

**ORDINANCE No. 617-18**

**AN ORDINANCE OF THE BOROUGH OF OCEAN GATE, COUNTY OF OCEAN, STATE OF NEW JERSEY, ZONING, ENFORCEMENT AND ADMINISTRATION**

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Ocean Gate, State of New Jersey, as follows:

**SECTION I**

**671-18.1 GENERAL PROVISIONS**

**617-18.1.1. Title.**

This chapter shall be known and cited as the “Zoning Ordinance of the Borough of Ocean Gate.”

**617-18.1.2. Purpose and Intent.**

This chapter is enacted in accordance with the provisions of the Municipal Land Use Law, Chapter 291 of the Laws of New Jersey 1975 (N.J.S.A. 40:55D-1 et seq.) and the amendment thereof and supplements thereto, in order to:

- a. Protect the public health, safety, morals and general welfare with due consideration for the character of the zones and their particular uses, all in accordance with the objectives, principles and standards of sound planning.
- b. Lessen and, where possible, prevent traffic congestion on public streets and highways.
- c. Secure safety from fire, panic and other dangers.
- d. Prevent the overcrowding of land and buildings.
- e. Avoid undue concentration of population.
- f. Regulate the height, design, appearance, number of stories and size of buildings and other structures, the size of yards, courts and open spaces and the location and use of buildings, structures and land for commercial trade, industry, residence or other purposes.
- g. Protect and enhance the established character and the social and economic well-being of both private and public property within the limits of the Borough of Ocean Gate.
- h. Effectuate the provisions of the Master Plan duly adopted by the Planning Board of the Borough of Ocean Gate, the terms of this chapter having been found to be consistent therewith, including those provisions of the Master Plan relating to affordable housing.

### 617-18.1.3. Interpretation.

In interpreting and applying the provisions of this chapter, the provisions shall be held to be the minimum requirements to serve the aforesaid purposes and the community development objectives hereinafter set forth.

Any issues that are specifically not addressed with this Ordinance refer to the applicable section of the Municipal Land Use Law for guidance. All time periods that are not addressed within the Ordinance shall be controlled by the Municipal Land Use Law.

### 617-18.1.4. Effect of Other Legislation.

- a. Where the provisions of this chapter impose greater restrictions or higher standards than those of any statute, other ordinance or regulation, the provisions of this chapter shall govern. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than this chapter, the provisions of such statute, ordinance or regulation shall govern.
- b. Wherever the requirements of this chapter or parts of this chapter are inconsistent with all or parts of other ordinances of the Borough of Ocean Gate, the more stringent of the two (2) requirements shall apply.

### 617-18.1.5. Amendments.

This chapter may be amended, changed, modified or repealed in the manner provided by Chapter 291 of the Laws of New Jersey 1975, Sections 49 through 51 (N.J.S.A. 40:55D-62 through 55D-64).

### 617-18.1.6. Definitions

All definitions contained in the Municipal Land Use Law are included herein by reference. <sup>1</sup>

**ACCESSORY KITCHEN.** A room within the interior of a dwelling that is permitted to have sinks, microwaves, refrigerators, and other appliances, but is prohibited from having a stove, ovens, etc., so as to established a second dwelling unit.

**ACCESSORY STRUCTURE.** A building the use of which is incidental and subordinate to that of the main use or building on the same lot.

**ACCESSORY USE.** A use of land or of a building or portion which is incidental and subordinate to the principal permitted use of the land or building, and located on the same lot with the principal use.

**ADDITION.** An extension or increase in floor area or height of a building or structure.

**ADULT BOOKSTORE.** An establishment having as a substantial or significant of its stock in trade; books, magazines, periodicals, photographs, or films which are characterized by their emphasis on matters

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<sup>1</sup> If definition is not found in the Municipal Land Use Law or the text of a section for definitions that follow it shall be referenced from the most recent edition of The Complete Illustrated Book of Development Definitions by Harvey S. Moskowitz, Carl G. Lindbloom, David Listokin, Richard Preiss, and Dwight H. Merriam.

depicting, describing, or relating to items determined pursuant to N.J.S.A. 2C:34-2 and 2C:34-3 to be obscene materials or obscene films.

**ALTERATION.** As applied to a building or structure, a change or rearrangement in the structural supports; interior room arrangement; a change in the exterior appearance; a change in height, width or depth; moving a building or structure from one location or position to another; or changing, adding to or removing from or otherwise affecting the exterior appearance of a building or structure.

**APARTMENT.** The same as a “dwelling unit.”

**APPLICANT.** The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in the land.

**APPLICATION FOR DEVELOPMENT.** The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction for the issuance of a permit as outlined in this chapter.

**ASSISTED LIVING FACILITY.** As defined in N.J.S.A. 40:55D-66.2.

**BANNER.** A sign having characters, letters, or illustration applied to cloth, paper, or fabric of any kind, with only such material as backdrop.

**BASE FLOOD ELEVATION.** The elevation, based on mean sea level, of a flood that has a one percent (1%) or greater chance of occurrence in any given year as established by the Federal Insurance Administration of the Department of Housing and Urban Development and as shown on the Flood Insurance Rate Maps of the Federal Insurance Administration.

**BED AND BREAKFAST.** An owner occupied dwelling providing overnight accommodations and a morning meal to transients for compensation. A bed and breakfast shall contain no more than three (3) guestrooms; provide a minimum of two (2) off street parking spaces, plus one (1) space per guest room; and restricts the duration of stay of patrons to a maximum of fourteen (14) consecutive nights.

**BILLBOARD.** A structure utilized for advertising an establishment, an activity, a product, a service, or entertainment, which is sold, produced, manufactured available, or furnished at a place other than on the property on which said structure is located.

**BOARDING HOUSE.** As defined in N.J.S.A. 55:13B-3(a).

**BOAT.** Any vessel or watercraft used or capable of being used as a means of transportation on water.

**BOROUGH.** The Borough of Ocean Gate.

**BOROUGH COUNCIL.** The Borough Council of the Borough of Ocean Gate.

**BUFFER AREA.** An area of land within a property or site, generally adjacent to and parallel with the property line, to allow adequate screening of view, noise, or activity taking place within the property or site from adversely affecting adjoining properties.

**BUILDING.** A combination of materials forming a structure adapted for permanent, temporary, or continuous occupancy that has a roof.

**BUILDING, EXISTING.** Any building erected prior to the adoption of the appropriate code or for which a legal building permit has been issued.

**BUILDING HEIGHT.** The vertical distance measured from the average grade within three (3) feet of the building measured vertically to the highest point of the proposed roof structure, which shall include decks and tops of railings, but shall not include chimneys and cupola structures.

**BUILDING LINE.** A point at a vertical plane that coincides with the exterior surface of the building on any side. In the case of a cantilevered section or any projection including decks and porches of a building the vertical plane shall coincide with the most projected surface. All setback measurements are measured to the building line. Steps may protrude into the required setback line up to thirty (30) square feet.

**BUILDING SITE.** The area occupied by a building or structure, including the yards and courts required for light and ventilation and such area areas that are prescribed for access to the street.

**CANTILEVER.** A projecting bracket or beam fastened on one (1) end only and designed to bear a weight or structure where supports cannot be placed or are not desired.

**CERTIFICATE OF OCCUPANCY.** A document issued upon completion of construction and/or alteration of any building or the change in occupancy of a commercial or industrial building. Said document shall acknowledge compliance with all requirements thereto granted by the Zoning Officer and/or all other applicable requirements.

**CHANGE OF USE.** Any use that substantially differs from the previous use of a building or land.

**CHILD CARE CENTER.** A facility duly licensed by the New Jersey State Department of Human Services for the daytime accommodation of six (6) or more children. Child care centers shall be permitted in all nonresidential districts of the Borough. The floor area occupied in any building or structure as a child care center shall be excluded in calculating:

1. Any parking requirements otherwise applicable to the number of units or amount of floor space, as appropriate under local laws and regulations adopted hereunder; and
2. The permitted density allowable for that building or structure under any applicable Borough zoning ordinance.

**COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED.** In accordance with N.J.S.A. 40:55D-66.2(a), any community residential facility housing up to fifteen (15) developmentally disabled persons, which provides food, shelter, and personal guidance for said persons who require assistance, temporarily or permanently, in order to live in the community. Such residence shall not be considered health care facilities within the meaning of the Health Care Facilities Planning Act, P.L.1971, c.136 (N.J.S.A. 26:2h-1 et seq.), and shall including, but not be limited to, group homes, halfway houses, supervised apartment living arrangements, and hostels.

**COMPLETE APPLICATION.** The application form and all accompanying documents and information required by ordinance for approval of a subdivision, site plan, planned development, conditional use, variance, or any other form of approval under this Ordinance.

**CONDITIONAL USE.** A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter.

**CORNER LOT.** A lot fronting on two (2) or more streets at their intersection. All yards on corner lots abutting any street shall be constructed as front yards and shall be subject to the front setback of the zone. The remaining yards shall be considered side yards and shall meet the side setback of the zone

**COUNTY.** Ocean County.

**CURB LINE.** Delineation line at edge of pavement in street right of way, regardless of whether there exists a curb.

**DAYS.** Calendar days.

**DENSITY.** The permitted number of dwelling units per gross area of land to be developed.

**DECK.** A flat-floored roofless structure, either attached or detached, and exterior to a building above existing grade.

**DEVELOPER.** The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in such land.

**DEVELOPMENT.** The division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to this chapter.

**DOMESTIC ANIMAL.** A member of the kingdom of living beings that has the capacity for spontaneous movement and rapid motor response to stimulation, yet is not human, and which has been adapted or tamed to live in intimate association with, and for the pleasure or advantage of, the human species, and includes, but is not limited to, dogs, cats, gerbils, fish, birds, snakes, turtles, lizards, frogs, rabbits, etc., not to exceed 100 pounds. The 100-pound weight limit shall not apply to dogs.

**DOMESTIC ANIMAL ENCLOSURE.** A cleared area, including any fence enclosing the structure, not to exceed seventy-five square feet (75 sq. ft.) or structure expressly for the purpose of allowing a permitted domestic animal to run about and take shelter. Said animal enclosure shall not exceed a maximum of seven (7) feet in height. A domestic animal enclosure shall be permissible provided it is located in the rear yard area and ten (10) feet from any lot line. One domestic animal enclosure may be permitted incidental to a single family detached dwelling. Said domestic animal enclosure inclusive of a shelter or "domestic animal house" shall be permitted as a right as an Accessory Use.

**DOMESTIC ANIMAL KENNEL.** Any building, structure, or premises in which domestic animals are kept, boarded, bred, or trained.

**DRIVEWAY.** An area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

**DUPLEX.** A building containing two (2) single-family dwelling units totally separated from each other by an unpaired wall extending from basement to roof or an unpaired floor extending to the exterior wall lines except for a common stairwell exterior to both dwelling units.

**DWELLING.** A building or portion thereof designed to be used exclusively for one (1) or more dwelling units.

**DWELLING, MULTIPLE.** A building designed for or containing two (2) or more dwelling units which are entirely separated from each other by vertical walls or horizontal floors, unpierced except for access to the outside or a common cellar.

**DWELLING, SINGLE-FAMILY.** A building designed for or containing one (1) dwelling unit.

**DWELLING UNIT.** A building or portion thereof that has cooking, sleeping, and sanitary facilities designed for or occupied by one (1) family.

**EASEMENT.** The right-of-way of the Borough, County, State, sewerage authority, or other public or quasi-public agency or their agents, servants, and employees to use the land subject to the "easement" for the purposes specified on the plat or in the document granting the "easement."

**EROSION.** The detachment and movement of soil or rock fragments by water, wind, ice, and gravity.

**FAMILY.** One (1) or more persons living together as a single family entity or nonprofit housekeeping unit, as distinguished from individuals or groups occupying a hotel, club, or fraternity or the like.

**FENCE.** An artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials.

**FLOOR AREA.** The sum of the gross horizontal areas of the floor or several floors of a building measured between the inside faces of exterior walls. For nonresidential uses, "floor area" shall include basements, cellars, and storage.

**GARAGE, PRIVATE.** A building used as accessory to the main building, which provides for storage of motor vehicles and in which no occupation, business or service for profit is carried on.

**GOVERNING BODY.** The Borough Council of the Borough of Ocean Gate.

**GRADE, FINISHED.** The completed surface of lawns, walks, and roads brought to grade as shown on official plans or designs relating thereto or existing if no plans or designs have been approved.

**HABITABLE FLOOR AREA.** The total floor area of all the habitable rooms in the dwelling as permitted by FEMA regulations in designated flood zones. No habitable rooms shall be below the Base flood elevations pursuant to latest adopted Flood Insurance Rate Maps.

**HOUSE OF WORSHIP.** A building or group of buildings, including customary accessory buildings, designed or intended for public worship. This shall include chapels, congregations, temples, and other similar designations, as well as parish houses, convents, and such accessory uses.

**HOUSEHOLD PET.** A domestic animal not exceeding 100 pounds, with exception to dogs, residing within a dwelling unit and not raised for production of products for sale.

**IMPERVIOUS.** To not allow the downward entry of water into the immediate surface or soil or other material.

**INTERSECTION.** Any street corner formed at a crossing of two (2) or more streets.

**LAND.** Includes improvements and fixtures on, above, or below the surface.

**LIVESTOCK.** All animals kept or raised for profit-making purposes, including, but not limited to, animals raised for slaughter or sale; animals kept for breeding; chickens and roosters or fowl; work animals; equine; animals kept for dairy products; and otherwise farm-kept.

**LOT.** A designated parcel, tract, or area of land established by a plat or otherwise, as permitted by law and to be used, developed or built upon as a unit.

**LOT AREA.** The calculated square footage of land within the front, side, and rear lot lines of the lot. Portions of lot encumbered by easements shall be included in calculating "lot area." Any portion of a lot included in a street right-of-way shall not be included in calculating "lot area."

**LOT COVERAGE.** The area of a lot covered by buildings and other structures. This area shall exclude roof overhangs from the outermost structural support to a maximum of twenty-four inches (24"), all additional area in excess of this dimension shall be included in the calculation.

**LOT DEPTH.** The shortest distance between the front lot line and a line drawn parallel to the front line through the midpoint of the rear lot line.

**LOT FRONTAGE.** The horizontal distance of lot lines or portions thereof which are coexistent with a street line.

**LOT LINE.** A line dividing one (1) lot from another or from a street, public or private.

**LOT LINE, FRONT.** A lot line or portion thereof which is coexistent with a street line and along which the lot frontage is calculated.

**LOT LINE, REAR.** The lot line most distant and generally opposite and parallel from the front lot line.

**LOT LINE, SIDE.** Any lot line other than a front or a rear lot line.

**LOT WIDTH.** The dimension of the lot perpendicular to the lot depth measured through the midpoint of the lot depth.

**MAJOR DEVELOPMENT.** Any Development not defined as a “Minor Development.”

**MINOR DEVELOPMENT.** A Minor Development shall be considered:

1. Any subdivision of less than three (3) lots; or
2. Any building that is
  - a. Commercial; and
  - b. Does not exceed 4000 square feet of floor area in total size; or
3. The construction or expansion of an off street parking facility which:
  - a. The total size will not contain more than ten (10) parking spaces; and
  - b. Does not involve:
    - i. A planned Development;
    - ii. Any new street; or
    - iii. Extension of any off tract improvements.

