Multi-family	120,000	10	N/A	250	250	250	20	15	30	15	30%	55%	3	48	39,600	129
Town-house	120,000	8	N/A	250	250	250	20	15	30	15	30%	55%	3	48	39,600	129
B-1, C-4, C-6, C-7	15,000	N/A	0.6	100	100	100	15	0/10	25	20	35%	80%	3	48	7,200	55
B-2	20,000	N/A	1.0	100	100	100	20	15	35	20	40%	70%	3	45	8,400	60
B-3	10,000	8	0.7	100	100	100	20	10	20	20	40%	80%	3	35	4,800	45
C-1	2.5 acres	N/A	0.6	500	500	600	50	30	60	40	30%	65%	2	40	84,900	189
C-2, C-3, C-5	50,000	N/A	0.6	200	200	250	40	30	60	40	30%	65%	2	30	19,500	91
LI	40,000	N/A	1.6	150	150	200	40	25	50	25	40%	70%	4	60	16,800	84
PUD	See Schedule Section 405															
CIVIC	200,000	N/A	1.0	150	150	150	50	50	150	75	40%	80%	6	100	96,000	201
HD-R-1	1,800	24.2	N/A	30	30	60	**	2	4	0	85%	90%	2.5	35	1,000	21
HD-O																
Single-family	1,800	24.2	N/A	30	30	60	**	2	4	0	85%	90%	2.5	35	1,000	21
Existing Hotel	3,600	N/A	3.5	60	60	60	**	2	4	0	85%	90%	4	50	1,900	28
New Hotel	10,000	N/A	3.5	90	90	60	**	2	6	0	85%	90%	4	65	5,400	48
HD-R-2	18,000	48	N/A	120	120	120	5	2	4	10	85%	90%	3	40	9,700	64
HD-B-1	3,600	24.2	2.8	30	30	60	0	0	0	0	90%	95%	3	35	2,100	30

* see Section 411.07 relating to Supplementary Regulations for Decks and Porches

** see Section 413.06 for Supplementary Yard Regulations in Ocean Grove

NOTE: Amended per Ordinance No. 03-035

**ZONING SCHEDULE C - SIGNS REQUIRING A PERMIT
FOR ALL ZONING DISTRICTS EXCEPT HISTORIC ZONE DISTRICTS**

	Freestanding Type A	Freestanding Type B	Freestanding Type C	Directory Nameplate	Wall-mounted	Awning	Directional
Apartment Complex			Y				
Assisted Living Facility			Y		Y		
Automatic Car Wash	Y				Y		Y
Automobile Sales	Y				Y		Y
Automotive Body Repair and Painting	Y				Y		
Automotive Service Station		Y			Y		
Bank	Y		Y		Y		Y
Cemetary			Y				
Child Care Center					Y	Y	
Community Centers				Y	Y	Y	
Community Shelter					Y		
Computer training facility	Y		Y		Y		
Detached Single Family Residence							
Family Day Care							
Financial Institution, freestanding			Y		Y		Y
Funeral Home			Y		Y	Y	Y
Garden Center/Nursery			Y		Y	Y	Y
Golf Course			Y	Y			Y
Health Club or Gymnasium	Y				Y		Y
Home Occupation							
Home Professional Office							
Hospital (for humans)			Y	Y	Y		Y
Hotel, non historic			Y		Y		Y
Indoor Recreational Facility	Y		Y		Y		
Light Manufacturing			Y	Y			
Long-term care facility	Y		Y		Y		Y
Marina (recreational only)			Y		Y	Y	Y
Marine related sales and services	Y				Y		
Multi-family Complex			Y	Y			Y
Multi-family dwellig				Y			
Nightclub	Y		Y		Y		
Place of Worship			Y		Y		Y
Professional Office, multi tenant		Y		Y			Y
Professional Office, single tenant			Y		Y		Y
Public or Private Elementary, Middle or High School			Y		Y		Y
Public Parks and Recreational Facility			Y	Y	Y		
Research Laboratory			Y		Y		
Restaurant, non drive-in freestanding	Y				Y	Y	
Restaurant, drive-through, freestanding	Y				Y	Y	Y
Restaurant, take-out (non-freestanding)					Y	Y	
Retail Sales & Services, multi tenant		Y			Y	Y	Y
Retail Sales & Services, single tenant	Y				Y		Y
Self-storage facility			Y		Y		Y
Senior Apartment Complex			Y	Y			
Theater, Motion Picture	Y	Y	Y		Y		Y
Theater, Performing Arts	Y		Y		Y		
Townhouse Complex			Y	Y			
Warehousing, non-retail			Y				Y

NOTES:

- A. A "Y" indicates the sign is permitted, however, see Section 416 to determine quantity.
- B. A blank entry indicates the sign is not permitted as an accessory use.