

ORDINANCE NO. 617

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER XXX,
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
MANTOLOKING, LAND USE REGULATIONS

BE IT ORDAINED as follows:

I

1. Article 30-2.2: DEFINITIONS: Delete: Scarp Line.
2. Yard front, Delete and provide:

YARD, FRONT – A yard extending across the full width of the lot and lying between the street line, ~~scarp line~~ Dune Reference Line/Seawall Line or bulkhead line (as defined herein), as applicable, of the lot in question and the nearest wall or part of the building. The depth of the front yards shall be measured at right angles to the applicable street line, ~~scarp line~~ Dune Reference Line/Seawall Line or bulkhead line as the case may be. The minimum front yard depth of all lots abutting the Atlantic Ocean shall be sixty (60) feet westwardly from that line designated "~~scarp line~~" Dune Reference Line/Seawall Line on the Tax Maps of the Borough. map entitled: "Plan of Borough of Mantoloking, Sanitary Sewerage System, March 1973" as modified based upon field observations on December 30, 1992 and January 2, 1993, by Stetler and Culdin, Incorporated, Borough Engineers locating the scarp line resulting from the northeast storm of December 11, 1992.

3. Add: Following "Dune Area:

DUNE REFERENCE LINE / SEAWALL LINE – A common line shown on the Tax Maps of the Borough that is between a buildable lot and the OS Lot.

4. Add: Following "Variance":

VERTICAL BUILDING ENVELOPE – The distance between the finished first floor level to the roof ridge line.

5. Add following "Standard of Performance":

STEP (STAIRS) – A structure to provide access to the first floor level of a dwelling or deck or stair platform. (See calculation of Lot Coverage (30-6.8) and Appendix B, and Lot Coverage, Total (30-6.8(c)).

6. Article 30-6.10.b, Setbacks, ~~ScarpLine;~~ replace with Dune Reference Line/Seawall Line.

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7. Article 30-6.16, Sub-Article 2, Consolidation of certain Lots- Bulk Standards, delete and insert:

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30-6.16 Consolidation of Certain Lots-Bulk Standards.

If two (2) or more conforming oceanfront lots located south of Lyman Street are consolidated, then the following bulk standards shall apply:

- a. Maximum lot coverage: sixteen (16%) percent.
- b. Maximum building height:

1. If two (2) conforming lots are consolidated: fifty-two (52) feet over crown of road.

2. If three (3) or more conforming lots are consolidated and if the finished first floor is twenty-five (25) feet or higher over the crown of the road, the roof ridges, for not more than sixty percent (60%) of their entire length shall not exceed the height of fifty-five (55) ~~three (53)~~ feet over crown of road. The remainder of the structure shall not exceed fifty-two (52) ~~(50)~~ feet over crown of road. ~~The proposed finished first floor elevation of twenty five (25) feet, or higher, shall not be more than three (3) feet over the preconstruction average grade elevation along the easterly side (front) of the proposed dwelling.~~

In the event that the finished first floor ~~elevation~~ is less than twenty-five (25) feet, over the crown of the road, the building height shall not exceed fifty-two (52) ~~(50)~~ feet over the crown of road.

- c. Minimum side yard setback:
For one side: twenty (20) feet.
For both side yards: Thirty-five percent (35%) of the lot frontage
- d. Minimum rear yard setback: Two (2) times the required rear yard setback in the zone.
- e. Buffer: A buffer area at least fifteen (15) feet in depth and landscaped with evergreen trees (minimum height six (6) feet) and other native species

shall be provided along and street lint to minimize the visibility of the structures from the road.

III

8. Article 30-6.8-3, Lot Coverage (Exclusions): add:

(d) Steps and stair platforms over a permeable area up to 200 square feet in area in both front and rear yards and 75 square feet in only one sideyard area. (This exclusion shall apply only to existing pre-Sandy structures. The steps and stair platforms shall be parallel to lot sidelines and unenclosed in any manner).