**MASTER PLAN.** A composite of one (1) or more written or graphic proposals for the Development of the Borough of Ocean Gate.

**MOTORCYCLE.** Includes motorcycles, auto cycles, motor bikes, bicycles with motor attached, and motor-operated vehicles of the bicycle, tricycle, or quad type, whether the motive power be a party thereof or attached thereto and having a saddle or seat with drive sitting astride or upon it or a platform on which the driver stands.

**MOTOR VEHICLE.** Includes all vehicles propelled otherwise than by muscular power, including, but not limited to, bus, road tractor, recreational vehicle, camper truck, truck tractor, or automobile.

**MOTOR VEHICLE, COMMERCIAL.** A motor vehicle registered with commercial license plates.

**MOTOR VEHICLE, PERSONAL.** A motor vehicle not registered with commercial license plates.

**MOTOR VEHICLE STORAGE YARD.** Any land or premises that have:

1. One or more motor vehicles that have been inoperable or unregistered for a period exceeding thirty (30) days; or
2. Any motor vehicle parts, including, but not limited to, engine or engine parts, wheels, tires, etc., stored outdoors.



**MUNICIPALITY.** The Borough of Ocean Gate.

**NONCONFORMING LOT.** A lot, the area, dimension, or location of which was lawful prior to the adoption, revision, or amendment of zoning in the Borough, but fails to conform to the requirements of this chapter or the zone in which it is located by reason of such adoption, revision, or amendment.

**NONCONFORMING STRUCTURE.** A structure or building the size, dimension or location of which was lawful prior to the adoption, revision, or amendment of zoning in the Borough, but which fails to conform to the requirements of the zoning regulations of this chapter for the zone in which it is located by reason of such adoption, revision, or amendment.

**NONCONFORMING USE.** An use or activity which was lawful prior to the adoption, revision, or amendment of zoning in the Borough, but which fails to conform to the requirements of this chapter or zone in which it is located by reasons of such adoption, revision, or amendment.

**NURSERY SCHOOL.** A school designed to provide daytime care or instruction of two (2) or more children from two (2) to six (6) years of age, inclusive, and operated on a regular basis.

**OCCUPANCY.** The specific purpose for which land or a building is used, designed, or maintained.

**OFFICIAL MAP.** A map adopted by ordinance by the Borough Council.

**OFF-SITE.** Located outside the lot lines of the lot in question, but within the property, of which the lot is a part, which is the subject of an application for development or contiguous portion of a street or right-of-way.

**OWNER.** Any person, agent, firm, or corporation having legal interest in the property.

**PARKING AREA, PRIVATE.** An open space, other than a street, intended for the same use as a private garage.

**PARKING AREA, PUBLIC.** An open space, other than a street or other public way, used for the parking of motor vehicles and available to the public.

**PARKING SPACE.** An off street area provided for the parking of a motor vehicle with a minimum area of nine feet by eighteen feet (9' x 18') exclusive of access drives and driveways in public parking areas.

**PATIO.** An area of land where the ground:

1. Has been surfaced with construction material such as brick, stone, cement, or lumber;
2. Does not project above finished grade more than twelve (12) inches; and
3. Entirely uncovered by a roof or any superstructure.

**PERMIT.** An official document or certificate issued by the authority having jurisdiction which authorizes performance of a specific activity.

**PERMIT, BUILDING.** A permit issued for the alteration or erection of a building or structure in accordance with the provisions of the ordinances of the Borough of Ocean Gate.

**PERMIT, CONDITIONAL USE.** A permit issued for a conditional use upon the submission of a complete application for the applicable use.

**PERMIT, DEVELOPMENT.** A permit signed by the Zoning Officer which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion, or installation of a structure or building and which acknowledges that such use, structure or building complies with the provisions of this chapter or variance there from duly authorized by a municipal agency.

**PERMIT, NON-FEE.** A permit for which there is no fee

**PERMIT, ZONING.** The permit issued by the Zoning Officer regarding a land use or development which is in compliance with this ordinance or other decision of the Land Use Board.

**PERSON.** Any individual, firm, partnership, corporation, or entity. This definition shall also be considered to designate plural as well as singular.

**PREMISES.** A lot or tract of land or any combination thereof held under single ownership or control

**PRIMARY BUILDING.** A structure in which is conducted the principal use on the site on which it is situated. In any zone, any dwelling shall be deemed to be a principal building on the lot which it is located.

**PRIMARY OR PRINCIPAL USE.** The primary or principle purpose for which a building, structure, or lot is used

**PRIVATE PROPERTY.** Any lands in the Borough not under the control of local, County, or State government, or designated for public use.

**PUBLIC AREAS.** Public parks, playgrounds, trails, paths, beaches, and other recreational areas; other public open space; scenic and historic sites; and sites for schools and other public buildings and structures.

**RECREATIONAL VEHICLE.** A vehicle designed for recreational use, such as camping, and/or is equipped as living quarters.

**REPAIR.** The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

**REQUIRED.** Shall be construed to be mandatory by provisions of this chapter.

**RESIDENTIAL SITE IMPROVEMENT STANDARDS (“RSIS”).** The state-wide residential design standards (N.J.A.C. 5:21) approved by the Commissioner of the New Jersey Department of Community Affairs, effective and revised June 4, 2007, and any edition of this document as amended.

**RESTAURANT.** Any establishment at which food is sold for consumption on the premises, but normally to patrons seated within an enclosed building

**RE-SUBDIVISION.** The further division or relocation of lot lines of any lots within a subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

**ROOMING HOUSE.** As defined in N.J.S.A. 55:13B-3(h).

**ROOMING UNIT.** One (1) or more rooms arranged or intended for one (1) or more persons, but without sanitary, bathing, cooking, or eating facilities necessary to form a separate dwelling unit as defined herein.

**SETBACK.** The horizontal distance between a building or structure and any front, side, or rear lot line, measured perpendicular to such lot lines at the point where the building or structure is closest to such lot lines, but not including decks less than twelve inches (12") above the finished grade.

**SETBACK LINE.** The line beyond which a building or structure shall not extend.

**SHRUBS.** Any plantings to reach a height of thirty inches (30") or more and a circumference of twelve inches (12").

**SIGN.** A figure, character, mark, plane, marquee, design, poster, pictorial, picture, strobe, stripe, line, trademark, reading matter, or illuminating device constructed, attached, erected, fastened, or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever, and displayed in any manner out of doors for recognized advertising purposes.

**SITE.** Any plot, parcel, piece, or tract of land.

**SITE PLAN.** A Development plan for one (1) or more lots on which is shown:

1. The existing and proposed conditions of a lot, including, but not necessarily limited to, topography, vegetation, drainage, floodplains, marshes, and waterways;
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures or signs, lighting, and screening devices; and
3. Any other information that may be reasonably required in order to make an informed determination pursuant to the provisions of this chapter requiring review and approval of site plans by the Land Use Board.

**STORY.** That portion of a building included between the surface of any floor and the surface of the floor or ceiling next above it. For the purpose of this chapter, where there is a story below the base flood elevation, that portion with a floor ceiling or ceiling assembly more than six (6) feet above the grade shall not be considered a story.

The portion of the building under the jurisdiction of FEMA in a designated flood zone with a floor below the base flood elevation shall not be considered a story and may not have a finished wall or floor and used only for the purpose of storage and/or parking.

A story outside of the flood area requirements if more than (6) feet above grade for fifty percent (50%) of the perimeter shall be considered a story above grade and limit the structure to one-and-a-half (1 ½) additional stories.

**STORY, HALF.** A half-story shall be considered:

1. A story under a gable, hip, or gambrel roof;
2. The wall plates of which on at least two (2) opposite exterior walls are no more than two (2) feet above the floor surface of such story; and
3. Where the total floor area at the ceiling height of five (5) feet or greater is less than fifty percent (50%) of the floor area of the story immediately below it.

The limits of the habitable attic must be defined by walls at the five (5) feet elevation. The extensions of the floor beyond the outer walls of the half-story shall not be used for storage. This area may not be used as habitable space and used as attic area only.

**STREET.** A public thoroughfare that has been dedicated for public use.

**SUBDIVISION, MAJOR.** See “Development, Major.”

**SUBDIVISION, MINOR.** See “Development, Minor.”

**TRAILER.** A nonautomotive vehicle designed to be hauled on road and its purpose is to transporting something and/or to serve wherever parked as a temporary dwelling or place of business.

**TREE.** A woody perennial plant, including any root, branch, or other part thereof.

**TREE EXPERT.** As defined in N.J.S.A. 45:15C-12.

**TREE, PARK.** Tree, shrub, bush, and other woody plant within public areas.

**TREE, STREET.** Tree, shrub, bush, and other woody plant on land lying between lot lines on either side of all streets and avenues within the Borough or within easements parallel to the right of way line.

**TOWNHOUSE.** One (1) dwelling unit attached to at least one (1) other dwelling unit in a group of not less than three (3) dwelling units sharing one (1) or more common vertical walls extending from the lowest floor level to the uppermost portion of the roof.

**USE.** The specific purpose for which a parcel of land or a building is designed, arranged, intended, occupied, or maintained.

**USE, ACCESSORY.** A use incidental to the principal use of a building as defined or limited by the provisions of this chapter.

**USE GROUP.** The classification of a building or structure based on the purpose for which it is used as listed in the IBC:

<b>Group</b>	<b>Use</b>
A.	Assembly
B.	Business
E.	Education
F.	Factory and industrial
H.	High-hazard
I.	Institutional
M.	Mercantile
R.	Residential
S.	Storage
U.	Utility and miscellaneous.

**VARIANCE.** Permission to depart from the literal requirements of the zoning ordinance pursuant to Section 47 and Section 29.2b., 57c., and 57d. of P.L.1975, c.291 (N.J.S.A. 40:55D-35 to 36 and 40:55D-40 to 40:55D-70).

**VEGATATION.** Plants to include bushes shrubs vines and hedges or similar plant growth.

**YARD, FRONT.** A space extending the full dimension of the lot between any building and the street line, measured perpendicular to the building at the closest point of the front lot line.

**YARD, REAR.** The area between the face of the structure nearest the rear lot line as defined herein.

**YARD, SIDE.** Any yard that is not either a front yard or a rear yard as defined herein.

**ZONING OFFICER.** The person appointed by the Mayor for all applications for zoning permits and development approvals pursuant to this chapter.

## **617-18.2 ENFORCEMENT AND ADMINISTRATION**

### **617-18.2.1. Enforcement and Administration.**

This chapter shall be administered and enforced by the Zoning Officer.

### **617-18.2.2. Remedies.**

In the event that any building or structure is constructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this chapter, the Zoning Officer shall have the power to issue stop, cease, and desist orders and the Borough, in addition to other remedies, may institute any

appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct or abate such violations; to prevent the occupancy of said building, structure or land or to prevent any act, conduct, business or use that violates this chapter in the Borough.

### **617-18.2.3. Violations and Penalties.**

Any and every violation of this chapter by the owner, contractor, or other person or persons interested as lessee, tenant or otherwise in any building or premises where such violation has been committed or shall exist shall be deemed a separate offense and shall be punishable by one (1) or more of the following: imprisonment not to exceed ninety (90) days, a fine not to exceed one thousand dollars (\$1,000.) or community service for a period not to exceed ninety (90) days. Each day of a continuing violation shall constitute a separate violation.

### **617-18.2.4. Appeals**

Any person aggrieved by the decision of any officer relative to the provision hereof, may, pursuant to the provision of this chapter within thirty (30) days of receipt of such decision, appeal to the Land Use Board.

## **617-18.3 GENERAL RESTRICTIONS**

### **617-18.3.1. Zoning Map.**

- a. The Zoning Map of the Borough of Ocean Gate shall be a map entitled "Official Zoning Map, Borough of Ocean Gate," which shall be made a part hereof as may be amended or supplemented.

### **617-18.3.2 Storage of Motor Vehicles, Recreational Vehicles, Boats, and Trailers.**

- a. Outdoor Storage of Motor Vehicles, Recreational Vehicles, Boats, and Trailers.
  1. General. Outdoor storage of a motor vehicle, motorcycles, boat, recreational vehicle, and/or trailer is permitted on properties containing a principal structure if the motor vehicle, boat, recreational vehicle, or trailer is:
    - i. Stored in a driveway;
    - ii. Located further than three feet (3') from any side or rear lot line and six feet (6') from the front lot line;
    - iii. Not reducing the number of required parking spaces according to the RSIS standards; and
    - iv. Not diminishing the site triangles at street intersections.
  2. Quantity Requirements.
    - i. The total length of all motor vehicles, motorcycles, boats, and trailers on the property shall be governed by the following schedule:

Lot Size	Total Length
Twenty feet by one hundred feet (20' x 100')	Less than or equal to seventeen feet (17')
Greater than twenty by one hundred feet (20' x 100'), but less than or equal to forty feet by one hundred feet (40' x 100')	Less than or equal to thirty-four feet (34)
Greater than forty by one hundred feet (40' x 100'), but less than or equal to sixty feet by one hundred feet (60' x 100')	Less than or equal to fifty-one feet (51')
Greater than sixty by one hundred feet (60' x 100'), but less than or equal to eighty feet by one hundred feet (80' x 100')	Less than or equal to sixty-eight feet (68')
Greater than or equal to one hundred feet by one hundred feet (100' x 100')	Less than or equal to eight-five feet (85')
Greater than or equal to one hundred twenty feet by one hundred feet (120' x 120')	Less than or equal to one hundred two feet (102')

ii. Exceptions. The quantity requirements shall not apply to the following items:

- A. Personal motor vehicles and/or motorcycles.
- B. Sailboats (e.g., Optimists, Lasers, Sunfish, International 420s, etc.), canoes, kayaks, rowboats, and other non-motorized dinghies less than or equal to fourteen feet (14').
- C. Boats stored on trailers. If a boat is stored upon a trailer, then the length of the trailer shall be used to determine the total length for all motor vehicles, boats, and trailers. This exception shall not apply to motor vehicles stored on trailers.

iii. Commercial Motor Vehicles. In addition to the requirements above, there shall be a maximum of two (2) commercial motor vehicles on any sized lot and shall meet the following requirements:

- A. The combined weight of the commercial motor vehicle(s) shall not exceed a gross curb weight of 8,000 pounds or greater while being parked on a property; and
- B. Commercial motor vehicle shall only be stored on the property of the owner or authorized operator of said vehicle. An authorized operator means an individual who is permitted by his or her employer to use an employer-owned vehicle.

