

ORDINANCE NO. 557

**AN ORDINANCE AMENDING CHAPTER XXX,
LAND USE REGULATIONS, OF ORDINANCE 531,
ADOPTING A CODIFICATION OF THE ORDINANCES
OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY,
AND AMENDING PROVISIONS PERTAINING TO LAND USE.**

WHEREAS, the Borough of Mantoloking adopted a comprehensive revision of its Zoning and Land Use Regulations by the final adoption of Ordinance No. 465, known as the Land Use Ordinance of the Borough of Mantoloking; and

WHEREAS, the Land Use Ordinance has now been codified in a Municipal Code pursuant to Ordinance 531 adopted by the Borough of Mantoloking;

WHEREAS, the Borough now deems it appropriate to amend further the provisions of the Land Use Regulations of the Municipal Code of the Borough of Mantoloking;

WHEREAS, the text in this Ordinance that is presented in plain font represents text that will be unchanged by the Ordinance; text that is ~~stricken~~ represents text that will be deleted; and text that is underlined represents text that will be added by the Ordinance;

Now, therefore, **BE IT ORDAINED** by the Borough Council of the Borough of Mantoloking, in the County of Ocean, State of New Jersey, as follows:

SECTION ONE: Section 30-2.2, Definitions, is amended by the deletion of the following at page 3009 of the Revised General Ordinances of the Borough of Mantoloking, 2006:

FOOTPRINT AREA - The area of a building and attached structures, measured at the first floor level, whether with or without walls or a roof, ~~and including overhangs.~~

HALF STORY - The space under a sloping roof above the second story which has the line of intersection of the roof and wall face not more than two (2) feet above the

floor level and in which space the possible floor area with headroom of five (5) feet or less occupies at least fifty (50%) percent of the floor area of the second story and the floor area of ~~finished living space~~ with headroom of five (5) feet or more occupies less than thirty three and one-third (33 and 1/3%) percent of the floor area of the second story below. See Appendix B, Bulk Standards.

SECTION TWO: Section, 30-4.2, General Regulations, is amended by the addition of the following subparagraph (k) at page 3034 of the Revised General Ordinances of the Borough of Mantoloking, 2006:

30-4.2 General Regulations.

k. It shall be recognized that separate permits must be obtained for various components of a planned development project. In addition to the requirement to obtain a zoning permit for a new or altered structure, if applicable, separate permits are needed for pools, wood decks, fence, hardscaping and the like. Each separate permit application is reviewed individually and it shall be the applicant's responsibility to coordinate the project as a whole and its compliance with the land use regulations. The approval of one component does not constitute the approval of another component, even though both components are shown on the same drawing.

SECTION THREE: Section 30-4.3, Surface Water Management, shall be amended by the deletion of subparagraph (e) (3) and its replacement with the following new subparagraph (f),

~~e. *Review and Approval.*~~

~~3. The Planning Board, through its Engineer, shall approve the Surface Water Management Plan and issue the necessary approval only after it determines that the proposed land disturbance or construction will not generate any surface water runoff that is not managed in accordance with the standards of this section. Drainage and surface water management on all development applications shall conform to the requirements of subsection 30 4.3 of this chapter. (Ord. No. 465 § 4.3)~~

f. *Inspection*

1. The installation of an approved Surface Water Management Plan (SWMP) shall be inspected by the Borough Engineer, or his/her authorized representative, at two distinct times during construction, namely: (1) upon excavation of the trench and placement of the filter fabric; and (2) prior to surface restoration above the trench.

2. Applicant shall, in addition to the application fee, pay an inspection fee as set forth in Appendix C.

3. Approval of a SWMP will not be issued until the inspection fee has been paid.

SECTION FOUR: Section 30-4.9, Decks, shall be amended by the deletion of subparagraph (g) at page 3042 of the Revised General Ordinances of the Borough of Mantoloking, 2006, and its replacement with the following:

30-4.9 Decks.

g. A swimming pool with a surrounding deck shall be treated as a ~~single accessory use~~ single accessory structure.

SECTION FIVE: Section 30-4, Land Use General Provisions, of the Revised General Ordinances of the Borough of Mantoloking, 2006, shall be amended by the addition of a new Section 30-4.18, Existing Grade, at page 3046:

30-4.18 Existing Grade.

a. Existing grade is defined as the surface elevation of the land prior to the start of any land disturbance associated with any planned development project.

b. Existing grade is used to determine allowable heights of pools, decks, fences and accessory structures.

SECTION SIX: Section 30-4-17 First Floor Elevations, Land Use General Provisions, of the Revised General Ordinances of the Borough of Mantoloking, 2006, shall be amended *as follows*:

30-4.17 First Floor Elevations:

For all new or substantially improved residential construction, the first floor elevation shall be built a minimum of *one foot (1')* above the base flood elevation (BFE). The BFE shall be as identified on the current Flood Insurance Rate Map (FIRM) as prepared for or by the Federal Emergency Management Agency (FEMA).

SECTION SEVEN: Section 30-5.7, Fees, of the Revised General Ordinances of the Borough of Mantoloking, 2006, shall be amended by the addition of a new subparagraph (c), Zoning Permit Fees, at page 3065:

c. Zoning Permit Fees.

1. Applicants for zoning permits shall submit, with each application, the fees as set forth in Appendix C to this Chapter. Applications requiring a combination of approvals such as zoning, pool, fence and deck, shall pay a fee equal to the sum of fees for each required approval.

