

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING**

Chapter 345, ZONING

[HISTORY: Adopted by the City Council of the City of Long Branch 2-13-1991 by Ord. No. 3-91. Amendments noted where applicable.]

GENERAL REFERENCES

Department of Building and Development -- See § 5-11.

Land use procedures -- See Ch. 69.

Urban Enterprise Zone -- See Ch. 94.

Beach clubs -- See Ch. 114.

Boardinghouses -- See Ch. 123.

Flood damage prevention -- See Ch. 177.

Parking lots and meters -- See Ch. 244.

Soil removal -- See Ch. 290.

Streets and sidewalks -- See Ch. 297.

Subdivision of land -- See Ch. 300.

Swimming pools -- See Ch. 303.

Tennis courts -- See Ch. 312.

Storage of vehicles -- See Ch. 332.

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PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE I, General
Provisions**

ARTICLE I, General Provisions

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE I, General
Provisions / § 345-1. Title.**

§ 345-1. Title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the City of Long Branch, 1989 Revision."

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE I, General
Provisions / § 345-2. Purpose.**

§ 345-2. Purpose.

The purpose of this chapter is to encourage the most appropriate use of land throughout the City and to conserve the value of property, with due consideration for the character of the zones and their peculiar suitability for particular uses, all in accordance with a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population and to that end to regulate the height, design, appearance, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes; and the height, size and location of these uses within the limits of the City.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE I, General
Provisions / § 345-3. Definitions.**

§ 345-3. Definitions.

Whenever a term is used in this chapter which is defined in the Municipal Land Use Law,^{EN(1)} such term is intended to have the meaning set forth in the definition of such term found in said statute, unless a contrary intention is clearly expressed from the context of the chapter or the term is otherwise defined herein.

ACCESSORY USE -- A use customarily incidental and subordinate to the principal use or structure and located on the same lot with such principal use or structure.

ACTIVE RECREATIONAL SPORTS AND ENTERTAINMENT FACILITY -- Any facility designed primarily for competitive or recreational sports and athletic activities, as well as the presentation of public entertainment events and expositions. Eating and drinking facilities, retail specialty shops and electronic/video apparatus shall be allowed as an accessory use within said active recreational sports and entertainment facility. [Added 2-14-1995 by Ord. No. 8-95]

ADULT ENTERTAINMENT USES[Added 2-14-1995 by Ord. No. 6-95]

A. Includes uses, alone or in combination, such as the following:

- (1) **ADULT BOOKSTORE** -- An establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other periodicals, novelty items, movies and/or videotapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, or an establishment with a segment or section devoted to the sale or display of such material.
- (2) **ADULT MOTION PICTURE THEATER** -- An enclosed building with a capacity of 50 or more persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, for observation by patrons therein.
- (3) **ADULT MINI MOTION-PICTURE THEATER** -- An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, for observation by patrons therein.
- (4) **CABARET** -- An establishment which features go-go dancers, exotic dancers, strippers or similar entertainers or employees.

B. For the purpose of this definition, "specified sexual activities" is defined as human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and/or fondling or other erotic touching of human genitals, pubic region, buttock or/female breast; and "specified anatomical areas" is defined as less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola and/or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

ALTERATIONS -- Any change in or rearrangement of structural parts of a building.

ARCADE -- Any place of business displaying for public patronage or keeping for operation in excess of two mechanical and/or electronic amusement devices.

BASEMENT -- A portion of a building partly underground but having less than 1/2 of its clear height below finished grade.

BEACH CLUB -- An establishment owning and/or operating ocean beach property as a bathing beach, whether or not additional recreational facilities are provided, operated on a membership basis and restricted to the use of members and their guests.^{EN(2)}

BEDROOM -- Any space or area in a building used for, but not limited to, the following: sleeping facilities, guest room, library, game room, sun room, private office, hobby room, den,

sitting room, home gym, loft or any other similar-type use.

BOARD -- The Planning Board or Zoning Board of Adjustment of the City.

BOARDINGHOUSE -- Any dwelling in which more than one person is housed or lodged for hire with meals. A nursing, rest, or convalescent home shall not be deemed a boardinghouse. A home for sheltered care of adult persons as defined by N.J.S.A. 30:11A-1 shall not be considered a boardinghouse.

