

## ORDINANCE NO. 912

### AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 390 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "ZONING"

#### ARTICLE II: DEFINITIONS: The following be added:

**DRIVEWAY** shall mean a paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility. The driveway shall be an improved surface that starts at the driveway apron and is composed of asphalt, concrete, pavers, gravel or other hard durable material. Loose materials such as stone and gravel shall have edge restraint to minimize the lateral migration of the material. The restraint shall be durable material such as: pressure treated wood, composite lumber, concrete, granite or brick curbing or metal.

**HALF STORY** – The vertical distance between a floor and the roof with a ceiling height of not less than 7 1/2 feet for no more than 1/3 of the floor area of the next floor below that is accessed by a fixed stairway and shall have an egress window which is acceptable to the Construction Official

**IMPERVIOUS COVERAGE** - A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water." (It should be amended for this section to include) "Such surface includes but are not limited to buildings, driveways (including gravel), streets, parking lots, swimming pools, tennis courts, concrete pavers, brick pavers and any other structures that meet the above definition.

**PORTABLE ON-DEMAND STORAGE STRUCTURES** - any container, storage unit, shed-like container, fabric "tent-like" or other portable structure that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.

**ARTICLE II: DEFINITIONS:** HEIGHT OF BUILDING will be replaced in its entirety with the following:

Building Height shall mean the vertical distance as measured by the crown of the road of the improved street on which it fronts at the mid-point of the lot to the highest point of the structure excluding such appurtenances as outline in §390-13. On a corner lot, the building height shall be measured from that street which is to be regarded as the front of the building.

ARTICLE IV: GENERAL REGULATIONS shall be amended as follows:

390-10A : change 8 copies to 14 copies,

390-10B (1) : change 8 copies to 14 copies

390-10B(1)(d) : change “Northeast Monmouth County Regional Sewerage Authority” to “Two Rivers Water Reclamation Authority”

**ARTICLE V: SUPPLEMENTARY LOT REGULATIONS** shall be amended as follows:

390-17C to allow sheds no greater than 10’x12’x10’ that meet the setbacks to be constructed in the front yard for properties directly on waterfront.

Add New:

390-17E: Alternative energy sources, such as wind turbines and solar panels are not permitted.

390-17F: improvements shall not be placed or constructed within the Borough’s Right of Way, i.e., sprinkler heads, decorative mailbox columns, pillars, fencing and any curbing – specialty or otherwise such as Belgian block, not part of an approved development plan, a Borough road improvement program or a right of way not having curbing without written permission from the Borough Council. Such items that are placed in the Borough right of way(s) shall not be the responsibility of the Borough should they be damaged whether it be by snow plowing or otherwise.

**ARTICLE VI: SUPPLEMENTARY USE REGULATIONS:**

Add New:

390-25

J. Used Car Lots. No used car lots shall be permitted within the limits of the Borough.

K. Driveways

1. No driveway shall be within five (5') feet of a side yard line or projection of side yard line or within fifteen (15') feet of a rear yard line for newly constructed or substantially reconstructed dwellings. Residential driveways shall be limited to 24 feet wide for garages that face the street and may transition to 36 feet wide starting at a point

24 feet from the dwelling. Driveways for side entry garages and rear yard garages shall be limited in width to that for a single car garage in the front yard area. Residential properties with greater than 100 feet of frontage on a single street shall be permitted up to a total of two driveways otherwise only a single driveway is permitted.

2. A driveway apron shall be provided at the intersection of all driveways with the public roadway. The apron shall be made of concrete when it abuts or may in the future abut a concrete sidewalk, otherwise asphalt or suitable paver materials maybe utilized. The apron shall extend a minimum of six (6) feet from the edge of the road or to the back edge of the sidewalk whichever is greater. Construction details to be approved by the Borough Engineer.
3. On-street parking shall only be on streets where it is permitted and then only on the paved portion of the roadway. Parking shall not occur on unimproved surfaces such as dirt, grass, stone, or similar surfaces.

(Note: It is recommended that this be discussed with Traffic Safety as Chapter 64 may also have to be revised to provide the Police with enforcement power)

4. Properties that front on the following roads shall provide on the property a means such as a “k-turn” area for vehicles to turn around within the property boundaries prior to exiting the property:
  - Monmouth Road
  - Eatontown Boulevard
  - Monmouth Boulevard
  - Branchport Avenue
  - Port Au Peck Avenue (Wolf Hill Avenue to Comanche Drive)
  - Shrewsbury Avenue (Monmouth Boulevard to Branchport Avenue)
  - Monmouth Boulevard (Myrtle Avenue to Branchport Creek Bridge)

The K -turn around shall be at least 28 feet deep including the driveway width. The turnaround area shall be at least five (5) feet off of the side property line and 15 feet off the rear property line.

