

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 Guldin, 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. 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, ~~with the required fee 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.

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.

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 of each type shall be permitted on the premises at any one time, in addition to a portable sanitary facility. .

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.

6. Applicants for a temporary facility permit shall complete the application form and submit it to the Land Use Officer with their permit/application fee, twenty-five (\$25.00) dollars. Fees are not refundable.

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.

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

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

7. Article 30:6-9, "Yard Area": Delete and insert:

30-6.9 Yard Area.

Every part of a required yard shall be open and unobstructed from its lowest level, except for the ordinary projection of sills, chimneys, flues, ornamental features and eaves, and except for fences, vegetation or landscaping; provided, however, that none of the building projections shall project into the minimum required yard areas by more than twelve (12) inches. ~~Open, unenclosed and unroofed entrance porches and stoops which do not rise above the ground floor level may extend in any yard setback, provided that the total area of such entrance porches or stoops which extend into such yards does not exceed one hundred (100 S.F.) square feet and is located at least five (5) feet from any property line. In Zones R-1, R-2a, R-2b, R-4A, R-RB, R-3A, R-3B, R-3C, R-4A and R-4B, the extension of open, unenclosed and unroofed entrance porches and stoops which do not rise above the ground floor level may extend into any yard setback, provided that the total area of such entrance porches or stoops which extend into such yards does not exceed 150 square feet for the Front and Back Yards and the extension into one Side Yard cannot exceed one hundred square feet (100 S.F.). In all other Zones, the maximum extension is one hundred square feet (100 S.F.) for the Front, Back and one Side Yard. In all cases the extension must be located at least five feet (5') from any property line. Handicap entrances hereafter constructed upon buildings existing as of the adoption of this chapter may be excepted from a strict application of this one hundred (100 S.F.) square feet entrance porch limitation at the discretion of the Land Use Officer and in conformity with all applicable laws and regulations, including but not limited to the Americans with Disabilities Act (ADA). No yard or other open space on one (1) lot shall be considered as providing a yard or open space for a building on any other lot (Ordinance No. 465 §6.8; Ord. No.470 §4.9).~~

8. Article 30-6.10.b, Setbacks, delete ScarpLine; replace with and Dune Reference Line/Seawall Line.

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

30-6.12.1 — Repeated Use of Vertical Building Envelope Factor:

Any structure that is elevated after the adoption of Schedule B of Ordinance 617, or as further amended, so that the finished first floor elevation is higher than the maximum that is permitted in the Zone and has applied a previous maximum vertical building envelope modification factor shall not be subsequently permitted to be expanded to the maximum vertical building envelope without first obtaining variance relief from the Planning Board.

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.~~
- 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

10. 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) or camper is not a permitted accessory use. The parking or storing and habitation of one RV or camper for more than forty-eight (48) hours in any fourteen (14) day period on a property is prohibited 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. All sanitary facilities shall be within the RV and shall not be connected to the Borough sanitary sewer system. 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).

V

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

The use and/or occupancy for the purpose of habitation of of any boat, ship, barge or other vessel is prohibited is permitted as an accessory use except that one transient boat, ship, barge or other

vessel 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. All sanitary facilities shall be on board and shall not be connected to the Municipal sanitary sewer system. The property owners shall register and confirm with the Zoning Officer or the Borough that the property owner is utilizing a boat for habitation purposes. No permit fee shall be charged 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).

11. Article 30-8.2 Grandfather Provisions: Add:

A structure which has an existing finished floor elevation which is below the minimum or above the maximum finished floor elevation as set out in Schedule B at the time of adoption of Ordinance 617, or as further amended, shall be acknowledged as a conforming structure. That conforming designation shall apply only to the minimum/maximum first floor elevation requirements and not to any other preexisting nonconformities.

VI

Appendix B: Appendix B, adopted May, 2008, is deleted and is replaced by new Appendix B, attached, revised as of March 8, 2013.

VII

~~4011.~~ All provisions of the Land Use Regulations Ordinance, not hereby amended shall remain in full force and effect.

~~4112.~~ 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 18th day of March, 2013, and said Ordinance will be considered for final passage at the Antrim School, Point Pleasant Beach, New Jersey, at 4:30 p.m. on Tuesday, the 8th day of April, 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.