IV

- i. Section 30-6.11 (a)(9), Accessory Use and Accessory Structures, delete and provide:

A recreational vehicle (RV) is a permitted accessory use. The parking and habitation of one RV shall be permitted on any residential lot in the Borough. Habitation shall only be permitted for the immediate family members of the owner(s) of the lot on which the RV will be placed. Any power to be supplied to the RV shall be shore power and generators of any kind are prohibited. The RV as placed must maintain a minimum 10 foot set back from all property lines. The property owner shall register and confirm the placement of an RV on the lot with the Zoning Officer of the Borough. No permit fee shall be charged for the registration of the RV. The permit shall expire at the earlier of one (1) year or the issuance of a Certificate of Occupancy.

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V

- ii. Section 30-6.11(a)(5), delete and provide:

The use and/or occupancy for the purpose of habitation of any boat, ship, barge or other vessel is prohibited as an accessory use except that one transient boat may be used for habitation for not more than seven (7) consecutive days following the first day of such use in any year only for the immediate family members of the owner(s) of the lot to which a dock is attached. The boat must be at the dock which is constructed as part of the property of the lot owner. Any power to be supplied to the boat shall be shore power and generators of any kind are prohibited. The property owners shall register and confirm with the Zoning Officer or the Borough that the property owner is

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utilizing a boat for habitation purposes. No permit fee shall be charge for the registration of the boat. (The permit shall expire at the earlier of one (1) year or the issuance of a Certificate of Occupancy).

VI

9. Section 30-4.14, Temporary Facilities, delete and provide:

30-4.14 Temporary Facilities.

a. Permits shall be obtained from the **Land Use** Officer for temporary placement of dumpsters, construction trailers, storage trailers, modular temporary storage units and sanitary waste facilities on any lot within the municipality.

b. Prior to the placement of any temporary construction facility within the Borough, an application, and a plan identifying the proposed location of the temporary facilities and the proposed duration of **use**, shall be submitted to the **Land Use** Officer for approval.

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c. Such facilities shall be placed within the building envelope whenever possible. In no event may any such facility be placed on sidewalks or other public property or within 10 feet of any property line of the lot.

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d. 1. It shall be the applicant's responsibility to maintain such facilities in a neat and sanitary condition at all times and so as not to become a nuisance to abutting or nearby property owners. The **Land Use** Officer may revoke the permit, after notice to the permit holder, if the facility is deemed to be a nuisance.

2. Only one such facility shall be permitted at any one time.

3. All permits for temporary facilities shall be revocable by the **Land Use** Officer upon cessation of continuous construction activity or such other approved **use**, subject to terms and conditions of the approved permit.

4. No temporary facility shall be utilized for habitation and shall not include plumbing, heating, cooling or electrical equipment or devices of any nature.

5. Any temporary structure which, in the opinion of the Construction Official or the Chief of Police, shall constitute a hazard to the safety of persons or property, shall be removed immediately, at the expense of the permit holder.

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6. Applicants for a temporary facility permit shall complete the application form and submit it to the **Land Use** Officer. There shall be no fee required for the issuance of a permit.

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e. No temporary facility may be used to mount a sign for any advertising purpose. A temporary facility may include identification information which shall not exceed two and one-half (2.5) square feet in size.

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(f. No Certificate of Compliance shall be issued until all temporary facilities have been removed from the site.)

V

Appendix B: Appendix B, adopted May, 2008, is deleted and is replaced by new Appendix B, attached.

VII

10. All provisions of the Land Use Regulations, not hereby amended shall remain in full force and effect.

11. This Ordinance shall be effective upon final adoption.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed upon first reading at a special meeting of the Mayor and Council of the Borough of Mantoloking, in the County of Ocean and State of New Jersey held on the 6th day of February, 2013, and said Ordinance will be considered for final passage at the Brick Township Municipal Court, 401 Chambersbridge Road, Brick, New Jersey at 4:30 p.m. on Tuesday, the 26th day of February, 2013, or as soon thereafter as said matter may be reached, at which time and place all persons interested will be given an opportunity to be heard.

IRENE H. RYAN, R.M.C.