3. Utility Connections. Any motor vehicle, boat, or trailer stored in accordance with this section shall not have a utility connection, unless such connection is required for the maintenance motor vehicle, boat, or trailer.
4. Prohibited Uses. Motor vehicles, boats, or trailer shall not be used for:
  - i. Dwelling purposes.
    - A. Exception. Dwelling purposes may be permitted if the motor vehicle or trailer is being used as a temporary residency during the construction or repair of the building on the property as a result of damage from an emergency situation, i.e. flood, fire, etc. In addition, the owner must obtain a temporary dwelling permit from the Zoning Officer. The permit shall be issued for a period of ninety (90) days. A permit may be reissued for an additional ninety-day period upon submittal of an additional application. Boats shall not be used for temporary dwelling purposes.
  - ii. Storing household or commercial items.
- b. Outdoor Storage of Inoperable Motor Vehicles, Motorcycles, Boats, and Trailers.
  1. It shall be unlawful for any owner, possessor, or occupant of land in the Residential Zone of the Borough to store, place, or permit to be stored or placed upon such land any motor vehicle, motorcycles, boats, or trailers that are inoperable.
  2. For the purposes of this section, “inoperable” shall mean:
    - i. Incapable of being readily operated under its own power;
    - ii. Outlived their usefulness in original form; or
    - iii. Unregistered and uninsured.
  3. Exceptions.
    - i. The parking or storage is a permitted commercial nonconforming use; or
    - ii. The motor vehicle, motorcycle, boat, or trailer is storage under a factory manufactured cover. However, this exception shall not apply to parts thereof.
- c. Prohibition of Motor Vehicle Storage Yard. Motor Vehicle storage yards are prohibited in the Borough.
- d. Any parking or storage not in conformance with the above requirements shall have three (3) months from the effective date of the Ordinance to comply.

**617-18.3.3. Tree Resource and Management.**

- a. Purpose: The purpose of this section is to: (a) control and regulate the indiscriminate or excessive removal, cutting, and destruction of tree on privately owned property; (b) encourage the planting of



new trees; (c) control, regulate, and prevent conditions which cause increased surface drainage, sedimentation, and soil erosion adversely impacting the value of real estate and the public health, safety, and welfare of the community. The regulations contained in this section are designed to limit such adverse impact while not interfering with the right of a property owner to appropriately remove trees in accordance with the regulations contained in this ordinance.

b. Definition.

1. HAZARD. Any tree, plant, or shrub that based on its condition and or location presents a threat to the safety, health, and welfare of the public.

c. Care and Maintenance of Trees.

1. Trees within Public Right-of-Way.

- i. Property owners shall be responsible for maintaining any trees and any landscaping between the front lot line and the curb or pavement. Such maintenance shall include, but not be limited to, pruning of branches, cleaning of leaves, and ensuring that such trees do not interfere with views of street intersections.
- ii. Permit Required. If a property owner intends on removing a tree on public property, then the property owner shall obtain a non-fee permit prior to removal of said tree.
- iii. In the event the property owner fails to maintain such trees, the Zoning Officer shall notify the property owner in writing that
  - A. The trees are not being maintained;
  - B. A demand for the owner to maintain the trees within thirty (30) days of service of the notice; and
  - C. The Borough's intent to take action if the property owner does not act.
- iv. In the event the property owner fails to remediate the issues in the notice, the Borough shall have the authority to assess administrative charges and costs of maintenance to the property owner.

2. Dead or Diseased Trees on Private Property.

- i. Property owners shall be responsible to cause the removal of any dead or diseased tree on its property when such trees (a) constitute a Hazard to life and property and/or (b) harbor insects or disease which constitutes a threat to other trees within the Borough.
- ii. Investigation by Borough.
  - A. When the Borough receives notice that a tree is a Hazard, harbors insects, or is dead or diseased, the Borough shall investigate to determine whether removal is appropriate.

- B. The initial investigation shall be performed by the Zoning Officer. If the Zoning Officer determines the tree is dead or is a Hazard, then the he or she shall notify the property owner. If the Zoning Officer determines that the tree may be diseased or harbor insects, he or she shall contact a Tree Expert to investigate the matter further.
  - iii. Notification to Property Owner. The Zoning Officer shall notify the property owner in writing that
    - A. The property contains trees that are dead, diseased, harbors insects, and/or is a Hazard;
    - B. The report of the Tree Expert, if applicable;
    - C. A demand for the removal such trees within thirty (30) days of service of the notice; and
    - D. The Borough's intent to remove the same if the property owner does not act.
  - iv. Permit Required. If a property owner intends on removing the dead or diseased, then the property owner shall obtain a non-fee permit prior to the removal of said tree.
  - v. If the property owner fails to remove the tree, then the Borough shall have the right to cause the removal of any dead or diseased tree on private property.
  - vi. In the event the Borough removes a dead or diseased tree from private property, the Borough shall have the authority to assess administrative charges and costs of removal to the property owner.
- d. Planting of New Trees.
1. Categories of Street Trees. All street trees shall be categorized as follows:
    - i. Small: twenty-five feet or less (25' or less);
    - ii. Medium: twenty-five to forty feet (25-40'); and
    - iii. Large: forty feet and over (40' or greater).
  2. Permit Required. No street tree shall be planted without first obtaining a non-fee permit for such planting. The purpose of the permit shall be for reviewing the species, size, and location of the street tree.
  3. Location Guidelines.
    - i. Street trees shall be planted in accordance with the following guidelines:
      - A. Distance from lot lines:
        1. Small tree: three feet (3') from the lot line;
        1. Medium tree: five feet (5') from the lot line; and

1. Large tree: eight feet (8') from the lot line.
- B. No street tree shall be planted under a utility line.
- C. No street tree shall interfere with the sight triangle for corner lots.

**617-18.3.4. Nonconforming Uses and Structures.**

- a. Continuation of Nonconforming Use. A use, building, or structure, lawfully in existence on the effective date of the adoption of this Ordinance or amendment thereto, which shall be made nonconforming by this Ordinance or amendment, may be continued except as otherwise provided in this Ordinance.
- b. Replacement of Nonconforming Use with Conforming Use. A use, building, or structure, lawfully in existence on the effective date of the adoption of this Ordinance or amendment thereto, which shall be made nonconforming by this ordinance or amendment, shall be replaced only with a conforming use, building, or structure.
- c. Abandonment of Nonconforming Use. If the nonconforming use is ruled to be abandoned, the use of the building or property must be made to conform to this Ordinance.
- d. Additions to Nonconforming Structures. A building or structure lawfully in existence on the effective date of the adoption of this Ordinance or amendment thereto and devoted to a conforming use, but which shall be made nonconforming by this ordinance or amendment with regard to height, bulk, or yard requirements, may be extended or enlarged provided the distance from the exterior wall line to the property side and or rear lot line is not less than six feet (6') and the front setback is not less than twenty feet (20'). There must not be any increase in nonconforming lot coverage.
- e. Repairs to Nonconforming Use or Structure.
  1. Normal maintenance and repair of a structure containing a nonconforming use is permitted provided:
    - i. The repair or maintenance does not extend the area or volume of space occupied by the nonconforming use;
    - ii. The repair or maintenance does not increase the residential density or the level of occupancy by persons or the number of beds or sleeping rooms, and
    - iii. The cost required to comply with applicable building and health codes does not exceed fifty percent (50%) of the present value of the structure, unless the nonconforming use is replaced with conforming use.
  2. For the purpose of this section, "present value" shall mean the assessed value listed on the records of the Tax Assessor, except when an appraised value has been determined by a certified appraiser within the year of the date of the application for zoning permit.

**617-18.4 PERMITTED USES AND STRUCTURES**

**617-18.4.1.** This Ordinance shall be a permitted use and structure document. Any use and/or structure, and its bulk requirements, which are not listed in the contents of this Ordinance, shall not be permitted.

## 617-18.5 ZONING REGULATIONS

### 617-18.5.1. R – Residential.

- a. Permitted Uses.
  1. Single family detached residential structures.
  2. Duplex residence on lots of 12,000 sq. ft. or more that is separated by fire rated assembly as prescribed by the Construction Codes.
  3. Public areas, such as municipal parks, playgrounds, and recreation areas.
  4. Essential services, such as utilities and community facilities.
- b. Conditional Uses.
  1. Home professional offices and home occupations that comply with the regulations set forth herein.
  2. Community residences and community shelters for victims of domestic violence that comply with the regulations set forth herein.
  3. Bed and breakfast establishments that comply with the regulations set forth herein.
- c. Area, Yard, and Building Requirements. Building, whether principal or accessory, setback lines use the following requirements relative to the building line of the structure:
  1. Minimum lot area: 6,000 sq. ft.
  2. Minimum lot width: 60 ft.
  3. Minimum lot frontage: 60 ft.
  4. Minimum front setback: 15 ft.
  5. Minimum lot depth: 100 ft.
  6. Minimum rear setback: 6 ft.
  7. Minimum side setback: 6 ft. on each side.
  8. Maximum building coverage: 50%
  9. Maximum impervious coverage: 65%
  10. Maximum building height: 35 ft.
  11. Maximum Accessory Structure or garage height: One story or 19 ft. with a Minimum roof pitch 3/12

d. Decks, Pools, and Sheds.

1. Decks, swimming pools, and sheds are considered “Accessory Structures” and shall meet the above guidelines for setbacks.
2. Exception: Sheds less than or equal to 150 sq. ft. shall be permitted a minimum setback of three feet (3) for rear and side yards and twenty feet (20’) for front yards.

e. Supplemental Regulations.

1. “Building coverage” shall include buildings and roofed structures on a lot.
2. “Impervious coverage” shall include all buildings, roofed structures, driveways, walkways, and other surface that do not infiltrate to the subsurface. Swimming pools are excluded from this definition.
3. All corner lots shall be permitted to have two fifteen-foot front setbacks.
4. Cantilevered areas of the buildings and platforms for steps shall be considered part of a building for setback purposes.
5. No plumbing utilities, except for a wash sink, shall be permitted in any accessory buildings.
6. Livestock shall be prohibited in this Zoning District.
7. Any lot or structure that is nonconforming to the requirements in this Zoning District shall be permitted so long as the lot or structure complies with the requirements for nonconforming lots and structures in Section 3.4.
8. Accessory kitchens are permitted in this Zoning District.
9. Exception to Minimum Lot Area.

i. Existing, Developed Lots.

- A. An existing, developed lot that has a lot area greater than or equal to 4,000 square feet shall be exempt from lot area requirements and variance requirement, provided that the lot meets all setback requirements and RSIS requirements.
  - B. The exception shall also apply to any alteration of a structure on said existing, developed lot.
  - C. Said lots and its structures shall conform to any other applicable development regulations.
10. Prohibition on Creation of Undersized Lots through Subdivision. No undersized lot, i.e., less than 6,000 square feet, shall be created through subdivisions.

### **617-18.5.2. B – Business & Service District.**

#### **a. Permitted Uses.**

1. Restaurants, including sit-down and take-out.
2. Luncheonettes and delicatessens.
3. Professional offices, including, but not limited to, attorneys, accountants, medical professionals, design professionals, etc.
4. Retail supplies and services related to professional offices, including, but not limited to, office supply stores, medical supply stores, printing and copying services, courier and delivery services, telecommunication services, and travel services and agencies.
5. Personal services, including, but not limited to, barber shops, beauty salons, shoe repair, dry cleaning, and tailors.
6. Churches and house of worship.
7. Neighborhood services, including, but not limited to, pharmacies, hardware stores, florists, gift shops, convenience stores, liquor stores, grocery stores, supermarkets, and libraries.
8. Tourist-based retail sales and services, including, but not limited to, antiques and collectible shops; art galleries and studios; consignment shops; bookstores; camera stores; photography studios; souvenir shops; bicycle sales, services, and rental stores; sporting goods store; performance venues, such as theaters and concert halls; and museums.
9. Child Care Centers and Nursery Schools.

#### **b. Conditional Uses.**

1. Apartments on the second floor in combination with commercial use on the first floor that comply with the regulations set forth herein.
2. Adult bookstores that comply with the regulations set forth herein.
3. Assisted living facilities that comply with the regulations set forth herein.
4. Bed and breakfast establishments that comply with the regulations set forth herein.
5. Home professional office and home occupations that comply with the regulations set forth herein.
6. Neighborhood shopping centers that comply with the regulations set forth herein.
7. Public marinas that comply with the regulations set forth herein.

#### **c. Area, Yard, and Building Requirements.**

- |                                 |   |
|---------------------------------|---|
| 1. Minimum lot area:            | 4,000 sq. ft.   |
| 2. Minimum lot width:           | 40 ft.  |
| 3. Minimum lot frontage:        | 40 ft.  |
| 4. Minimum front setback:       | 10 ft.  |
| 5. Minimum lot depth:           | 100 ft.   |
| 6. Minimum rear setback:        | 20 ft. for principal structures<br>8 ft. for Accessory Structures |
| 7. Minimum side setback:        | 0 ft., if there is a firewall<br>10 ft. if there is no firewall   |
| 8. Maximum building coverage:   | 50%   |
| 9. Maximum impervious coverage: | 65%   |
| 10. Maximum building Height:    | Two stories or 35 ft.   |

d. Supplemental Regulations

1. Front Setback. The required front setback shall be the prevailing front setback across the same block front. If there is no building on the block front, then the required front setback shall be the prevailing setback of the building in the same zone along the same street in the nearest block. However, no front setback shall be less than ten feet (10').
2. Rear Setback. A minimum six foot (6') fence and eight foot (8') planting buffer shall be installed between any business and residential use by the developer of the business property.
3. Side Setback. If there is a residential use on an adjoining property, then the commercial property shall have an eight foot (8') side setback.
4. Accessory kitchens are permitted in this Zoning District.
5. Livestock shall be prohibited in this Zoning District.
6. Any lot or structure that is nonconforming to the requirements in this Zoning District shall be permitted so long as the lot or structure complies with the requirements for nonconforming lots and structures in Section 3.4.



## **617-18.6      CONDITIONAL USES**

### **617-18.6.1. Conditional Uses, Generally.**

- a. This section herein sets forth regulations for certain conditional uses. These uses are those which do not conform to the predominant principally permitted used in the zoning district. However, the uses may be compatible with the district's use if located with due consideration to the existing conditions and surroundings and designed to mitigate any adverse impact upon the principally permitted uses of the district.
- b. Procedures for Conditional Uses.
  1. An application for any of the conditional uses listed in this Article shall be submitted to the Zoning Officer.
  2. Any application for a conditional use permit must meet the requirements for that particular conditional use.
  3. The Zoning Officer shall review the application to ensure the conditional use meets the applicable requirements. If an application requires a site plan, then the applicant must present the site plan to the Land Use Board for approval.
  4. Unless otherwise provided herein, the Zoning Officer shall grant a conditional use permit upon submittal of a complete application for the conditional use. The Zoning Officer shall deny any application that is incomplete or does not meet the requirements of the conditional use. All determinations shall be in writing and shall occur within ten (10) business days from the submission of an application.
  5. If the applicant disagrees with the determination of the Zoning Officer, the application may appeal the Officer's decision to the Land Use Board. In reviewing the conditional use application, the Land Use Board shall review the requirements set forth in this chapter for that zoning district, the requirements of the conditional use, and shall give due consideration to all elements which would affect the public health, welfare, safety, and convenience, including, but not limited to, the proposed use or character of the area, vehicular travel patterns and access, pedestrianways, landscaping, lighting, signs, drainage, sewage treatment, potable water supply, utilities, and structural location. If the applicant disagrees with the determination of the Land Use Board, the applicant may appeal the Board's decision to the Governing Body of the Borough or the Superior Court of New Jersey.

### **617-18.6.2. Adult Bookstores.**

- a. Purpose. This section recognizes the rights inherent in the United States Constitution that guarantee freedom of expression, as well as position of the courts in protecting that freedom by invalidating any attempt by local governments to restrict particular expression based upon its content. However, there is also a recognized duty to protect the health, safety, and welfare of the citizens of the Borough from adverse impacts that a concentration of certain uses have been shown to exert on the property values adjoining and proximate residential and commercial properties. Of particular concern is the potential concentration of adult bookstores which are distinguished from conventional bookstores by the fact

that they are required to exclude minors by virtue of age from access to all parts of store pursuant to the pornography statutes of the State of New Jersey.

