

ORDINANCE NO 08-38

AN ORDINANCE AMENDING AND SUPPLEMENTING THE LAND DEVELOPMENT ORDINANCE AND ZONING MAP OF THE TOWNSHIP OF NEPTUNE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO REZONE LOTS 13 AND 13.01, BLOCK 1405 FROM BOTH R-2 AND B-1 TO R-2 RESIDENTIAL

**WHEREAS**, it has come to the Township Committee's attention that Lots 13 and 13.01 of Block 1405 are situated within both the R-2 Residential and B-1 Business Zones; and,

**WHEREAS**, the property owner has requested that the Township Committee adjust the zoning as follows in order to remove the split zone condition on Lots 13 and 13.01 and therefore these lots once subdivided and consolidated will lie entirely within the Residential R-2 Zone;

**WHEREAS**, specifically the owner will also be completing a minor subdivision and a lot consolidation redistributing the properties to add a portion of Lots 13 and 13.01 to Lots 12,14 & 15 of Block 1405 to allow for parking, fencing and additional landscaping improvements on the subject commercial site, completely within the B-1 Business Zone;

**WHEREAS**, specifically that the line between the R-2 Zone and B-1 Zone shall be relocated further toward the North to be coincident with the new rear property line of Block 1405, Lots 12,14 & 15. Historically the zone line split is due to the subdivisions and redistribution of property in this area. The Zone line between R-2 and B-1 had run with the parcels due to subdivisions and consolidations; which is a split-zone which and is contrary to planning and not consistent with the 2000 Neptune Township Master Plan.

**WHEREAS**, the Township Committee acknowledges that the proposed change is not strictly consistent with the boundary line between the R-2 Residential Zone and the B-1 Town Commercial Zone, as identified in the 2000 Neptune Township Master Plan and the current Neptune Township Zoning Map, the Committee believes the this dimenimus change advances the interests of Neptune Township for the following reasons:

1. The Zoning Map change will remove the current split lot zoning of both residential lots 13 and 13.01 and Block 1405;
2. The Zoning revision will increase the Residential Zone in this area and remove an existing split zone lot;
3. As a result of the minor subdivision lot line change and lot consolidation, the current flag lot configuration for existing lot 13.01 will be removed. Flag lots are a discouraged lot configuration in the Neptune Township Land Development Ordinance;
4. As a result of the Zoning Map change, additional off-street parking fencing and landscaping will be provided for on the adjacent medical office use completely within the B-1 Zone. Appropriate utilization of a medical office use advances the land use and economic development objectives of the commercial corridor of Route 33;
5. The additional off-street parking will reduce the potential for traffic impacts and congestion on the surrounding residential streets;

6. The additional lot area, fencing and landscaping for the medical office use will increase the separation between the existing medical office building and the current residential R-2 zone boundary which advances the general planning objectives of the Master Plan; and,
7. This will allow circulation around the Medical Office Building which in turn promotes safety and traffic issues. The proposed change is de minimus in terms of the overall R-2 and B-1 Zones.

**THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Neptune that the Land Development Ordinance and Zoning Map of the Township of Neptune be and are hereby amended as follow:

#### SECTION 1

1. Upon completion of the minor subdivision and lot consolidation, Lots 13 and 13.01 of Block 1405 will be removed from the current Town Commercial Zone designation and rezoned in their entirety to R-2 Residential Zone.
2. The Neptune Township Zoning Map shall be revised accordingly.
3. Section 301 (Zoning Map) is amended and supplemented to add the following paragraph:

“A. Lots 13 and 13.01 of Block 1405 are rezoned from the split lot zoning (R-2 and B-1) to R-2 Residential Zone.”

#### SECTION 2

If any subsection, paragraph or provision of this ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions of this Ordinance.

#### SECTION 3

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

#### SECTION 4

This ordinance shall take effect following adoption and approval and shall be published as required by law.

APPROVED ON FIRST READING: 09/22/08

APPROVED, PASSED AND ADOPTED: 10/27/08

ATTEST:

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Richard J. Cuttrell,  
Municipal Clerk

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J. Randy Bishop  
Mayor