#### L. Portable On-Demand Storage Structures

- 1) A portable on-demand storage structure may be utilized as a temporary structure within the Borough when in compliance with the standards of this section. Any use of such structures within the Borough

not in compliance with this subsection shall be unlawful and subject to fines and penalties as permitted under this Code.

(2). Use of a portable on-demand storage structure shall only be permitted where a permit has been issued by the Borough Code Enforcement Officer.

a. Applications for the permitted use of a portable on-demand storage structures may be obtained from the Code Enforcement Officer, and the application shall be submitted when completed by the party requesting use of a portable on-demand storage structure on that form provided by the Code Enforcement Officer to the Code Enforcement Officer with a sketch showing the location of the structure on the site and detailing the distance of trailers from other buildings, fire hydrants, Fire Department connections and/or utilities.

b. All portable on-demand storage units shall be placed in driveways unless otherwise approved by the Code Enforcement Officer.

c. An application fee of \$20.00 shall accompany the form requesting such permission. Failure to obtain permission for placement of such temporary structure shall result in the issuance of an after-the-fact permit with a fee set at ten (10) times the amount of a permit issued prior to erection of such structure (\$200).

(3) Length of time structures may be on property; extensions. A portable on-demand storage structure may be located as a temporary structure on property within the Borough for a period not exceeding 30 days in duration from time of delivery to time of removal in circumstances where a construction permit for the property has not been issued. Where exceptional circumstances exist, the Code Enforcement Office may alter the permit to extend the time where these structures may be permitted on property.

In such circumstances where a construction permit has been issued for the property, the portable on-demand storage structure may be located as a temporary structure on property for a period not exceeding ninety (90) days, with the right to three thirty (30) day extensions if deemed necessary and appropriate by the Code Enforcement Office. In no event may a portable on-demand storage structure be located on property for a period in excess of one hundred eighty (180) days in any twelve month period. Extensions beyond the one hundred eighty days (180) may be granted by the Borough Council. The property owner seeking said extension must apply to the Council at the time that the last thirty (30) day extension is applied for.

(4.) No more than two portable on-demand storage structures may be located on a specific piece of property within the Borough at one time;

such structures shall be individually limited to the duration time period established herein.

(5) No portable on-demand storage structure located within the Borough shall contain toxic or hazardous materials.

## Schedule II: Bulk and Coverage Control

### Add New: Impervious Coverage

<u>Zone</u>	<u>Max. % Impervious</u>
R-1	25%
R-2	32%
R-3	37%
R-4	40%
R-5	40%
R-7.5	45%
RM	45%
RMO	45%
VC	80%
B-1	60%
B-2	60%
I	60%

### Add New: Notes:

- <sup>6</sup> Waterfront properties in residence districts, no principal building shall be nearer to the natural waterline than the average alignment of the existing principal buildings within 200 feet of each side of the lot within the same block
- <sup>7</sup> In residence districts, no principal building shall be nearer to the street line of any street than the average alignment of the existing principal buildings within 200 feet of each side of the lot within the same block.
- <sup>8</sup> Side yard of a corner lot. The side street setback lines of any corner lot platted on the Borough's Tax Maps as the lot existed at the time of adoption of this chapter, and of any corner lot shown on any subdivision plat which received final approval prior to the adoption of this chapter, shall not be less than 1/2 of the depth of the minimum front yard required on any adjoining lot fronting on a side street. Any corner lot delineated by subdivision after the adoption of this chapter shall provide a side street setback line which shall not be less than the minimum front yard required on any adjoining lot fronting on a side street
- <sup>9</sup> Chimneys or flues may be erected within a rear yard or side yard, provided that they do not exceed 20 square feet in aggregate external area.
- <sup>10</sup> Required yards shall be open to the sky, unobstructed except for the ordinary projection of parapets, windowsills, doorposts, rainwater leaders and ornamental fixtures which may not project more than six inches into such yards. Nothing in this chapter shall prevent the projection of a cornice over any required yard.
- <sup>11</sup> In residence districts, an open porch one story in height can project not more than six feet into the front yard and not more than five feet into the side yard but in no

instance nearer than 10 feet to a side lot line and 24 feet to the front lot line (except R-M Districts).

<sup>12</sup> The maximum Principal Building Height for existing structures that are unaltered and elevated to comply with the Borough's Flood Damage Prevention Ordinance are permitted a maximum height of 40'. The Structures may only be elevated to the minimum height that provides for compliance with the Ordinance and not above it. The maximum exposed foundation shall be 40". Siding treatment shall extended downward to cover any foundation in excess of the 40" limit or landscape terraces utilized which shall be no closer than 10' to any property line. Any alteration of the property grading will require submission to and approval by the Borough Engineer.

Amend: All other roof types:

Increase the permitted number of stories to 2-1/2 stories and maintain the maximum height of 35 feet for all structures other than flat roof types for all zone districts

Adopted: March 21, 2013