- b. Issuance of Conditional Use Permit. Adult bookstores may be permitted in the Borough's General Business Zone only if the owner of such bookstores files a complete application with the Land Use Board and the Board approves of the same.
- c. Application for Conditional Use Permit. The application shall include a complete statement setting forth all the particulars of the structure and the proposed use thereof.
- d. Location of Adult Bookstore. Because the Borough contains schools, parks, and other places where children gather in close proximity to commercial areas wherein adult uses might be permitted and because it is determined to be in the public interest to provide adequate separation between schools and houses of worship, and the subject adult uses, the Governing Body has determined that 1,000 feet will be required between a proposed Adult Bookstore and any public, private or parochial school; library; park; playground; recreational facility; government office or facility; or house of worship.
- e. Advertisement; Displays. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public. All building openings, entries, windows, etc., for adult uses shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.
- f. Storefront Sign. An Adult Bookstore shall be permitted one identification sign stating the following items:
  - 1. The name of the bookstore;
  - 2. The hours of the business; and
  - 3. Customer age restrictions.

### **617-18.6.3. Apartments in Commercial Buildings.**

- a. Issuance of Conditional Use Permit. Apartments in commercial buildings shall be permitted only upon the issuance of a conditional use permit by the Land Use Board.
- b. Application for Conditional Use Permit. Application for a conditional use permit shall address the conditions as specified in other regulations of this Ordinance in addition to the following:
  - 1. The apartment must be located above the street level floor of the commercial building;
  - 2. The apartment must have a separate entrance at street level and the entrance door must be self closing;
  - 3. A commercial building which is enlarged to provide for one or more upper level apartments shall be required to meet the parking requirements for the commercial use plus one-and-a-half (1-1/2) spaces for each residential dwelling unit therein, except that 50% of the total residential parking

requirement may be met through the provisions of parking spaces for commercial uses within the same building.

4. The applicant shall submit a proposal for the handling and disposal of solid waste, including the means by which differing recycling requirements between the commercial and residential uses will be reconciled.

**617-18.6.4. Assisted Living Facility; Congregate Care Residential Facility.**

- a. Issuance of Conditional Use Permit. Conversion of an existing rooming house, boarding house, hotel, motel, or guest house to an assisted living facility or congregate care residential facility shall be permitted only upon the issuance of a conditional use permit by the Land Use Board.
- b. Application for Conditional Use Permit. Application for a conditional use permit shall include an application for a major site plan approval, including a report bearing the seal of a licensed architect or architectural engineer certifying that the building to be converted is structurally sound. The application shall also address the following conditions:
  1. The building proposed for conversion shall have at least six bedrooms and 3,000 square feet of habitable floor area.
  2. The size of the existing building shall not be increased nor shall the exterior be altered, unless specifically required by fire or fire subcode official for safety reasons.
  3. All dwelling units shall be accessed through interior stairways or elevators accommodated within the existing building envelope.
  4. There shall be no dwelling unit with less than one (1) bedroom or more than two (2) bedrooms.
  5. One-bedroom units shall contain at least 400 square feet of floor space and two-bedroom units shall contain at least 750 square feet of floor space.
  6. All storage and laundry facilities shall be contained within the building.
  7. Because several types of transient uses typically were built prior to the common use of automobiles and usually have little or no off-street parking, the degree to which off-street parking shall be provided will be decided by the reviewing Board after consideration of:
    - i. The amount and location of available open land on site and its suitability for development as surface parking according to design requirements of Article VII.
    - ii. The amount and location of adjacent available land, if any, which may be acquired by the Applicant for development as surface parking according to the design requirements of Article VII.
    - iii. The availability of on street parking within the block of the project site, based on a survey taken before 7:00 a.m. and after 7:00 p.m. on both a weekday and a weekend during the

summer vacation season. A parking analysis prepared by a professional traffic engineer may be submitted in lieu of a survey.

- iv. If the board determines that there is no possibility of developing adequate parking on the site and that the street parking is at or over capacity, the Board shall limit the number of dwelling units to be permitted based on the following analysis:
  - A. A determination of the parking demand generated by the former transient use based on half (1/2) parking spaces per guest room or rooming unit.
  - B. Half of the total number of parking spaces calculated in subparagraph (A) shall equal the maximum number of two-bedroom Apartments; and the maximum number of one-bedroom Apartments shall equal the total number of parking spaces calculated in subparagraph (A).
  - C. Where a mixture of one- and two-bedroom Apartments is proposed, the maximum number of each may be determined based upon multiplying the number of one-bedroom units by one (1) and the number of two-bedroom units by one half (1/2) summing the product of each. The value so derived must be equal to or less than the total number of parking spaces calculated in subparagraph (a).
- c. Architectural Features. The architectural features of the exterior of the building to be converted shall be preserved and restored if, in the opinion of the Board, the building is of historic or architectural significance to the Borough.
- d. Waiver of Certain Requirements. If the Board determines that the condition (1) thru (7) above have been met by the Applicant, the height, bulk and density standards normally applied to residential development under Article VI of this Ordinance shall be waived.

#### **617-18.6.5. Bed and Breakfast.**

- a. Issuance of Conditional Use Permit. Bed and breakfast establishments shall be permitted only upon the issuance of a conditional use permit by the Land Use Board.
- b. Application for Conditional Use Permit. Applications for the conditional use permit shall address the conditions as specified in other regulations of this Ordinance in addition to the follows:
  1. A statement detailing the proposed use of the premises including:
    - i. The total number of rooms being made available to guests;
    - ii. The number of rooms to be made available to staff, including the owner;
    - iii. The terms of tenure by which the guests will be allowed to stay at the premises (e.g. up to fourteen (14) days);
    - iv. The season of operation;

- v. The provisions for serving meals and the seating capacity of the dining room; and
  - vi. A description of any additional ancillary activities to be conducted on the premises.
2. An affidavit executed by the owner of the premises proposed for use as a bed and breakfast establishment attesting to the commitment of the owner to occupy the premises during the term of its use as a bed and breakfast or until ownership is transferred to another party whichever comes first. The continuation of the bed and breakfast use shall be permitted provided that one or more of the owners of the premises maintains a permanent residence therein. The bed and breakfast shall cease serving breakfast before 12:00 p.m.
  3. There shall be no service of alcoholic beverages to guests on the premises, unless it is in conjunction with the operation of a restaurant and the premises is located in a zone where restaurants are permitted.
  4. The building in which the proposed Bed and Breakfast establishment is to be located shall not be expanded nor shall the exterior be altered in any way, unless such alteration is required for the purpose of complying with building or fire codes and the expansion or alteration has been approved by the Land Use Board.
  5. Photographs clearly depicting each side of the building proposed for a bed and breakfast use shall be submitted to the Land Use Board with architectural elevations showing the proposed treatment of the exterior building facades, including awnings and signage.
  6. One identification sign shall be permitted which may be mounted on the building façade below the roof line or as a free standing sign within the front yard area not closer than ten feet (10') from the street line, and which must not exceed ten square feet (10 sq. ft.) in size. Signs on premises located in any zone may be indirectly illuminated by spot lights provide that light trespass does not occur over one foot candle on neighboring properties.

**618-18.6.6. Houses of Worship.**

- a. Issuance of Conditional Use Permit. Houses of worship shall be permitted only upon the issuance of a conditional use permit by the Land Use Board.
- b. Application for Conditional Use Permit. Application for a conditional use permit shall be made in conjunction with the submission for a Preliminary or Final Site Plan Approval and the plans shall address the conditions as specified in other regulations of this Chapter in addition to the following:
  1. A site to be improved with the construction of house of worship must be at least 12,000 square feet in size.
  2. The building to be used for worship purposes shall not exceed two (2) stories and thirty-five feet (35') in height, excluding steeples, cupolas, bell towers, and ornamental religious symbols.
  3. Off street parking equal to twenty percent (20%) of the total seating capacity within the area of worship shall be provided on the site or adjacent properties owned by the primary property owner and designated by deed to permanent parking for the house of worship. Off street parking spaces

shall be constructed according to Article VII of this Ordinance. One parking space is required for every five seats in the house of worship.

4. The building to be used for worship purposes shall conform to the prevailing setback from the street line of the block in which it is located but shall have a minimum interior side setback of twenty feet (20') and a minimum rear setback of twenty-five feet (25'). Any new building used for worship shall meet the setback requirements of the zone in which it is located.

#### **617-18.6.7. Home Professional Office; Home Occupation.**

- a. Issuance of Conditional Use Permit. Home professional offices and home occupations shall be permitted only upon the issuance of a conditional use permit by the Zoning Officer.
- b. Home Occupation.
  1. "Home occupation" shall mean an occupation including, but not limited to, any licensed profession, conducted in a dwelling unit, and subordinate to residential use.
  2. Requirements.
    - i. The occupation is pursued in the principal dwelling unit structure or in a secondary building, which is accessory to the principal building or structure.
    - ii. The use of the property for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupant.
    - iii. The home occupation shall not use more than twenty-five percent (25%) of the net habitable floor area of all structures.
    - iv. No other person, other than members of the household residing on the premises, shall be engaged in the occupation.
    - v. The residential character of the lot and building shall not be changed; no occupational sounds shall be audible outside the building; and no equipment shall be used which will cause the interference with radio, television, or internet reception in neighboring residences.
    - vi. There shall be no exterior evidence of home occupation other than one (1) unlighted name plate identifying the home occupation, not exceeding four (4) square feet in area, either attached or free-standing and set back at least fifteen feet (15') from all street rights-of-ways and property lines. Exterior evidence shall mean storage of equipment related to the home occupation.
    - vii. The home occupation shall not generate vehicular traffic in excess of two (2) passenger automobiles, which must be parked off-street.
- c. Home Professional Office.
  1. Definitions.

- i. "Home professional office" shall mean the office or a studio of a resident physician, dentist, lawyer, accountant, licensed professional planner, licensed professional engineer, artist, licensed land surveyor, registered architect, teacher, dog groomer, veterinarian, etc.
  - ii. A "home professional office" shall not include:
    - A. The office of any person professionally engaged in the purchase or sale of economic goods or services;
    - B. Dancing instructions;
    - C. Band instrument or voice instruction in groups;
    - D. Beauty parlors, hairdressing and manicuring establishments;
    - E. Real estate offices;
    - F. Insurance offices;
    - G. Convalescent homes;
    - H. Mortuary establishments; and
    - I. Biological or other medical testing or screening laboratory.
2. Requirements.
- i. No more than two (2) persons are employed who are not members of the family.
  - ii. Such office shall be in the main building and shall not occupy more than the equivalent of one-half (1/2) of the area of one (1) floor of the building.
- d. Application. Application for a conditional use permit shall be made prior to beginning a home occupation or home professional office and shall submit the following:
- i. An affidavit stating that he/she will comply with the home occupation or home professional office requirements, whichever applies, set forth herein and all federal, State, and local laws.
  - ii. A site plan of the area(s) of the property in which the home occupation or home professional will occur.
  - iii. The name(s) and address(es) of individual(s) assisting the applicant in the home occupation or home professional office.
  - iv. Any applicable registration, licenses, permits, etc. to maintain its business.
- e. Any Home Occupation or Home Professional Office not in conformance with the above requirements shall have one (1) year from the effective date of the Ordinance to obtain a certificate of nonconforming use.

#### **617-18.6.8. Neighborhood Shopping Centers.**

- a. Issuance of Conditional Use Permit. Multi-tenanted shopping centers shall be permitted only upon the issuance of a conditional use permit by the Land Use Board.
- b. Application for Conditional Use Permit. Application for a conditional use permit shall be made in conjunction with the submission for a Preliminary or Final Site Plan Approval and the plans shall address the conditions as specified in other regulations of this Chapter in addition to the following:
  1. The uses permitted in a multi-tenanted shopping center shall be as provided in Article V of this Ordinance.
  2. Accessory Uses permitted in multi-tenanted shopping center shall be contained within the principle structure.
  3. The principle building to be used as a multi-tenanted shopping center shall met the building and lot coverage requirements of Article V of this Ordinance.
  4. Off-street parking shall be provided for a newly constructed or substantially rehabilitated multi-tenanted shopping center based upon one (1) parking space per 300 gross square feet of floor space.
  5. The application for a conditional use permit for a multi-tenanted shopping center shall include a building elevation and detailed drawings which clearly indicate the size, location, and style of all signage to be erected as part of the project. Each storefront shall be permitted one identification sign not to exceed ten percent (10%) of the storefront area to be erected below the roofline of the building. A freestanding ground identification sign of up to fourth-five square feet (45 sq. ft.) may be erected not closer than ten feet (10') from the front street line of the premises, which sign may include the name of the shopping center and the tenants therein. Windows and awning signs are permitted according to the requirements of Article VII of this Ordinance.

#### **617-18.6.9. Public Marinas.**

- a. Issuance of Conditional Use Permit. Public Marinas shall be permitted only upon the issuance of a conditional use permit by the Land Use Board.
- b. Application for Conditional Use Permit. Application for a conditional use permit shall be made in conjunction with the submission for a Preliminary or Final Site Plan Approval and the plans shall address the conditions as specified in other regulations of this Ordinance in addition to the following:
  1. Public marinas shall be used for the mooring and storage of private boats only, and no chartering of boats shall be permitted.
  2. Any public marina that plans on having fuel pumps or tanks shall comply with all federal, State, and local requirements regarding such pumps and/or tanks.



## **617-18.7 OFF STREET PARKING AND LOADING REQUIREMENTS**

### **617-18.7.1. Off-Street Parking and Loading Requirements.**

- a. General. The following specific regulations apply to the amount of off-street parking required for various uses as well as the layout and design of surface and structured parking facilities in the Borough of Ocean Gate.
- b. Nonconforming Parking. At the time of construction, enlargement, expansion, substantial alteration or change or expansion of use of any building, structure, property or facility in the Borough, off street parking and loading spaces shall be provided in accordance with the requirements specified in this Article.
- c. All required off street parking spaces shall be located on the same lot as the principal building or use, except that parking required for permitted uses in nonresidential zones may be provided within 1000 feet, measured along street right of way line from the nearest property line of the subject site. Required parking provided in such a manner may be approved only upon submittal of proof of ownership of the off-site property or a legal instrument committing the use of the off-site parking to the duration of the use for which the parking is required. Municipal parking may be counted toward the off-street parking requirements if located as specified in this section and if adequate supply exists, as determined by the Zoning Officer or Land Use Board Engineer.
- d. Private Parking areas of less than five (5) parking spaces may be approved by the Zoning Officer after determination that the layout provisions of this Article have been met. Public Parking Areas of more than four (4) and less than ten (10) spaces shall be considered a Minor Development and shall require a minor site plan application approval by the Land Use Board. Parking areas of ten or more spaces shall be considered a Major Development and shall require a major site plan approval by the Land Use Board.
- e. All off-street parking and loading facilities shall be located to the rear of the required front yard area as now or hereafter established.
  1. The area between the street line and the building line, except for vehicle and pedestrian access ways, shall be landscaped with lawns or other appropriate planting.
  2. In the case of townhouses, single-family or multiple dwellings, the vehicular access way/driveway may be utilized for the parking or standing of registered automobile or motorcycles. Such driveway may not be directly in front of the principal structure, unless such driveway shall lead to a private garage. Consideration may be given to the location of said driveway above, pending configuration of existing structures and property dimensions.
- f. No required off-street public parking areas shall be encroached upon by any buildings, open storage or any other uses than for parking of motor vehicles.