2. In the event an application for a permit is returned to the applicant due to insufficient information, or an application is denied for non-compliance with the land use regulations, a resubmission fee, equal to the initial application fees, shall be submitted to cover the administrative cost of another review. This applies to each and every resubmission.

SECTION EIGHT: Section 30-6.11, Accessory Use and Accessory Structures, shall be amended by the addition of a new subparagraph (a)(9) at page 3074 of the Revised General Ordinances of the Borough of Mantoloking, 2006, as follows:

30-6.11 Accessory Use and Accessory Structures.

a. *Accessory Use.*

9. A recreational vehicle (RV) or camper is not a permitted accessory use. The parking or storing of an RV or camper *for more than 48 hours in any 14 day period* on a property is prohibited.

SECTION NINE: Section 30-6.11, Accessory Use and Accessory Structures, shall be amended by the deletion of subparagraph (b)(4) at page 3075 of the Revised General Ordinances of the Borough of Mantoloking, 2006, and its replacement with the following:

30-6.11 Accessory Use and Accessory Structures.

b. *Accessory Structures.*

4. Accessory structures, except for integral garages as described above, shall not exceed fifteen (15) feet in height above existing grade. ~~Flagpoles may, however, extend fifteen (15) feet in height above the height of the primary structure as measured at the highest roof ridge line.~~

SECTION TEN: Section 30-6.11, Accessory Use and Accessory Structures, shall be amended by the deletion of subparagraph (b)(11) at page 3076 of the Revised General Ordinances of the Borough of Mantoloking, 2006, and its replacement with the following:

30-6.11 Accessory Use and Accessory Structures.

b. *Accessory Structures.*

11. A swimming pool with a surrounding deck shall be treated as a ~~single accessory use~~ single accessory structure.

SECTION ELEVEN: Section 30-6, Land Use Zoning Provisions, of the Revised General Ordinances of the Borough of Mantoloking, 2006, shall be amended by the addition of a new Section 30-6.16, Flagpoles, at page 3079:

30-6.16 Flagpoles.

- a. Flagpoles may be installed on any property within the Borough.
- b. Flagpoles are not considered an accessory structure under the Land Use Regulations of the Borough of Mantoloking.
- c. Flagpoles may extend fifteen feet (15') in height above the height of the primary structure as measured at the highest roof ridge line.
- d. A flagpole shall not be permitted within ten feet (10') of any property side line.
- e. Prior to installation of a flagpole within the Borough, an application for a zoning permit, with the required fee, shall be submitted to the Land Use Officer. See Appendix C.

SECTION TWELVE: Appendix C – Fees to Chapter XXX, Land Use Regulations, of the Revised General Ordinances of the Borough of Mantoloking, 2006, shall be amended by the deletion of Appendix C and its replacement with the following at page 30C01:

APPENDIX C FEES

**Borough of Mantoloking
Chapter XXX, Land Use Regulations**

Application Type	Application Fee	Escrow Amount
A. Variances		
1. Hardship (C)(1)		
a. Residential	\$ 850	\$1,500
b. Commercial	\$1,050	\$2,000
2. Use (C)(2)		
a. Single-family residential	\$ 850	\$1,500
b. Multi-family residential	\$ 850	\$1,500
c. Commercial	\$1,050	\$2,000
3. Special (D)	\$ 850	\$1,500
a. Commercial	\$1,050	\$2,000
B. Appeals	\$ 500	\$ 500
C. Interpretation	\$ 500	\$ 500
D. Informal conceptual plan	\$ 350	\$ 300
E. Construction permit in lieu of mapped street, etc.	\$ 200	\$ 300
F. Special meeting	\$1,000	\$1,500
G. Fire safety review	\$ 125	—
H. Subdivisions	\$1,500	\$2,000
I. Sketch Plat		
1. Subdivision	\$ 500	\$ 350
2. Site plan	\$ 500	—
J. Preliminary Plat		
1. Subdivision	\$800	\$850 + \$100/unit
2. Site plan	\$800	\$850 + \$200/acre
K. Final Plat		
1. Subdivision	\$400	\$400 + \$50/unit
2. Site plan	\$400	\$400 + \$100/acre
L. Tent (per unit)	\$ 25	
M. Fire Inspection	\$ 46	

N. Fence	\$ 25
O. Deck	\$ 40
P. Pool	\$ 75
Q. Certificate of Occupancy	per Uniform Construction Code
R. Portable Sanitary Facilities permit (per unit)	\$ 25
S. Dumpster permit (per unit)	\$ 25
T. Construction trailer permit (per unit)	\$ 25
U. Garage sale permit	\$ 25
V. Hardscape permit	\$ 50
W. Zoning permit	\$100
X. Surface Water Management Plan review fee	\$ 75
Y. Zoning permit Resubmission	\$100
Z. <u>Surface Water Management Plan Inspection</u>	<u>\$250</u>

SECTION THIRTEEN: This Ordinance shall become effective upon its final passage and publication as required by law.

CERTIFICATION

I, Irene H. Ryan, Municipal Clerk of the Borough of Mantoloking, County of Ocean, New Jersey, hereby certify the foregoing text to be a true copy of Ordinance No. 557 adopted by the Borough Council of the Borough of Mantoloking, New Jersey, at a Regular Meeting held in the Borough Hall on the 15th day of September, 2008 at which time a quorum was present.

Irene H. Ryan, R.M.C.
Municipal Clerk, Borough of Mantoloking