APPENDIX B BULK STANDARDS

Borough of Mantoloking, Ocean County, New Jersey Chapter XXX, Land Use Regulations

Zone	Lot Requirements			Principal Building							Accessory Structure						
	Min. Lot Size	Min. Street Frontage	Min. Lot Depth	Lot Coverage ¹	Min. Front Yard Setback ^{3, 7, 8}	Min. Interior Side Yard Setback	Min. Corner Side Yard Setback ⁵	Min. Interior Rear Yard Setback	Min. Street Rear Yard Setback	Vertical Building Envelope ^{9, 10, 11}	Maximum Number of Stories	Second Floor Habitable Area to First Floor Footprint Area Ratio ⁶	Min. Side Yard Setback	Min. Rear Yard Setback	Min. Yard Abutting the Bay Street Setback ⁵	Min. Yard Abutting the Bay Setback	Max. Accessory Structure Height
	Sq. Ft.	Feet	Feet	Feet	Feet	Feet	Feet	Feet	Feet	Feet	Stories	Feet	Feet	Feet	Feet	Feet	Feet
R-1 ⁹	25,000	100	250	2	60 ⁴	15	15	50	50	32	2.5	80%	15	25	25	25	15
R-2A	20,000	100	150	2	35	10	15	50	50	30	2.5	80%	10	10	15	25	15
R-2B ⁹	20,000	70	200	2	60 ⁴	10	15	25	50	32	2.5	80%	10	25	25	25	15
R-3A	15,000	100	150	2	25	10	15	25	25	30	2.5	80%	10	10	15	25	15
R-3B ⁹	15,000	70	200	2	60 ⁴	10	25	50	50	32	2.5	80%	10	25	25	25	15
R-3C	13,000	70	190	2	60 ⁴	10	25	50	50	32	2.5	80%	10	25	25	25	15
R-4A	10,000	70	100	2	25	10	15	20	25	30	2.5	80%	10	10	15	25	15
R-4B	10,000	60	100	2	25	10	15	20	25	30	2.5	80%	10	10	15	25	15
R-5A	7,500	70	100	2	25	10	15	20	25	30	2.5	80%	10	10	15	25	15
R-5B	7,000	50	100	2	25	10	15	20	25	30	2.5	80%	10	10	10	25	15
R-6A	5,000	70	70	2	14	10	10	10	25	30	2.5	80%	10	10	10	25	15
R-6B	5,000	50	75	2	57 ⁷	10	10	10	20	30	2.5	80%	10	10	10	25	15
B	6,000	40	100	2	15	0	0	10	10	30	2.5		10	10	10	25	15

¹ The maximum lot area which may be covered by buildings, structures, areas under roofs, awnings or eaves, decks, swimming pools, or impervious areas shall be 45%.

² Lot coverage is 30% of lot area up to 12,000 SF, plus 12% of excess area over 12,000 SF and under 20,000 SF, plus 14% of excess over 20,000 SF, up to a maximum of 6,500 SF of coverage.

³ The front yard setback of any new or altered building or structure shall not be less than the average front yard setback of existing buildings or structures on the lots within 200 feet of the lot that is the subject of the development, on the same frontage, or the minimum front yard setback for the zone, whichever is greater.

⁴ The front yard setback for oceanfront properties is measured between the Dune Reference Line/Seawall Line as shown on the official Borough Tax Map and the building line.

⁵ On corner lots, the provisions for sight triangles would prevail.

⁶ See Land Ordinance for definition of Footprint Area.

⁷ The minimum front yard setback for the waterfront lots in the R-6B zone is twenty-five feet (25').

⁸ The minimum front yard setback for lots with front yards on Ocean Avenue in the R-2B zone is fifty feet (50').

⁹ If two or more lots consolidate, separate bulk standards apply. See subsection 30-6.16 for requirements.

¹⁰ The minimum first floor finished elevation shall be the elevation shown on the FEMA Advisory Base Flood Elevation (ABFE) maps issued on December 12, 2012 plus 1.0 foot for the Borough's adopted freeboard, plus an additional 2.0 feet in V Zone areas for floor supporting horizontal structural elements. The maximum first floor finished elevation shall be the elevation shown on the FEMA Advisory Base Flood Elevation (ABFE) maps issued on December 12, 2012 plus 1.0 foot for the Borough's adopted freeboard, plus 2.0 feet for floor supporting horizontal structural elements, plus an additional 2.0 feet for existing Ocean front homes only, plus the Vertical Building Envelope Modification Factor.

¹¹ On existing structures being raised, the existing vertical building envelope may be maintained unless a floor area increase is proposed to the existing structure above the first finished floor, subject to the criteria of Footnote #10 of these Bulk Standards.

¹² The Vertical Building Envelope Modification Factor is the difference between the Vertical Building Envelope per these Bulk Standards less the existing or proposed Vertical Building Envelope. This factor cannot be less than zero(0).