- g. No parking space or aisle shall be located closer than six feet (6') to any street right of way line or five feet (5') from any other property line, or within any required buffer area. The space provided between the Public parking area and the property line shall be landscaped in accordance with the requirements of Article IX of this Ordinance.
- h. All off street parking spaces, aisles and access drives shall be graded, paved with a dustless and durable all-weather pavement and drained, all in a manner in accordance with pavement and drainage standards established in the Residential Site Improvement Standards. Exception: All Private parking areas less than five (5) spaces are exempt from this requirement for residential use.
- i. Unless otherwise permitted in this Chapter, no ingress or egress drive shall enter upon any public road or street except at a point fifty feet (50') to any intersection, measured from the face of the curb of the intersecting street, or, where there is no curb, from the edge of the paved area, to the centerline of the driveway.
  - 1. Exception: Any existing residential lot that does not meet the dimensions to accommodate this section shall be submitted to the Land Use Board.

**617-18.7.2. Schedule of Require Public and Private Parking Spaces.**

a. Residential Use.

- 1. Single Family. RSIS Standards
- 2. Two-Family. RSIS Standards
- 3. Over Two-Family. RSIS Standards

b. Commercial Use.

- 1. Retail, Trade, and Services. One (1) Space/ 250 sq. ft.
- 2. Professional Office. One (1) Space/ 250 sq. ft.
- 3. Medical or Dental. One (1) Space/ Doctor
- 4. Manufacturing. One (1) Space/ 300 sq. ft.
- 5. Bed and Breakfast. One (1) Space/ Room
- 6. Rooms or Boarding House. One (1) Space/ Room
- 7. Assisted Living or Congregate Care Facilities. One (1) Space/ Room
- 8. Auditoriums, Theaters, and Assembly. One (1) Space/ Five (5) Seats
- 9. Public Marinas. One-and-a-Half (1-1/2) Space/ Slip
- 10. Restaurants. One (1) Space/ Five (5) Seats

11. Houses of Worship.

Twenty Percent (20%) of Capacity

- c. Tandem Spaces. Tandem spaces may be used to meet the private parking requirements for single-family detached, semi-attached, and attached housing at one (1) pair per dwelling unit provided that one (1) space shall be within an enclosed private garage. Tandem space means “end-to-end” parking.
- d. Effect of Street Parking. If on-street parking is provided along a fronting road of a use in the Business Zone, the public parking requirement may be reduced by twenty-five percent (25%).
- e. Waiver of Requirements. If an applicant can clearly demonstrate to the Land Use Board, or if the Board determines that, because of the nature of the operation or use, the parking requirement of this section are unnecessary or excessive; the Land Use Board shall have the power to approve a site plan showing less paved parking area than is required by this section; provided however, that a landscaped area of sufficient size to meet the ordinance requirement shall be set aside and reserved for the purpose of meeting future off-street parking requirements in the event that a change of use or operation of the premises shall make such additional off-street parking spaces necessary.

**617-18.7.3. Design Requirements for Off-Street Parking and Loading Areas.**

- a. Off-street parking spaces and loading areas for a Major Development shall be designed in accordance with the RSIS Standards. All other off-street parking and loading areas shall be designed in accordance with the following:
  - 1. Off street parking and loading spaces and aisles shall be marked with solid white or yellow painted lines in a manner as to indicate each individual parking stall in accordance with the following dimensions:
    - i. Full size ninety-degree angle stalls shall be not less than nine feet (9’) wide and eighteen feet (18’) long measured from the centerline of the painted lines.
    - ii. Full size stalls laid out at an angle of more than zero degrees and less than ninety degrees, shall be not less than nine feet (9’) wide nor less than a length of eighteen feet (18’) measured along a line in the same plan as the stall lines front to rear.
    - iii. Parallel parking stalls shall have a width not less than eight feet (8’) and a length not less than twenty-two feet (22’) measured from the centerline of the painted lines marking the spaces.

2. Aisles shall be provided in accordance with the minimum standards below:

Stall Angle Degrees	Stall Width	One-Way Aisle	Two-Way Aisle
0	8’	12’	20’
30	9’	12’	22’
45	9’	13’	22’
60	9’	18’	22’

75	9'	20'	22'
90	9'	24'	24'

3. Access drives shall have a width greater than twelve feet (12'), but not more than twenty feet (20'), exclusive of the turning radius where the driveway enters the public street.

**617-18.7.4. Lighting for Commercial Properties.**

- a. All parking areas and related access drives shall be adequately illuminated during all hours between sunset and sunrise at an average ambient illumination intensity of not less than .75 foot candles. A schematic lighting plan, prepared by a licensed engineer or credited landscape architect shall be included with the site plan drawings submitted with an application for development which includes a parking area of ten (10) or more spaces. Additional standards for lighting are as follows:
  1. Pole mounted light fixtures shall not exceed a height of sixteen feet (16'), measured from the base of the pole to the highest point of the fixture.
  2. Light fixtures shall be fitted with shields to block any glare from reaching neighboring residential properties or interfering with the vision of passing motorists.

## **617-18.8 SIGN REGULATIONS**

### **617-18.8.1. General.**

- a. The graphic systems consists of a sign or a combination of signs, awnings, window graphics, and banners to be permitted within a set of criteria designed to provide a unifying visual theme to capture the character of the particular Zoning District. The identification graphics system for specific areas of the Borough follows the procedural requirements listed below.
- b. All signs within the Borough must also comply with any other State, County, or local rules and regulations.

### **617-18.8.2. Types of Signs.**

- a. Prohibited Signs.
  1. Outdoor advertising signs and billboards of any kind;
  2. Any sign which does not pertain to the occupant, service, or product actually occupying or provided on the premises where such sign is located;
  3. Roof signs and signs extending above the wall to which they are attached;
  4. Signs posted on fences, posts, utility poles, or trees;
  5. Signs posted on municipal property without the consent of the Governing Body;
  6. Signs painted directly on buildings, sidewalks, boardwalks, or curbs;
  7. Signs on accessory buildings; and
  8. Signs which make noise, imitate official traffic signs or signals, or which otherwise constitute a hazard to the traveling public.
- b. Exempt Signs.
  1. Real Estate Signs. One non-illuminated temporary ground sign pertaining to a lease, rental, or sale of the same lot or building upon which it is placed and not exceeding nine square feet (9 sq. ft.) in area on any one side provided such sign is erected or displayed not less than five feet (5') inside the property line and shall not be mounted on or attached to trees.
  2. Window Lettering and Signs. Window lettering and signs shall be permitted in non-residential zones subject to the following restrictions.
    - i. Permanent window lettering and signs shall be permitted only if the space confining such lettering and signs, or the background, upon which it appears, does not exceed twenty percent (20%) of the window area. Any painted area of any window shall be construed as window lettering or signs, whether or not such area actually contains lettering or advertising.

- ii. Window lettering or signs shall pertain only to that establishment occupying that portion of the premises where the window is located.
  - 3. Temporary Signs. Temporary signs advertising special sales or events are permitted provided such signs do not cover more than thirty percent (30%) of the window area and, in conjunction with permanent window signs, do not cover, in aggregate, more than fifty percent (50%) of the window area. Temporary shall mean thirty (30) days.
  - 4. Official Signs. Official signs of the State, County, or Borough.
  - 5. Political Signs. Political signs provided they are not erected more than thirty (30) days prior to an election and are removed no later than five (5) days after an election.
  - 6. Exception. Signs, banners or devices for which special permission may be granted by resolution of the Governing Body.
- c. Signs Requiring Permit.
- 1. Prior to the erection of any sign, awning, or banner in the Borough, a permit must be obtained from the Zoning Officer certifying the proposed sign, awning, or banner complies with the requirements of this Article.
  - 2. The applicant shall submit an elevation sketch, drawn to scale, indicating
    - i. The proposed location of the sign, awning, or banner;
    - ii. The size of each;
    - iii. The dimensions of the building façade; and
    - iv. A detail drawing of the sign, awning, or banner as it would appear when erected.
  - 3. Size Requirements. Any sign for a commercial establishment shall not exceed twenty percent (20%) of the floor area of the business. This size requirement shall not apply to home occupations and home professional offices.
  - 4. Quantity Requirement. Each commercial establishment shall be permitted one (1) sign per business. Also, there shall be one (1) sign per side of frontage.
  - 5. Storefront window graphics shall also be permitted through the issuance of a zoning permit by the Zoning Officer. Window graphics may be included as part of an application for sign, awning, or banner.
  - 6. Digital display signs shall be permitted in the Business (B) Zone District, subject the following regulations and restrictions:
    - i. There is not more than one digital display sign per property.

- ii. The message and graphic content displayed on the digital display sign shall not be changed more than once per hour. As a result, these signs shall be considered to be non-flashing.
- iii. The message and graphic content must be related to the permitted use of the premises and activities held or provided on the premises, except for public service message approved by the Zoning Officer.
- iv. The following display features and functions are prohibited on digital display signs: scrolling, traveling, flashing, spinning, rotating, fading, dissolving, any other moving effects; all dynamic frame effects; holographic effects; video display; and patterns of illusionary movement or simulated movement.
- v. No digital display sign shall display an illuminative brightness of such intensity or brilliance that it impairs the vision or endangers the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.
- vi. A digital display sign located on a lot adjacent to the Residential (R) Zone District, and visible from such District, shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m., unless the use to which the sign pertains is open for business during those hours.
- vii. All digital display signs shall have automatic dimming controls either by photocell (hardwired) or by software settings such that the sign not display an illuminative brightness that exceeds three hundred (300) nits or equivalent unit of measurement at any time between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise.
- viii. A digital display sign may be constructed as a portion of a freestanding or ground sign

The sign shall conform to any other applicable development regulations.

## 617-18.9 TECHNICAL STANDARDS

### 617-18.9.1. Fence Standards.

- a. Type of Fence.
  1. Solid.
    - i. Maximum height of six feet (6') from the front setback line to the rear of the property and across the rear line.
    - ii. Maximum height of thirty inches (30") from front setback line to street line on sides and front lines of property.
  2. Semi Open. Openings less than four inches (4").
    - i. Maximum height of six feet (6') from the front setback line to the rear of the property and across the rear line.
    - ii. Maximum height of thirty inches (30") from front setback line to street line on sides and front lines of property.
  3. Open. Openings of four inches (4") with a maximum picket of four inches (4").
    - i. Maximum height of six feet (6') from the front setback line to the rear of the property and across the rear line.
    - ii. Maximum height of four feet (4') from front setback line to street line on sides and front lines of property.
- b. Corner Lot Requirements. At the street line back to the minimum front setback line maximum height of any type fence shall be thirty inches (30").
- c. Placement of Fence
  1. All fences shall be placed three inches (3") on the owner's side of the lot line.
  2. The finished side of fence shall face adjacent property.
  3. If a dwelling is located within three feet (3') of the proposed fence the maximum height of fence shall be four feet (4').

### 617-18.9.2. Pavement, Curb, and Sidewalk Standards.

- a. Pavement Requirements.
  1. In accordance with standards as set forth within RSIS and N.J.S.A. 5:521-4.18 for streets and sidewalks.



2. Private residential driveways, patio and on grade decks shall be delineated on property at a location prescribed by this Ordinance and not be located closer than two (2') feet from lot line.
3. Materials for residential driveways may be stone, concrete, brick, or asphalt.
4. Maximum impervious lot coverage must not be exceeded.

b. Curb Construction.

1. All curbs shall be constructed of poured concrete. The construction of curbs shall be in accordance with the standards RSIS and N.J.S.A. 5:21-4.17
2. All curbs shall occur at designated location as established by the Engineer of the respective street either Ocean County or the Borough of Ocean Gate.
3. The location of curbing shall be designated with location and elevation requirements on plot survey for this work and submitted to the Zoning Officer for the appropriate approval.

- c. Sidewalk Construction. All sidewalks shall be constructed of poured concrete. The construction of sidewalks shall be in accordance with the standards RSIS and N.J.S.A. 5:21-4.18.

**617-18.9.3. Tent and Membrane Standards.**

- a. General Rule. Tents and membrane structures are prohibited within the Borough.
- b. Exception. Tents and membrane structures may be used between May 1st and October 31st for recreational uses.
- c. Requirements. Tents and membrane structures shall meet the following requirements:
  1. Area: no greater than 150 square feet in area;
  2. Height: no greater than ten feet (10') in height;
  3. Permit: any person or entity seeking to use such a tent or membrane structure shall obtain a permit from the Zoning Officer.

**617-18.9.4. Zone Standards.**

- a. Land or structures in the Business Zone may be used for residential purposes. However, land or structures in a Residential Zone used for business purposes is prohibited, unless otherwise specified herein.

**617-18.9.5. Sheds.**

- a. All sheds in the Borough must meet the following requirements:
  1. Sheds Less Than or Equal to 150 Square Feet.

- i. Height is less than or equal to ten feet (10').
- ii. Setbacks:
  - A. Side and rear: three feet (3') from the lot line.
  - B. Front: twenty feet (20') from lot line.
- 2. Sheds Greater than 150 Square Feet.
  - i. Height is less than or equal to twelve feet (12').
  - ii. Setbacks: Must comply with setback regulations of the Zone.

**617-18.10 SUBDIVISION APPROVAL**

**617-18.10.1. Subdivision of Lots.**

- a. No property of 16,000 square feet or greater may be subdivided to building lots of less than 8,000 square feet. Properties of not less than 12,000 square feet may be divided into two (2) building lots of approximately the same square footage.

**617-18.10.2. Formal Exemption Requirement.**

- a. The consolidation of lots shall be considered an exempt subdivision if on existing lot lines as indicated on the original subdivision map, which are shown on the tax map of the Borough dated December 2004.

**617-18.10.3. Application requirements for Development Permit.**

- a. The application shall be submitted to the Land Use Board for review with the following information and shall either be approved or denied within ten (10) days of receipt.
- b. The appropriate fee shall be submitted with the application as designated by the Zoning Fee Ordinance for the proposed development.
- c. The following listed information included in (1) through (5) below shall be required upon submittal to establish a Complete Application:
  - 1. The Applicant's name and address and his interest in the subject property;
  - 2. The owner's name and address, if different from the Applicant's, and the owner's signed consent to the filling of the application for development;
  - 3. The legal description of the property, i.e., lot and block and street address;
  - 4. Description of existing use of property and description of proposed development; and

5. A current plat plan of the property—no more than one-year old—submitted for development review to include the following information:
  - i. Metes and bounds of the property;
  - ii. Existing and proposed setbacks from streets and property lines;
  - iii. Existing and proposed development;
  - iv. Property elevations;
  - v. Flood designations and elevations;
  - vi. Zoning designations existing and proposed; and
  - vii. Grading plan showing maintenance of runoff on developed site and to include finished grade and existing grades affected by developed site.
6. The payment of any applicable fees.