BUFFER STRIP -- A continuous planting strip of trees and/or shrubs densely planted so as to restrict a clear view beyond such strip. Buffer planting in front yard areas may not exceed four feet in height. Buffer plantings in side or rear yards must be at least six feet in height.

BUILDING -- Any structure having a roof supported by columns, piers or walls which is suitable or intended for permanent, temporary or continuous occupancy for any purpose.

BUILDING AREA (GROUND COVER) -- The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps, except as otherwise provided. (See § 345-11V.) Such areas shall be computed by using outside building dimensions. For the purpose of calculating parking requirements, fees and/or variances, the gross floor area (see definition) and/or gross habitable floor area (see definition) requirements shall apply. [Amended 6-22-1993 by Ord. No. 19-93]

BUILDING HEIGHT -- The vertical distance measured from the average elevation of the proposed finished grade at each of the corners of the building to the highest point of the building or roof peak, whichever is higher, exclusive of chimneys and similar structures as listed in § 345-10A. Where terracing of roofs is involved, the vertical distance shall be measured from the mean ground level to the highest terrace. (See also "grade, finished.")

BUILDING LINE -- A line formed by the vertical projection to the ground of the exterior surface of the building on any side. In cases of a cantilevered section of a building or sun parlors and covered porches, whether enclosed or unenclosed, but not including the steps, the vertical projection will coincide with the surface nearest the lot lines. All yards are measured to the building line. However, bay windows, fireplaces and cantilevered or bowed rooms may extend beyond the foregoing, but in no event more than two feet from the rear and front building line only, and shall not exceed 25% of the entire building line. Open columns and roofs over front stairs may also extend beyond the foregoing, but in no event further than six feet toward the street and shall not exceed 12 feet in width. [Amended 8-13-2002 by Ord. No. 31-02]

BUILDING, PRINCIPAL -- A building within which is conducted the main or principal use of the lot on which such building is situated.

CELLAR -- A story partly or completely underground and having more than 1/2 of its clear

height below the average level of the finished grade at the perimeter of the building.

CERTIFICATE OF OCCUPANCY -- A certificate issued by the Construction Official upon completed construction, alteration or change of use of a building. The certificate shall acknowledge compliance with all requirements of the State Uniform Construction Code, N.J.A.C. 5:23-1 et seq., as amended. A certificate of occupancy is issued by the Fire Prevention Bureau prior to a change of occupancy of any building. The certificate shall acknowledge compliance with all requirements of the BOCA National Property Maintenance Code, 1996 Edition, as adopted in § 262-21 of this Code. [Amended 7-27-2004 by Ord. No. 26-04]

A. Limitations on certificate of occupancy. The R-1, R-2, R-3 and R-4 Zones within the residential zoning districts of the City of Long Branch shall be limited to one certificate per year for the entire premises except upon bona fide sale to a third party with no subletting of the interest in the premises set forth in this definition.

B. Exceptions:

- (1) A completed application for a certificate of occupancy shall be submitted to the Fire Code Official who shall render a decision as to the application within five business days of the date thereof. Exceptions to the one certificate of occupancy per year maximum shall be considered for the following:
 - (a) A permanent resident seeking to travel and rent his or her property on a seasonal basis;
 - (b) A bona fide family unit, a member of which owns the property and uses said property for seasonal occupancy may apply for an exception to the one certificate of occupancy per year maximum to rent the premises for the remainder of the year to a family as defined at § 345-3 of the Code of the City of Long Branch;
 - (c) If the owner of property in the R-1, R-2, R-3 or R-4 Zoning Districts dies, his executor/executrix can rent out the premises temporarily to a family unit as described in this section until it can be sold or otherwise disposed of; and
 - (d) Any other bona fide factual scenario upon which an applicant seeks an exception as determined by the Fire Official.
- (2) There shall not be an exception granted to properties within the R-1, R-2, R-3 or R-4 Residential Zoning Districts that are not owner-occupied.

CHURCH -- A building or group of buildings, including customary accessory buildings, designed or intended for public worship. For the purpose of this chapter, the word "church" shall include chapels, congregations, cathedrals, temples and similar designations, as well as parish

houses, convents and such accessory uses.