**617-18.10.4. Incidental Development.**

- a. This application for development shall be specific to sheds up to 250 square feet, fences, curbs, decks, and any development that does not expand the use or size of the structure or structure.
- b. Existing plat plan dated within ten (10) years of the application for development, provided by New Jersey licensed surveyor.

**617-18.10.5. Application Procedure.**

- a. An application shall be submitted to the Zoning Officer for approval or denial for a development permit.
- b. If the application is denied, relief may be sought from the Land Use Board. This will require a formal application for interpretation or a variance to the regulations and conformity with the Master Plan of the Borough.
- c. All applications for development not covered within the scope of a development permit shall be obtained and submitted to the Land Use Board Secretary.
- d. A development permit shall be required prior to the issuance of a building permit for all alterations, renovations, construction, or reconstruction, as well as any changes in impervious coverage on the lot, patios, driveways, sidewalks, and curbs in right of way with exception to the following:
  1. Heating, ventilation, and air conditioning (“HVAC”);
  2. Generators; and
  3. Roofing and siding.

- e. The applicant shall pay any applicable fees.

**617-18.11 SITE PLAN APPROVAL**

**617-18.11.1. Site Plan Approval**

- a. Site plan approval by the approving authority shall be required for proposed developments. In no instance shall a site plan approval be required for single family or two-family dwellings.
- b. The procedure for determining the applicability of site plan review requirements shall be as follows:
  - 1. A plot plan for all proposed development, other than single and two family dwellings, shall be submitted to the Zoning Officer and shall contain as a minimum the following data:
    - i. Lot and block designation;
    - ii. Property boundaries;
    - iii. Proposed building dimensions;
    - iv. Height and area of proposed structures;
    - v. Lot dimensions and area;
    - vi. Proposed setbacks from street and property lines;
    - vii. Use of the proposed development.
  - 2. The Zoning Officer shall determine if the proposed development conforms to the requirements of this Ordinance. If the Zoning Officer determines that the proposed development does conform to these requirements, then the Zoning Officer shall issue a zoning permit. However, if the Zoning Officer determines that the proposed development does not conform to these requirements, site plan approval by the Land Use Board will be required and requirements specified elsewhere herein and in other ordinances shall be met.

**617-18.12 CHECKLIST FOR VARIANCE**

- a. Application Form.
- b. Project Plat Information.
  - 1. Name and address of owners and applicant.
  - 2. Name, signature, license number, seal, and address of engineer, land surveyor, architect, professional planner, and/or landscape architect as applicable involved in preparation of plat.
  - 3. Title block denoting type of application, tax map sheet, county, name of municipality, block and lot number, and street location.
  - 4. Key map at specified scale showing location to surrounding properties, streets, municipal boundaries, etc., within 600 feet of property.
  - 5. North arrow and scale.
  - 6. Schedule of required and provided zone district requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc.

7. Proof that taxes are current.
  8. Acreage of tract to the nearest tenth of an acre.
  9. Date of original preparation and of each subsequent revision. Include brief narrative of each revision.
  10. Size and location of any existing and proposed structures with all setbacks dimensioned (for concept plan, general location only, setbacks not required).
  11. Any existing or proposed easements or land reserved for or dedicated to public use.
  12. List of Property owners within 200 feet of subject property.
  13. Location of streams, floodplains, wetlands, or other environmentally sensitive areas on or within 200 feet of the project side. Note: variance applications need only show these features on site.
  14. List of variances required or requested.
  15. Preliminary architectural plans and elevations.
- c. Supplementary Documents.
1. List of all Federal, State, Regional, and/or municipal approvals for permits required.
  2. Copies of any existing or proposed deed restrictions or covenants.
  3. Payable of all applicable fees.
  4. Fifteen (15) copies of photographs of the property, the area depicting the relief, and the other properties in the immediate area.
  5. Payment of the appropriate filing fee. Note the applicant will be responsible for payment of the professional fees incurred in the consideration of the application and may be responsible for the payment of escrow fees for same.
  6. The applicant must file fifteen (15) separate, collated packet copies of the application which each contain your full application and the packets should be each be capable of mailing where practical.

### **617-18.13 CHECKLIST FOR INFORMAL CONSENT PLAN**

- a. Project Plan Information.
1. Name and address of owners and applicant.
  2. Name, signature, license number, seal, and address of engineer, land surveyor, architect, professional planner, and/or landscape architect as applicable involved in preparation of plat.
  3. Title block denoting type of application, tax map sheet, county, name of municipality, block and lot number, and street location.
  4. Key map at specified scale showing location to surrounding properties, streets, municipal boundaries, etc., within 600 feet of property.
  5. North arrow and scale.
  6. Schedule of required and provided zone district requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc.
  7. Acreage of tract to the nearest tenth of an acre.
  8. Size and location of any existing and proposed structures with all setbacks dimensioned (for concept plan, general location only, setbacks not required).
  9. Proposed lot lines and area of proposed lots in square feet.
  10. Any existing or proposed easements or land reserved for or dedicated to public use.
  11. Preliminary architectural plans and elevations.
- b. Supplementary Documents.
1. Payable of all applicable fees.
  2. Fifteen (15) copies of photographs of the property, the area depicting the relief, and the other properties in the immediate area.

3. Payment of the appropriate filing fee. Note the applicant will be responsible for payment of the professional fees incurred in the consideration of the application and may be responsible for the payment of escrow fees for same.
4. The applicant must file fifteen (15) separate, collated packet copies of the application which each contain your full application and the packets should be each be capable of mailing where practical.

## 617-18.14 CHECKLIST FOR MINOR APPLICATION OF SUBDIVISION

- a. Application Form.
- b. Project Plat Information.
  1. Name and address of owners and applicant.
  2. Notarized Signature.
  3. Name, signature, license number, seal, and address of engineer, land surveyor, architect, professional planner, and/or landscape architect as applicable involved in preparation of plat.
  4. Title block denoting type of application, tax map sheet, county, name of municipality, block and lot number, and street location.
  5. Key map at specified scale showing location to surrounding properties, streets, municipal boundaries, etc., within 600 feet of property.
  6. North arrow and scale.
  7. Schedule of required and provided zone district requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc.
  8. Signature blocks for chairman, secretary, and municipal engineer.
  9. Proof that taxes are current.
  10. Certification blocks required by map filing law.
  11. Monumentation as specified by map filing law.
  12. Date of current property survey.
  13. Plans to a scale of not less than 1 inch = 100 feet on one of four of the following standard sheet sizes:
    - i. 8 ½" x 13"
    - ii. 15" x 21"
    - iii. 24" x 36"
    - iv. 30" x 42"
  14. Metes and bounds description showing dimensions, bearings of original and proposed lots.
  15. Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, area, chords, and central angles for all centerline curves on streets.
  16. Acreage of tract to the nearest tenth of an acre.
  17. Date of original preparation and of each subsequent revision. Include brief narrative of each revision.
  18. Size and location of any existing and proposed structures with all setbacks dimensioned (for concept plan, general location only, setbacks not required).
  19. Tax lot and block numbers of existing and proposed lots.
  20. Proposed lot lines and areas of proposed lots in square feet.
  21. Any existing or proposed easements or land reserved for or dedicated to public use.
  22. List of Property owners within 200 feet of subject property.
  23. Location of streams, floodplains, wetlands, or other environmentally sensitive areas on or within 200 feet of the project side. Note: variance applications need only show these features on site.
  24. List of variances required or requested.
  25. List of requested design waivers or exceptions.
  26. Site triangles.
- c. Supplementary Documents.
  1. List of all Federal, State, Regional, and/or municipal approvals for permits required.
  2. Copies of any existing or proposed deed restrictions or covenants.

3. Freshwater Wetland Letter of Interpretation for the project area.
4. Performance Guarantees.
5. Statement from utility companies as to availability at site.
6. Payable of all applicable fees.
7. Proof of application with NJDEP for CAFRA Permit where applicable.
8. Fifteen (15) copies of photographs of the property, the area depicting the relief, and the other properties in the immediate area.
9. Payment of the appropriate filing fee. Note the applicant will be responsible for payment of the professional fees incurred in the consideration of the application and may be responsible for the payment of escrow fees for same.
10. The applicant must file fifteen (15) separate, collated packet copies of the application which each contain your full application and the packets should be each be capable of mailing where practical.

#### **617-18.15 CHECKLIST FOR MINOR APPLICATION OF SITE PLAN**

- a. Application Form.
- b. Project Plat Information.
  1. Name and address of owners and applicant.
  2. Name, signature, license number, seal, and address of engineer, land surveyor, architect, professional planner, and/or landscape architect as applicable involved in preparation of plat.
  3. Title block denoting type of application, tax map sheet, county, name of municipality, block and lot number, and street location.
  4. Key map at specified scale showing location to surrounding properties, streets, municipal boundaries, etc., within 600 feet of property.
  5. North arrow and scale.
  6. Schedule of required and provided zone district requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc.
  7. Signature blocks for chairman, secretary, and municipal engineer.
  8. Proof that taxes are current.
  9. Date of current property survey.
  10. Plans to a scale of not less than 1 inch = 100 feet on one of four of the following standard sheet sizes:
    - i. 8 ½" x 13"
    - ii. 15" x 21"
    - iii. 24" x 36"
    - iv. 30" x 42"
  11. Acreage of tract to the nearest tenth of an acre.
  12. Date of original preparation and of each subsequent revision. Include brief narrative of each revision.
  13. Size and location of any existing and proposed structures with all setbacks dimensioned (for concept plan, general location only, setbacks not required).
  14. Size and location of all structures within 200 feet of the site boundaries.
  15. Any existing or proposed easements or land reserved for or dedicated to public use.
  16. List of Property owners within 200 feet of subject property.
  17. Location of streams, floodplains, wetlands, or other environmentally sensitive areas on or within 200 feet of the project side. Note: variance applications need only show these features on site.
  18. List of variances required or requested.



19. List of requested design waivers or exceptions.
  20. Preliminary architectural plans and elevations.
  21. Site identification signs, traffics control signs, and identification signs.
  22. Site triangles.
  23. Parking plan showing spaces, size, and type, aisle width, curb cutes, drive, driveways, and all ingress and egress means and dimensions, the number of spaces required by ordinance, and the number of spaces provided.
  24. Solid waste management and recycling plan showing holding location and provisions for waste and recyclables.
- c. Construction Plan.
1. Site layout showing all roadways, circulation patterns, curbs, sidewalks, buffers, structures, open space, recreation, etc., as applicable.
  2. Grading and utility plan to include as applicable:
    - i. Existing and proposed contours at 1 foot intervals for grades 3% or less and at 2 foot intervals for grades more than 3%.
    - ii. Elevation of existing and proposed drainage structures.
    - iii. Location and invert elevation of existing and proposed drainage structures.
    - iv. Location of all streams, ponds, lakes, and wetlands areas.
    - v. Location of existing and proposed utilities including depth of structures, location of manholes, valves, services, etc.
  3. Landscaping Plan to include:
    - i. Location of existing vegetation and clearing limits, a save tree plan required for all large applications.
    - ii. Proposed buffer areas and methods of protection during construction.
    - iii. Proposed landscaped areas.
    - iv. Number, type, and location of proposed plantings including street trees.
    - v. Details for method of planting including optimum planting season.
  4. Lighting plan to include:
    - i. Location and height of proposed fixtures.
    - ii. Detail for construction of fixtures.
    - iii. Construction details for all improvements.
  5. Construction details for all improvements.
    - i. Roadways.
    - ii. Curb.
    - iii. Sidewalk.
    - iv. Driveway aprons.
    - v. Drainage inlets.
    - vi. Pipe bedding.
    - vii. Outfalls.
    - viii. Manholes.
    - ix. Gutters.
    - x. Plantings.
    - xi. Soil Erosion & Sediment Control Structures.
    - xii. Parking Lots.
- d. Supplementary Documents.
1. List of all Federal, State, Regional, and/or municipal approvals for permits required.

2. Copies of any existing or proposed deed restrictions or covenants.
3. Freshwater Wetland Letter of Interpretation for the project area.
4. Performance Guarantees.
5. Disclosure Statement (see N.J.S.A.40:55D-48.1 et seq.)
6. Statement from utility companies as to availability at site.
7. Payable of all applicable fees.
8. Fifteen (15) copies of photographs of the property, the area depicting the relief, and the other properties in the immediate area.
9. Payment of the appropriate filing fee. Note the applicant will be responsible for payment of the professional fees incurred in the consideration of the application and may be responsible for the payment of escrow fees for same.
10. The applicant must file fifteen (15) separate, collated packet copies of the application which each contain your full application and the packets should be each be capable of mailing where practical.

#### **617-18.16 CHECKLIST FOR MAJOR APPLICATION OF PRELIMINARY SUBDIVISION**

- a. Application Form.
- b. Project Plat Information.
  1. Name and address of owners and applicant.
  2. Name, signature, license number, seal, and address of engineer, land surveyor, architect, professional planner, and/or landscape architect as applicable involved in preparation of plat.
  3. Title block denoting type of application, tax map sheet, county, name of municipality, block and lot number, and street location.
  4. Key map at specified scale showing location to surrounding properties, streets, municipal boundaries, etc., within 600 feet of property.
  5. North arrow and scale.
  6. Schedule of required and provided zone district requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc.
  7. Signature blocks for chairman, secretary, and municipal engineer.
  8. Proof that taxes are current.
  9. Date of current property survey.
  10. Plans to a scale of not less than 1 inch = 100 feet on one of four of the following standard sheet sizes:
    - i. 8 ½" x 13"
    - ii. 15" x 21"
    - iii. 24" x 36"
    - iv. 30" x 42"
  11. Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, area, chords, and central angles for all centerline curves on streets.
  12. Acreage of tract to the nearest tenth of an acre.
  13. Date of original preparation and of each subsequent revision. Include brief narrative of each revision.
  14. Size and location of any existing and proposed structures with all setbacks dimensioned (for concept plan, general location only, setbacks not required).
  15. Size and location of all structures within 200 feet of the site boundaries.
  16. Tax lot and block numbers of existing and proposed lots.
  17. Proposed lot lines and area of proposed lots in square feet.

18. Any existing or proposed easements or land reserved for or dedicated to public use.
  19. List of Property owners within 200 feet of subject property.
  20. Location of streams, floodplains, wetlands, or other environmentally sensitive areas on or within 200 feet of the project side. Note: variance applications need only show these features on site.
  21. List of variances required or requested.
  22. List of requested design waivers or exceptions.
  23. Site identification signs, traffics control signs, and identification signs.
  24. Proposed street names when new road is proposed.
  25. Solid waste management and recycling plan showing holding location and provisions for waste and recyclables.
- c. Constructions Plans.
1. Site layout showing all roadways, circulation patterns, curbs, sidewalks, buffers, structures, open space, recreation, etc., as applicable.
  2. Grading and utility plan to include as applicable:
    - i. Existing and proposed contours at 1 foot intervals for grades 3% or less and at 2 foot intervals for grades more than 3%.
    - ii. Elevation of existing and proposed drainage structures.
    - iii. Location and invert elevation of existing and proposed drainage structures.
    - iv. Location of all streams, ponds, lakes, and wetlands areas.
    - v. Location of existing and proposed utilities including depth of structures, location of manholes, valves, services, etc.
  3. Profiles of existing and proposed roadways including all utilities and storm water facilities. Roadway cross sections at 50 foot intervals. Horizontal and vertical scales to be the same.
  4. Landscaping Plan to include:
    - i. Location of existing vegetation and clearing limits, a save tree plan required for all large applications.
    - ii. Proposed buffer areas and methods of protection during construction.
    - iii. Proposed landscaped areas.
    - iv. Number, type, and location of proposed plantings including street trees.
    - v. Details for method of planting including optimum planting season.
  5. Lighting plan to include:
    - i. Location and height of proposed fixtures.
    - ii. Detail for construction of fixtures.
    - iii. Construction details for all improvements.
  6. Construction details for all improvements.
    - i. Roadways.
    - ii. Curb.
    - iii. Sidewalk.
    - iv. Driveway aprons.
    - v. Drainage inlets.
    - vi. Pipe bedding.
    - vii. Outfalls.
    - viii. Manholes.
    - ix. Gutters.
    - x. Plantings.
    - xi. Soil Erosion & Sediment Control Structures.

xii. Parking Lots.

d. Supplementary Documents.

1. List of all Federal, State, Regional, and/or municipal approvals for permits required.
2. Copies of any existing or proposed deed restrictions or covenants.
3. Freshwater Wetland Letter of Interpretation for the project area.
4. Disclosure Statement (see N.J.S.A.40:55D-48.1 et seq.)
5. Statement from utility companies as to availability at site.
6. Storm water management calculation.
7. Payable of all applicable fees.
8. Environmental Impact Statement.
9. Proof of application with NJDEP for CAFRA Permit where applicable.
10. Fifteen (15) copies of photographs of the property, the area depicting the relief, and the other properties in the immediate area.
11. Payment of the appropriate filing fee. Note the applicant will be responsible for payment of the professional fees incurred in the consideration of the application and may be responsible for the payment of escrow fees for same.
12. The applicant must file fifteen (15) separate, collated packet copies of the application which each contain your full application and the packets should be each be capable of mailing where practical.

**617-18.17 CHECKLIST FOR MAJOR APPLICATION OF FINAL SUBDIVISION**

a. Application Form.

b. Project Plat Information.

1. Name and address of owners and applicant.
2. Notarized Signature.
3. Name, signature, license number, seal, and address of engineer, land surveyor, architect, professional planner, and/or landscape architect as applicable involved in preparation of plat.
4. Title block denoting type of application, tax map sheet, county, name of municipality, block and lot number, and street location.
5. Key map at specified scale showing location to surrounding properties, streets, municipal boundaries, etc., within 600 feet of property.
6. North arrow and scale.
7. Schedule of required and provided zone district requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc.
8. Signature blocks for chairman, secretary, and municipal engineer.
9. Proof that taxes are current.
10. Certification blocks required by map filing law.
11. Monumentation as specified by map filing law.
12. Date of current property survey.
13. Plans to a scale of not less than 1 inch = 100 feet on one of four of the following standard sheet sizes:
  - i. 8 ½" x 13"
  - ii. 15" x 21"
  - iii. 24" x 36"
  - iv. 30" x 42"
14. Metes and bounds description showing dimensions, bearings of original and proposed lots.

15. Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, area, chords, and central angles for all centerline curves on streets.
  16. Acreage of tract to the nearest tenth of an acre.
  17. Date of original preparation and of each subsequent revision. Include brief narrative of each revision.
  18. Size and location of any existing and proposed structures with all setbacks dimensioned (for concept plan, general location only, setbacks not required).
  19. Size and location of all structures within 200 feet of the site boundaries.
  20. Tax lot and block numbers of existing and proposed lots.
  21. Proposed lot lines and area of proposed lots in square feet.
  22. Any existing or proposed easements or land reserved for or dedicated to public use.
  23. List of Property owners within 200 feet of subject property.
  24. Location of streams, floodplains, wetlands, or other environmentally sensitive areas on or within 200 feet of the project side. Note: variance applications need only show these features on site.
  25. List of variances required or requested.
  26. List of requested design waivers or exceptions.
  27. Site identification signs, traffics control signs, and identification signs.
  28. Site triangles.
  29. Proposed street names when new road is proposed.
  30. Solid waste management and recycling plan showing holding location and provisions for waste and recyclables.
- c. Construction Plan.
1. Site layout showing all roadways, circulation patterns, curbs, sidewalks, buffers, structures, open space, recreation, etc., as applicable.
  2. Grading and utility plan to include as applicable:
    - i. Existing and proposed contours at 1 foot intervals for grades 3% or less and at 2 foot intervals for grades more than 3%.
    - ii. Elevation of existing and proposed drainage structures.
    - iii. Location and invert elevation of existing and proposed drainage structures.
    - iv. Location of all streams, ponds, lakes, and wetlands areas.
    - v. Location of existing and proposed utilities including depth of structures, location of manholes, valves, services, etc.
  3. Profiles of existing and proposed roadways including all utilities and storm water facilities. Roadway cross sections at 50 foot intervals. Horizontal and vertical scales to be the same.
  4. Landscaping Plan to include:
    - i. Location of existing vegetation and clearing limits, a save tree plan required for all large applications.
    - ii. Proposed buffer areas and methods of protection during construction.
    - iii. Proposed landscaped areas.
    - iv. Number, type, and location of proposed plantings including street trees.
    - v. Details for method of planting including optimum planting season.
  5. Lighting plan to include:
    - i. Location and height of proposed fixtures.
    - ii. Detail for construction of fixtures.
    - iii. Construction details for all improvements.
  6. Construction details for all improvements.

- i. Roadways.
  - ii. Curb.
  - iii. Sidewalk.
  - iv. Driveway aprons.
  - v. Drainage inlets.
  - vi. Pipe bedding.
  - vii. Outfalls.
  - viii. Manholes.
  - ix. Gutters.
  - x. Plantings.
  - xi. Soil Erosion & Sediment Control Structures.
  - xii. Parking Lots.
- d. Supplementary Documents.
1. List of all Federal, State, Regional, and/or municipal approvals for permits required.
  2. Copies of any existing or proposed deed restrictions or covenants.
  3. Freshwater Wetland Letter of Interpretation for the project area.
  4. Performance Guarantees.
  5. Executed Developers Agreement.
  6. Disclosure Statement (see N.J.S.A.40:55D-48.1 et seq.)
  7. Statement from utility companies as to availability at site.
  8. Storm water management calculation.
  9. Payable of all applicable fees.
  10. Proof of application with NJDEP for CAFRA Permit where applicable.
  11. Fifteen (15) copies of photographs of the property, the area depicting the relief, and the other properties in the immediate area.
  12. Payment of the appropriate filing fee. Note the applicant will be responsible for payment of the professional fees incurred in the consideration of the application and may be responsible for the payment of escrow fees for same.
  13. The applicant must file fifteen (15) separate, collated packet copies of the application which each contain your full application and the packets should be each be capable of mailing where practical.

**617-18.18 CHECKLIST FOR MAJOR APPLICATION OF PRELIMINARY SITE PLAN**

- a. Application Form.
- b. Project Plat Information.
  1. Name and address of owners and applicant.
  2. Name, signature, license number, seal, and address of engineer, land surveyor, architect, professional planner, and/or landscape architect as applicable involved in preparation of plat.
  3. Title block denoting type of application, tax map sheet, county, name of municipality, block and lot number, and street location.
  4. Key map at specified scale showing location to surrounding properties, streets, municipal boundaries, etc., within 600 feet of property.
  5. North arrow and scale.
  6. Schedule of required and provided zone district requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc.
  7. Signature blocks for chairman, secretary, and municipal engineer.
  8. Proof that taxes are current.

9. Date of current property survey.
10. Plans to a scale of not less than 1 inch = 100 feet on one of four of the following standard sheet sizes:
  - i. 8 ½" x 13"
  - ii. 15" x 21"
  - iii. 24" x 36"
  - iv. 30" x 42"
11. Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, area, chords, and central angles for all centerline curves on streets.
12. Acreage of tract to the nearest tenth of an acre.
13. Date of original preparation and of each subsequent revision. Include brief narrative of each revision.
14. Size and location of any existing and proposed structures with all setbacks dimensioned (for concept plan, general location only, setbacks not required).
15. Size and location of all structures within 200 feet of the site boundaries.
16. Any existing or proposed easements or land reserved for or dedicated to public use.
17. List of Property owners within 200 feet of subject property.
18. Location of streams, floodplains, wetlands, or other environmentally sensitive areas on or within 200 feet of the project side. Note: variance applications need only show these features on site.
19. List of variances required or requested.
20. List of requested design waivers or exceptions.
21. Site identification signs, traffics control signs, and identification signs.
22. Site triangles.
23. Proposed street names when new road is proposed.
24. Solid waste management and recycling plan showing holding location and provisions for waste and recyclables.

c. Construction Plan.

1. Site layout showing all roadways, circulation patterns, curbs, sidewalks, buffers, structures, open space, recreation, etc., as applicable.
2. Grading and utility plan to include as applicable:
  - i. Existing and proposed contours at 1 foot intervals for grades 3% or less and at 2 foot intervals for grades more than 3%.
  - ii. Elevation of existing and proposed drainage structures.
  - iii. Location and invert elevation of existing and proposed drainage structures.
  - iv. Location of all streams, ponds, lakes, and wetlands areas.
  - v. Location of existing and proposed utilities including depth of structures, location of manholes, valves, services, etc.
3. Profiles of existing and proposed roadways including all utilities and storm water facilities. Roadway cross sections at 50 foot intervals. Horizontal and vertical scales to be the same.
4. Landscaping Plan to include:
  - i. Location of existing vegetation and clearing limits, a save tree plan required for all large applications.
  - ii. Proposed buffer areas and methods of protection during construction.
  - iii. Proposed landscaped areas.

- iv. Number, type, and location of proposed plantings including street trees.
- v. Details for method of planting including optimum planting season.
- 5. Lighting plan to include:
  - i. Location and height of proposed fixtures.
  - ii. Detail for construction of fixtures.
  - iii. Construction details for all improvements.
- 6. Construction details for all improvements.
  - i. Roadways.
  - ii. Curb.
  - iii. Sidewalk.
  - iv. Driveway aprons.
  - v. Drainage inlets.
  - vi. Pipe bedding.
  - vii. Outfalls.
  - viii. Manholes.
  - ix. Gutters.
  - x. Plantings.
  - xi. Soil Erosion & Sediment Control Structures.
  - xii. Parking Lots.
- d. Supplementary Documents.
  - 1. List of all Federal, State, Regional, and/or municipal approvals for permits required.
  - 2. Copies of any existing or proposed deed restrictions or covenants.
  - 3. Freshwater Wetland Letter of Interpretation for the project area.
  - 4. Disclosure Statement (see N.J.S.A.40:55D-48.1 et seq.)
  - 5. Statement from utility companies as to availability at site.
  - 6. Storm water management calculation.
  - 7. Payable of all applicable fees.
  - 8. Proof of application with NJDEP for CAFRA Permit where applicable.
  - 9. Fifteen (15) copies of photographs of the property, the area depicting the relief, and the other properties in the immediate area.
  - 10. Payment of the appropriate filing fee. Note the applicant will be responsible for payment of the professional fees incurred in the consideration of the application and may be responsible for the payment of escrow fees for same.
  - 11. The applicant must file fifteen (15) separate, collated packet copies of the application which each contain your full application and the packets should be each be capable of mailing where practical.



## 617-18.19 CHECKLIST FOR MAJOR APPLICATION OF FINAL SITE PLAN

- a. Application Form.
- b. Project Plan Information.
  1. Name and address of owners and applicant.
  2. Name, signature, license number, seal, and address of engineer, land surveyor, architect, professional planner, and/or landscape architect as applicable involved in preparation of plat.
  3. Title block denoting type of application, tax map sheet, county, name of municipality, block and lot number, and street location.
  4. Key map at specified scale showing location to surrounding properties, streets, municipal boundaries, etc., within 600 feet of property.
  5. North arrow and scale.
  6. Schedule of required and provided zone district requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc.
  7. Signature blocks for chairman, secretary, and municipal engineer.
  8. Proof that taxes are current.
  9. Date of current property survey.
  10. Plans to a scale of not less than 1 inch = 100 feet on one of four of the following standard sheet sizes:
    - i. 8 ½" x 13"
    - ii. 15" x 21"
    - iii. 24" x 36"
    - iv. 30" x 42"
  11. Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, area, chords, and central angles for all centerline curves on streets.
  12. Acreage of tract to the nearest tenth of an acre.
  13. Date of original preparation and of each subsequent revision. Include brief narrative of each revision.
  14. Size and location of any existing and proposed structures with all setbacks dimensioned (for concept plan, general location only, setbacks not required).
  15. Size and location of all structures within 200 feet of the site boundaries.
  16. Any existing or proposed easements or land reserved for or dedicated to public use.
  17. List of Property owners within 200 feet of subject property.
  18. Location of streams, floodplains, wetlands, or other environmentally sensitive areas on or within 200 feet of the project side. Note: variance applications need only show these features on site.
  19. List of variances required or requested.
  20. List of requested design waivers or exceptions.
  21. Site identification signs, traffics control signs, and identification signs.
  22. Site triangles.
  23. Proposed street names when new road is proposed.
  24. Solid waste management and recycling plan showing holding location and provisions for waste and recyclables.
- c. Construction Plan.
  1. Site layout showing all roadways, circulation patterns, curbs, sidewalks, buffers, structures, open space, recreation, etc., as applicable.
  2. Grading and utility plan to include as applicable:

- i. Existing and proposed contours at 1 foot intervals for grades 3% or less and at 2 foot intervals for grades more than 3%.
  - ii. Elevation of existing and proposed drainage structures.
  - iii. Location and invert elevation of existing and proposed drainage structures.
  - iv. Location of all streams, ponds, lakes, and wetlands areas.
  - v. Location of existing and proposed utilities including depth of structures, location of manholes, valves, services, etc.
3. Profiles of existing and proposed roadways including all utilities and storm water facilities. Roadway cross sections at 50 foot intervals. Horizontal and vertical scales to be the same.
4. Landscaping Plan to include:
- i. Location of existing vegetation and clearing limits, a save tree plan required for all large applications.
  - ii. Proposed buffer areas and methods of protection during construction.
  - iii. Proposed landscaped areas.
  - iv. Number, type, and location of proposed plantings including street trees.
  - v. Details for method of planting including optimum planting season.
5. Lighting plan to include:
- i. Location and height of proposed fixtures.
  - ii. Detail for construction of fixtures.
  - iii. Construction details for all improvements.
6. Construction details for all improvements.
- i. Roadways.
  - ii. Curb.
  - iii. Sidewalk.
  - iv. Driveway aprons.
  - v. Drainage inlets.
  - vi. Pipe bedding.
  - vii. Outfalls.
  - viii. Manholes.
  - ix. Gutters.
  - x. Plantings.
  - xi. Soil Erosion & Sediment Control Structures.
  - xii. Parking Lots.
- d. Supplementary Documents.
- 1. List of all Federal, State, Regional, and/or municipal approvals for permits required.
  - 2. Copies of any existing or proposed deed restrictions or covenants.
  - 3. Freshwater Wetland Letter of Interpretation for the project area.
  - 4. Performance Guarantees.
  - 5. Executed Developers Agreement.
  - 6. Disclosure Statement (see N.J.S.A.40:55D-48.1 et seq.)
  - 7. Statement from utility companies as to availability at site.
  - 8. Storm water management calculation.
  - 9. Payable of all applicable fees.
  - 10. Proof of application with NJDEP for CAFRA Permit where applicable.
  - 11. Fifteen (15) copies of photographs of the property, the area depicting the relief, and the other properties in the immediate area.