CLUB, MEMBERSHIP -- Premises and/or buildings maintained by an organization catering exclusively to members and their guests for social, recreational or athletic purposes, which are not conducted primarily for gain, provided that there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED -- Any community residential facility licensed pursuant to P.L. 1977, c. 448 (N.J.S.A. 30:11B-1 et seq.), providing food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons who require assistance, temporarily or permanently, in order to live in the community and shall include but not be limited to group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements and hostels. Such a residence shall not be considered a health care facility within the meaning of the Health Care Facilities Planning Act, P.L. 1971, c. 136, (N.J.S.A. 26:2H-1 et al.). [Amended 11-10-1998 by Ord. No. 38-98; 2-23-1999 by Ord. No. 14-99]

COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE -- Any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L. 1979, c. 337 (N.J.S.A. 30:14-1 et seq.), providing food, shelter, medical care, legal assistance, personal guidance and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or physiological welfare. [Amended 11-10-1998 by Ord. No. 38-98; 2-23-1999 by Ord. No. 14-99]

CONDITIONAL USE -- A use permitted in a particular zoning district only upon a showing that such a use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in the provisions of this chapter and upon the issuance of an authorization therefor by the Planning Board.

CONVENIENCE STORE -- Typically a store dedicated to the selling of foodstuffs and/or general merchandise which is specifically designed to provide a limited stock-in-trade and which caters to quick in-and-out shopping. A convenience store may contain a delicatessen or prepared food section. A convenience store may contain not more than two coin-operated amusement machines. The maximum floor area allowed for a convenience store is 3,000 square feet.

COVERAGE -- That percentage of the plot or lot area covered by the building area.

CRAWL SPACE -- An unfinished area of five feet or less in height between ground level and floor joists or ceiling joists and roof rafters suitable for storage but not habitation.

DELICATESSEN -- A business venture primarily concerned with the retail sale of groceries, cooked meats, hors d'oeuvres, prepared salads and sandwiches. As an adjunct to such use, a delicatessen may set aside no more than 30% of the overall area of the store for an on-site dining area.

DENSITY -- The number of dwelling units, which may be or are developed per gross acre of land, including areas used for public access and/or open space.

DEVELOPMENTALLY DISABLED PERSON -- A person who is developmentally disabled as defined in § 2 of P.L. 1977, c. 448 (N.J.S.A. 30:11B-2), and "mentally ill person" means a person who is afflicted with a mental illness as defined in N.J.S.A. 30:4-23,^{EN(3)} but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge. [Amended 11-10-1998 by Ord. No. 38-98; 2-23-1999 by Ord. No. 14-99]

DWELLING, MULTIFAMILY -- A detached building containing five or more dwelling units.

DWELLING, ONE-BEDROOM APARTMENT -- Includes the following separate rooms or a combination thereof: a kitchen; a dining room; a living room; or a combination kitchen and dining room with a separate living room or a separate kitchen with a combined living room and dining area, provided that in no case shall a kitchen be combined with a living room; a bathroom with toilet and bath facilities; a bedroom; and/or outdoor patio. No additional room shall be permitted excepting hallways and suitable closet and storage space unless such extra room is clearly designated as an additional bedroom.

DWELLING, ONE-FAMILY -- A detached building and dwelling unit designed for or occupied exclusively by a reasonable number of persons (in relation to available sleeping and bathroom facilities), living and cooking together as a bona fide single housekeeping unit, exclusive of household servants, and constituting a stable and permanent living unit of a distinct domestic character, in a traditional family unit or the functional equivalent thereof, using certain rooms and housekeeping facilities in common. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie or organization which is not a recognized religious order and shall not include boardinghouses or dormitories. [Amended 10-10-2000 by Ord. No. 36-00; 7-27-2004 by Ord. No. 26-04]

DWELLINGS, STANDARDS TO BE APPLIED -- For all dwellings in the City of Long Branch, the following standards are adopted by reference: In accordance with the provisions of N.J.S.A. 40:49-5.1, the BOCA National Property Maintenance Code, 1996 Edition, excluding Section PM-11.0, et seq., Means of appeal, is hereby adopted as the standard governing supplied utilities, facilities and other physical things and conditions to make buildings and dwellings, both residential and nonresidential, safe, sanitary and fit for human habitation, occupancy or use. A copy of the BOCA National Property Maintenance Code, 1996 Edition, is attached and made a

part of this chapter without the text being included therein.^{EN(4)} [Added 11-28-2000 by Ord. No. 48-00]

DWELLING, THREE-BEDROOM APARTMENT -- Includes the following separate rooms or a combination thereof: a kitchen; a dining room; a living room; or a combination kitchen with a combined living room and dining area, provided that in no case shall a kitchen be combined with a living room; a bathroom with toilet and bath facilities; a master bedroom; a second bedroom and third bedroom; and/or an outdoor patio.