12. Payment of the appropriate filing fee. Note the applicant will be responsible for payment of the professional fees incurred in the consideration of the application and may be responsible for the payment of escrow fees for same.
13. The applicant must file fifteen (15) separate, collated packet copies of the application which each contain your full application and the packets should be each be capable of mailing where practical.

**617-18.20 LAND USE DEVELOPMENT APPLICATION**

Borough of Ocean Gate  
801 Ocean Gate Avenue  
Ocean Gate, New Jersey 08740

**INSTRUCTIONS**

1. All application, supporting plans, documents, reports, and fees must be submitted to the Board Secretary a minimum of twenty-one (21) days before the scheduled meeting date. Currently, this date is the fourth Tuesday of the month at 7:00 p.m. at the Borough’s Municipal Building located at 801 Ocean Gate Avenue, Ocean Gate, New Jersey. Verify the meeting date with the Secretary before making any submission.
2. Refer to the attached fee and escrow schedule for applicable fees, which are submitted to the Board Secretary, payable to the Borough of Ocean Gate. Assistance with the calculation can be obtained from the Secretary, Zoning Officer, or Board Engineer.
3. Refer to the applicable Administrative Checklist for distribution of applications. Distribution to the correct parties is the responsibility of the applicant.
4. Fully completed copies of the application must be submitted by the applicant as follows:
  - A. One copy to the Board Engineer: John J. Mallon, T & M Associates, 1144 Hooper Avenue, Suite 2, Toms River, New Jersey 08753; phone no. (732) 473-3400.
  - B. One copy to the Board Attorney: Dina M. Vicari, Esq., R.C. Shea & Associates, 244 Main Street, Toms River, New Jersey 08753; phone no. (732) 505-1212.
  - C. One copy to the Borough Clerk: Ileana Vazquez-Gallipoli, Municipal Building, 801 Ocean Gate Avenue, Ocean Gate, New Jersey 08740; phone no. (732) 269-3166, Ext. 21.
  - D. One copy to Ocean County Planning Board (when applicable), 129 Hooper Avenue, Toms River, New Jersey 08754-2191; phone no. (732) 929-2054.
  - E. One original and eleven (11) additional complete copies to the Board Secretary, Jeanne Teller, to be delivered to the Municipal Building.

**SECTION ONE: APPLICANT/OWNER**

1. Applicant

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

2. Owner

Is the Applicant the Owner of the property? Y or N

If Applicant is not the Owner of the property, please provide the following:

Owner's Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

3. Disclosure

Is the Applicant a corporation, partnership, limited liability, or business entity? Y or N

If the Applicant is either a corporation or a partnership, pursuant of N.J.S.A. 40:55D-48.1 and N.J.S.A. 40:55D-48.2, please list all the names of all individuals with a 10% or greater interest in the entity which is making this application:

Name	Address	Percentage Interest
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant's Attorney

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Other Professional(s) for Applicant, i.e., Engineer, Architect, Surveyor

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

**SECTION TWO: PROPERTY INFORMATION**

1. Street Address of Property \_\_\_\_\_
2. Tax Map Location      Block \_\_\_\_\_      Lot(s) \_\_\_\_\_
3. Zone in which Property is Located: \_\_\_\_\_
4. Property Characteristics

	Existing	Proposed	Required
A. Dimensions	_____	_____	_____
B. Size	_____	_____	_____
C. Lot Area	_____	_____	_____
D. Lot Coverage	_____	_____	_____
E. Setbacks			
Front	_____	_____	_____
Rear	_____	_____	_____
Rt. Side	_____	_____	_____
Lt. Side	_____	_____	_____

5. Is the property located within 200 feet of an adjoining municipality? Y or N.

    If yes, notice must be provided to the Clerk of the adjacent municipality.

6. Is the property located adjacent to a County road? Y or N.

If yes, notice must be provided to the Ocean County Planning Board. Please note the majority of the streets in the Borough of Ocean Gate are County roads. Please inquire of the secretary if you are in doubt. If so, you must submit an application to the County Planning Board to ask for a "letter of no interest" in your project.

7. Is the property located adjacent to a State road? Y or N.

If yes, notice must be provided to the NJ Department transportation.

8. Is the current use of the property conforming? Y or N

9. Is the proposed use of the property conforming? Y or N

10. Set forth all currently existing zoning violations on the property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. Have there been any previous Planning/Zonings hearings on the property? Y or N.

If yes, attach a copy of the Resolution passed for that application(s).

12. Are there any restrictions, covenants, easements, or association by-laws existing or proposed on the property? Y or N. If yes, attach a copy hereto.

13. Describe the present use of the property, i.e., one-family residential, multi-family residential, commercial, etc.:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

14. Identify all existing available utilities (water, sewer, gas, electric, cable TV, etc.).

\_\_\_\_\_

\_\_\_\_\_

### **SECTION THREE: DEVELOPMENT RELIEF REQUESTED**

1. Nature of Application. Applicant requests the following:

\_\_\_\_\_ A. Subdivision.

1. \_\_\_\_\_ Minor.

2. \_\_\_\_ Major Preliminary.
3. \_\_\_\_ Major Final.
4. \_\_\_\_ Number of Lots Created.
5. \_\_\_\_ Number of Dwelling Units.

\_\_\_\_ B. Site Plan.

1. \_\_\_\_ Minor Site Plan.
2. \_\_\_\_ Major Preliminary.
3. \_\_\_\_ Major Final.
4. \_\_\_\_ Revision to Approval Plan.

\_\_\_\_ C. Variance Relief.

1. \_\_\_\_ "C" Variance.
2. \_\_\_\_ "D" Variance.

3. Set forth all sections of the Ordinance from which a variance is requested and set forth the nature of the proposed violation:

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\_\_\_\_ D. Conditional Use Approval.

\_\_\_\_ E. Interpretation of Map, Ordinance, or Special Question.

Set forth the section questioned: \_\_\_\_\_

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\_\_\_\_ F. Appeal of Administrative Officer.

Set forth the nature of the appeal. Also, attach a copy of the decision appealed. \_\_\_\_\_

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\_\_\_\_\_ G. Informal Review.

\_\_\_\_\_ H. Other. Please describe \_\_\_\_\_

2. Describe in detail the proposed request for relief and the changes to be made on the property. Please attach additional sheets if necessary.

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3. Set forth in detail all reasons why the Board should grant the relief requested. Please attach additional if necessary.

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4. List all maps, surveys, reports, and other supporting documentation upon which the applicant will rely and/or which accompanies this application. Please attach additional if necessary.

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5. List all experts who will testify for the applicant and set forth a brief description of their testimony. Please attach additional if necessary.

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6. Please list all other approvals, which may be required, and/or the applicant has or will request for the proposed requested relief.

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7. Please list any waivers the Applicant is seeking in this proposal.

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**SECTION FOUR: GENERAL INFORMATION**

1. Pursuant to law, the applicant is required to public notice in the official newspaper and to mail notice to all property owners within 200 feet. The Notice must comply with the law and be made at least ten (10) days prior to the assigned hearing date. A certified affidavit of service and a proof of publication must be filed before the hearing. A list of property owners within 200 feet is available for a fee of \$10.00 from the Tax Assessor's Office.
2. Applicants shall submit as party of this application, and not at the hearing, photographs of the following: (a) the property; (b) proposed area for requested relief; and (c) adjoining properties.
3. The applicant shall supply fifteen (15) copies of all plans, documents, and supporting data in fifteen (15) separate, collated packets capable of being mailed out separately.
4. The applicant will be required to post an escrow fee with the Board Security in order to pay the professional fees incurred by the Borough as a result of the application. Each Application is responsible to pay the costs charged by the Borough's professional staff incurred by their application.

**SECTION FIVE: CERTIFICATIONS**

1. Applicant.

I hereby certify that all of the statements made by me are true. I understand that the Board is relying on the information contained in this application. I understand that if any of the information supplied is knowingly false, I am subject to punishment.

Date: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

\_\_\_\_\_

Notary Public

2. Owner.

I hereby certify that I am the owner of record for the property which is the subject of this application. I have authorized the applicant to make this application and the representations made in the application are true to the best of my information and belief. I understand that if any of the information supplied is knowingly false, I am subject to punishment.

Date: \_\_\_\_\_

Owner's Signature: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

\_\_\_\_\_

Notary Public

**SECTION SIX: FOR OFFICIAL USE ONLY**

Date Filed: \_\_\_\_\_

Application #: \_\_\_\_\_

Date Completed: \_\_\_\_\_

Application Fee: \_\_\_\_\_

Time Limit Date: \_\_\_\_\_

Time Limit Waived: \_\_\_\_\_

Hearing Date(s): \_\_\_\_\_

Decision Date: \_\_\_\_\_

Publication Date: \_\_\_\_\_

Memorialization: \_\_\_\_\_

Newspaper: \_\_\_\_\_

**FOLDER**

Date Filed: \_\_\_\_\_

Application #: \_\_\_\_\_

Date Completed: \_\_\_\_\_

Fee Paid: \_\_\_\_\_

Action Deadline Date: \_\_\_\_\_

Hearing Date(s): \_\_\_\_\_

Decision Date: \_\_\_\_\_

Waiver of Hearing Date: \_\_\_\_\_

Memorialization: \_\_\_\_\_

Escrow Fees Paid: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## SUPPLEMENTAL INFORMATION

### Important Addresses

Jersey Central Power & Light Company  
A First Energy Company  
331 Newman Springs Road  
Bldg. 3, Suite 325  
Red Bank, NJ 07701

Borough of Ocean Gate Sewer Department  
Ocean Gate Municipal Building  
801 Ocean Gate Avenue  
Ocean Gate, NJ 08740

New Jersey Natural Gas Company  
P.O. Box 1378  
Wall, NJ 07719

Borough of Ocean Gate Water Department  
Ocean Gate Municipal Building  
801 Ocean Gate Avenue  
Ocean Gate, NJ 08740

Comcast Cable Communications  
1256 Hooper Avenue  
Toms River, NJ 08753

Ocean County Planning Board  
P.O. Box 2191  
Toms River, NJ 08754-3191

Verizon NJ  
1 Verizon Way (at Maple Ave.)  
Basking Ridge, NJ 07920

BOROUGH OF OCEAN GATE LAND USE BOARD

NOTICE OF APPLICATION FOR APPEAL FOR VARIANCE

Public notice is hereby given that the undersigned has appealed to the Land Use Board of the Borough of Ocean Gate, in the County of Ocean, New Jersey, for a variance from the terms of the zoning ordinance so as to permit: [description of request including violations of zoning ordinance by Ordinance No. \_\_\_\_\_]

Applicant will also seek such variances or design waivers, which may be required based on the interpretation of the ordinance or requested changes in the plans by the Land Use Board.

On premises known as:

Address: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

A public hearing has been ordered for the following date: \_\_\_\_\_

At 7:00 p.m. in the Municipal Building, located at 801 Ocean Gate Avenue, Ocean Gate, New Jersey, at which time persons interested may appear personally or by agent or attorney. Documents are on file at the Municipal Building for inspection during regular business hours (9:00 a.m. to 4:00 p.m., Monday through Friday). Offices may be closed between 12:00 p.m. and 1:00 p.m.

Brief description of documents: \_\_\_\_\_

This notice is published by Order of the Land Use Board.

\_\_\_\_\_  
Applicant

*[Notice in substantially the above form shall be published in the Asbury Park Press newspaper at least ten (10) days preceding the day on which the hearing is scheduled. The name of the real party in interest shall be used. Affidavit of Publication shall be provided to the Board Secretary at least five (5) days before the hearing date.]*

SAMPLE AFFIDAVIT OF SERVICE

County of \_\_\_\_\_  
:SS

State of \_\_\_\_\_

\_\_\_\_\_ [Applicant/Owner's Name] of full age, being duly sworn according to law, on his/her oath, deposes and says that he resides at \_\_\_\_\_ [Address] in the \_\_\_\_\_ [Type of Municipality] of \_\_\_\_\_ [Name of Municipality], County of \_\_\_\_\_ [Name of County], and State of \_\_\_\_\_ [Name of State], and that he/she did

on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at least ten (10 days prior to hearing date, give personal notice to all property owners within 200 feet of the property at \_\_\_\_\_, Block \_\_\_\_\_, Lot \_\_\_\_\_.

Said notice was given by sending said notice by certified mail or by hand delivery to an owner of record. Copies of the post marked receipts are attached hereto.

Notices were also served upon (check if applicable):

- \_\_\_\_\_ 1. The Clerk of \_\_\_\_\_ [*Name of Municipality*].
- \_\_\_\_\_ 2. County Planning Board.
- \_\_\_\_\_ 3. The Director of the Division of State and Regional Planning.
- \_\_\_\_\_ 4. The Department of the Division of State and Regional Planning.
- \_\_\_\_\_ 5. The Clerk of Adjoining Municipalities.
- \_\_\_\_\_ 6. Applicable utilities companies.

A copy of said notices are attached hereto and marked as Exhibit "A."

Notice was also published in an official newspaper of the municipality as required by law, a minimum of ten (10) days before date of the hearing.

Attached to this Affidavit, and marked as Exhibit "B," is a list of owners of property within 200 feet of the attached property who were served, showing the lot and block numbers of each property as same appear on the municipal tax map and also a copy of the certified list of such owners prepared by the Tax Assessor of the municipality, which is marked as Exhibit "C." There is also attached a copy of the proof of publication of notice in an official newspapers of the municipality, which is marked as Exhibit "D."

Signature of applicant \_\_\_\_\_

Sworn and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public of New Jersey

## SECTION II

All ordinances or parts of ordinances inconsistent with the provision of this Ordinance are hereby repealed.

## SECTION III

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION IV**

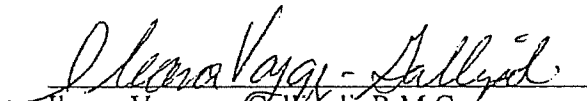
This Ordinance shall take effect immediately upon its final adoption, approval and publication as required by law.

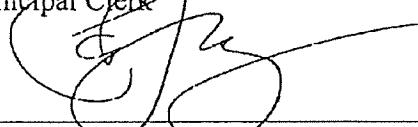
**NOTICE**

**PUBLIC NOTICE** is hereby given that the foregoing ordinance was introduced and passed on first reading of the Borough Council of Ocean Gate, in the County of Ocean, State of New Jersey, held on June 13, 2018, and will come on for a second reading, public hearing and final passage at a regular meeting of said Borough Council to be held on July 18, 2018, at Borough Council Chambers, 801 Ocean Gate Avenue, Ocean Gate, New Jersey, at 7:00 P.M., or as soon thereafter as the matter can be reached, at which last mentioned date, hour and place any person desiring to be heard either for or against the adoption of the within ordinance will be given an opportunity to be so heard.

Introduced: June 13, 2018

Adopted: August 15, 2018

  
\_\_\_\_\_  
Ileana Vazquez-Gallipoli, R.M.C.  
Municipal Clerk

  
\_\_\_\_\_  
Paul J. Kennedy, Mayor