DWELLING, TWO-BEDROOM APARTMENT -- Includes the following separate rooms or a combination thereof: a kitchen; a dining room; a living room; or a combination kitchen and dining room with a separate living room; or a separate kitchen with a combined living room and dining area, provided that in no case shall a kitchen be combined with a living room; a bathroom with toilet and bath facilities; a master bedroom; and second bedroom; and/or an outdoor patio. No additional room shall be permitted, excepting hallways and suitable closet and storage space, unless such extra room is clearly designated as an additional bedroom.

DWELLING, TWO-, THREE- OR FOUR-FAMILY -- A detached building containing two, three or four dwelling units, respectively.

DWELLING UNIT -- A building or part thereof having cooking, sleeping and sanitary facilities designed for or occupied by one family and which is entirely separated from any other dwelling unit in the building by vertical walls or horizontal floors, unpierced, except for access to the outside or a common cellar.

EDUCATIONAL AND TRAINING FACILITIES FOR MEDICAL CENTER -- Facilities used in the training, education, research and study by the professional members, as well as the staff and students, as they are related to the recognized medical and allied medical professions.

ESSENTIAL SERVICES -- The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electric, steam, water or sewage transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, meters, valves and other similar equipment and accessories in connection therewith, including housing for any of the foregoing, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare.

FAMILY -- A reasonable number of persons (in relation to available sleeping and bathroom facilities) occupying a dwelling unit and living as a bona fide single, nonprofit housekeeping unit, living and cooking together, and constituting a stable and permanent living unit of a distinct domestic character, being a traditional family unit or the functional equivalent thereof, using

certain rooms and housekeeping facilities in common. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie or organization which is not a recognized religious order. [Amended 10-10-2000 by Ord. No. 36-00; 7-27-2004 by Ord. No. 26-04]

FENCE -- An artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials erected for the enclosure of yard areas.

FRATERNITY HOUSE, COLLEGIATE -- A building rented, occupied or owned by a general or local chapter of some regularly organized college fraternity, or on its behalf, by a building corporation or association composed of members of alumni thereof, and occupied by members of a local chapter of such fraternity as a place of residence. Fraternity or sorority houses shall not be permitted in any zone within the City.

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

GARAGE, PUBLIC -- Any garage other than a private garage, available to the public, operated for gain and which is used for the storage of automobiles or other motor vehicles, including the supply of gasoline or oil or other fuel for vehicular propulsion.

GARDEN APARTMENT -- One or more multifamily buildings designed and erected as an integrated development with singleness of use and operation and which utilizes such common facilities as pedestrian walks, parking and garage areas, open space or recreation areas and utility, sanitary and drainage systems.

GRADE, EXISTING -- The existing undisturbed elevation of land, ground and topography preexisting or existing on a lot, parcel or tract of land in the City at the time of the adoption of this chapter.

GRADE, FINISHED -- The completed surface of lawns, walks and roads brought to grade as shown on official plans or designs relating thereto or as existing if no plans or designs have been approved. In the event that a lot or lots are to be regraded in order to increase the lot height, and as a result building height shall be increased beyond the original allowable height and no other provision of this section requires the prior approval of the same, then in that event, a site plan shall be submitted to the Planning Board of the City of Long Branch. It is the intent of this section of this provision to prohibit the increase of allowable building height by means of the use of mounding, terracing or other devices without the appropriate board reviewing and approving a site plan of such proposed grade changes. However, such approval shall not be required for a single-family home with an increase of lot height of 18 inches or less measured at the average perimeter of the building.

- A. A zoning permit shall be required should any portion of any property be graded more than 18 inches over an area of 5,000 square feet or more, or any portion of any property be graded above three feet, and no site plan review is required. Plans drawn by an appropriate licensed professional, showing existing and proposed evaluations and contours, shall be submitted for review. An escrow shall be posted in a minimum amount of \$500 in order for the City Engineers to do a drainage and grading review, to which the applicant will be bound by its conditions or requirements. This requirement shall also apply to any development or grading activity not requiring a site plan review which is located in a floodplain. [Added 4-10-2001 by Ord. No. 12-01]

GROSS FLOOR AREA -- The sum of the gross horizontal areas of all of the floors of a building measured between the inside face of the exterior walls or from the center line of walls common to two dwelling units.

GROSS HABITABLE FLOOR AREA -- The sum of the gross horizontal areas of all of the floors of a building measured between the inside face of exterior walls or from the center line of walls separating two units, having a clear ceiling height of six feet or greater. Any cellar, basement, hallways, closets, storage areas, garage space, breezeways, interior patios, enclosed porches or accessory buildings are not to be included in computing gross habitable floor area.

HAIR STYLING SHOP -- Any establishment duly licensed by the New Jersey Division of Consumer Affairs Board of Cosmetology and Hair Styling to provide those services authorized under the pertinent rules and regulations promulgated by the Office of Administrative Law. Said establishment may also sell related supplies and accessories in such quantities reasonably necessary to fulfill the needs of its customers. [Added 2-14-1995 by Ord. No. 8-95]

HEALTH SPA/GYM -- An establishment that, by its nature, provides apparatus and/or instruction in various aerobic and/or athletic exercises. [Added 6-22-1993 by Ord. No. 19-93]

HOME OCCUPATION -- An accessory use of a service character, customarily conducted within a dwelling solely by the residents, which occupies not more than 35% of the gross floor area of the dwelling and does not change the character or any exterior evidence of such secondary use, other than a permitted identification sign, and, in connection therewith, there is not involved the keeping of stock-in-trade. Such occupations as dressmaker, tailor, milliner, typist and instructor in violin, piano or other individual musical instrument, which offer direct personal instruction or services on an individual basis, shall be deemed to be a home occupation. For the purposes of this chapter, this shall mean the accommodation of one individual at any one time on the premises.

HOME PROFESSIONAL OFFICE -- The office of a member of a recognized learned profession as hereinafter indicated when conducted by a member of the residential family entirely within a residential building and shall include only the office of a doctor, lawyer, architect, engineer and

similar learned professional occupations herein restricted, provided that not more than two persons, not resident on the premises, shall be employed upon the premises. The offices shall not occupy more than the equivalent of 40% of the area of the first floor of the principal building. A home professional office shall not include the office of any person professionally engaged in the purchase or sale of economic goods. Studios for dancing instructions, band instrument or voice instruction in groups, tearooms, tourist homes, beauty parlors, barbershops, hairdressing and manicuring establishments, real estate offices, mortuary establishments, biological or other medical testing laboratory and stores, trades or businesses of any kind not herein excepted shall not be deemed to be home professional offices.

HOSPITAL -- An institution providing health services under the supervision of licensed physicians, primarily for human inpatients and medical and surgical care for the sick or injured, and including related facilities, central service facilities and staff offices which are an integral part of the facilities.

HOTEL -- An establishment providing lodging and usually meals for the general public, especially transients. It may include such uses incident to the operation as herein defined as follows: rest rooms, offices, meeting rooms, swimming pools, cabanas, restaurants, cocktail lounges, beauty parlors, barbershops, men's and women's wearing apparel stores, sale of newspapers, periodicals, souvenirs, cigars, cigarettes and novelties, jewelry stores, drug and sundry stores and soda fountains, florist shops and stock brokerage offices. The uses when proposed as part of and in direct support of the above-described establishments shall be conducted within the principal building with the exception of cabanas and swimming pools.

JUKEBOX -- Any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by the payment of any price, operates or may be operated for the emission of songs, music or similar amusement.

JUNK OR SALVAGE YARD -- Any area and/or structure used or intended to be used for selling, buying, storing or trading of used or discarded metal, glass, paper, cordage or any used or disabled fixtures, vehicles, boats or equipment of any kind. The premises on which the deposit or storage of any used, wrecked or otherwise disabled vehicles, boats or other parts occurs for a period of one month or more shall be deemed to be a junkyard.

KINDERGARTEN -- An establishment where four or more children are kept during the daytime for elementary instruction.

LODGING HOUSE -- See "boardinghouse" and "rooming house."

LOT -- A parcel or area of land the dimensions and extent of which are determined by the latest official records or by the latest approved map of a subdivision of which the lot is a part.

A. LOT AREA -- An area of land which is determined by the limits of the lot lines bounding

that area and expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

- B. LOT AREA RATIO -- The minimum lot area in square feet which is required for each dwelling unit.
- C. LOT, CORNER -- A parcel of land at the junction of and fronting on two or more intersecting streets.
- D. LOT COVERAGE -- That percentage of the lot area which may be devoted to structure area. (See "structure.") [Amended 6-22-1993 by Ord. No. 19-93]
- E. LOT DEPTH -- The average horizontal distance between the front and rear lot lines, measured at right angles to the street.
- F. LOT FRONTAGE -- A lot line or portion thereof which is coexistent with a street line. In the case of a street of undefined width, the lot lines shall be assumed to parallel the center line of the street at a distance of 25 feet therefrom. In the case of corner lots, the smaller of the two lot lines coexistent with street lines shall be considered as the frontage.
- G. LOT LINE -- Any line designating the extent of existing or intended separate parcels of land according to maps and plats of record filed with the County Recorder, regardless of ownership.
- H. LOT WIDTH -- The horizontal distance between the side lot lines measured at right angles to its depth and at a point which constitutes the rear line of the required front yard space.
- I. LOT, IRREGULAR -- (See also § 345-10B.) Any lot which:
 - (1) Contains a lot frontage as measured at the street right-of-way line of less than 50% of the minimum lot width requirement;
 - (2) Contains any appendages or areas which will not allow for the potential development of any conforming structure or use; or
 - (3) Contains more than six sides. [Amended 6-22-1993 by Ord. No. 19-93]

MANUFACTURING -- The treatment or processing of raw products and the production of articles or finished products from raw or prepared materials by giving them new forms or qualities.

MASTER PLAN -- A composite of one or more written or graphic proposals for the development of the City as set forth and adopted pursuant to N.J.S.A. 40:55D-28.

MECHANICAL OR ELECTRONIC AMUSEMENT DEVICE -- Any machine which, upon the

insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include, but not be limited to, marble machines, pinball machines, skill ball, mechanical grab machines and any mechanical or electronic video game operation or transaction similar thereto and under whatever name it may be indicated. It shall not include nor shall this definition apply to jukeboxes.

MEDICAL AND ALLIED MEDICAL PROFESSIONAL OFFICES -- The offices to be utilized by a member of a recognized medical and allied medical profession. Such office shall contain but not be limited to facilities necessary for the treatment, examination, research and study of the problems associated with the uses permitted in the Medical Center (M) Zone.

MEDICAL AND ALLIED MEDICAL PROFESSIONS -- Those professions necessary for patient care, treatment, examination, study and research in the fields, including but not limited to medical, dental and dental hygiene, optometry, chiropractic, podiatry, psychiatric, psychological, physical therapy and pharmacological professions.

MEDICAL AND CLINICAL LABORATORIES -- Those facilities utilized by a medical center and/or hospital in the diagnostic, prognostic and physical care and treatment of its patients, as well as facilities used by the medical and allied medical professions.

MEDICAL CENTERS -- A complex of principal and accessory buildings and facilities utilized in the medical and surgical treatment and care of patients, as well as those buildings and structures used for the maintenance of these buildings and necessary related facilities, to include, but not be limited to, medical and allied medical professional offices, educational and training facilities, laboratories and outpatient medical clinics.

MID-RISE APARTMENT -- A group of one or more buildings of not more than six stories of dwelling units designed and erected as a project of dwelling units with singleness of use and operation and where joint or communal use is to be made of open areas by the occupants, whether it be for recreation, parking of automobiles or other communal purposes. Parking levels below finished grade shall not be counted toward the six-story limitation.

MOTEL -- A series of attached units for transient occupancy where each unit has direct access to parking space for use of the unit's occupant. The units shall include facilities for living and sleeping only and shall include a bedroom and a separate bathroom which affords privacy to a person within the room and which is equipped with a flush water closet, a lavatory basin and a bathtub or shower. A motel may include such uses incident to the operation as herein defined as follows: rest rooms, offices, meeting rooms, swimming pools, cabanas, restaurants, cocktail lounges, beauty parlors, barbershops, men's and women's wearing apparel stores, sale of newspapers, periodicals, souvenirs, cigars, cigarettes and novelties, jewelry stores, drug and sundry stores and soda fountains, florist shops and stock brokerage offices. Such uses when proposed as part of and in direct support of the above-described establishment shall be conducted

within the principal building with the exception of cabanas and swimming pools.

MOTEL, EFFICIENCY -- A series of attached units for occupancy where each unit has direct access to parking space for use of the unit's occupant. The units shall include a combination room for living, sleeping, cooking and eating and shall include a bedroom and a separate bathroom which affords privacy to a person within the room and which is equipped with a flush water closet, a lavatory basin and a bathtub or shower. It may include such uses incident to the operation as herein defined as follows: rest rooms, offices, meeting rooms, swimming pools, cabanas, restaurants, cocktail lounges, beauty parlors, barbershops, men's and women's wearing apparel stores, sales of newspapers, periodicals, souvenirs, cigars, cigarettes and novelties, jewelry stores, drug and sundry stores and soda fountains, florist shops and stock brokerage offices. Such uses when proposed as part of or in direct support of the above-described establishment shall be conducted within the principal building with the exception of cabanas and swimming pools.

MOTOR VEHICLE SERVICE STATION -- Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances and which may or may not include facilities for lubricating, washing or other minor services to motor vehicles.

NONCONFORMING BUILDING OR STRUCTURE -- A building or structure which, in its design or location upon a lot, was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the regulations of this chapter for the zone in which it is located by reason of such adoption or amendment.^{EN(5)}

NONCONFORMING LOT -- A lot of record existing which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zone in which it is located by reason of such adoption or amendment.^{EN(6)}

NONCONFORMING USE -- A use of a building or of land which conformed to the lawful requirements for the zone in which it is located prior to the adoption or amendment of this chapter, but which fails to conform to the regulations of this chapter for the zone in which it is located by reason of such adoption or amendment.^{EN(7)}

NURSERY -- A privately operated establishment where four or more children under six years of age are kept during the daytime while their parent or parents are at work or otherwise engaged.

NURSING, REST OR CONVALESCENT HOME -- A health facility licensed by the City where persons are housed and furnished with meals and continuing nursing care in return for compensation and under the general supervision of a licensed physician or registered nurse. A home for the sheltered care of adult persons as defined by N.J.S.A. 30:11A-1 shall not be considered a nursing, rest or convalescent home.

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

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 a development application or contiguous portion of a street or right-of-way.

OFF-TRACT -- Not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way.

ON-SITE -- Located on the lot in question.

ON-TRACT -- Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

OPEN SPACE -- Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

OPEN SPACE, COMMON -- An open space area within or related to a site designated as a development and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

OPEN SPACE, PUBLIC -- An open space area conveyed or otherwise dedicated to a municipality, municipal agency, Board of Education, state or county agency or other public body for recreational or conservational uses.

OPEN SPACE, UNOCCUPIED -- An unoccupied, grassed, wooded or landscaped area open to the sky on the same lot with a principal and/or accessory building. Improved sidewalks, paved paths or other pedestrianways within an unoccupied open space area which exceed four feet in width shall be deducted in determining the unoccupied open space area. Parking area or traffic channelization islands which are not landscaped or which have an area less than 350 square feet shall not be considered as unoccupied open space.

PARKING SPACE -- An off-street space available for the rectangle parking of a motor vehicle and which in this chapter is held to be at least nine feet in width and 18 feet in length, exclusive of passageways appurtenant thereto and giving access thereto.

PIER -- A structurally sound combination of materials which extends from the westerly side of

the state bulkhead for a minimum distance of 300 feet east of the existing mean high-water mark.

PLACE OF WORSHIP -- (See "church.")

PLANNING BOARD -- The Planning Board of the City.

PROFESSIONAL OFFICE -- The office of a member of a recognized profession, which shall be so designated by the approving authority upon finding by such approving authority that such occupation is professional in character and requires licensing and training and experience as a condition for the practice thereof, and that the practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone to any greater extent than would the permitted uses listed in that zone. The issuance of a state or local license for regulation of any such occupation shall not, alone, be deemed indicative of professional standing. When such office is combined with a residence, the conditions of home occupation or, where applicable, home professional office shall apply.

PUBLIC AREAS

- A. Public parks, playgrounds, trails, paths and other recreational areas.
- B. Other public open spaces.
- C. Scenic and historic sites.
- D. Sites for schools and other public buildings and structures.

RECYCLING PLANT -- An establishment where glass, metal, aluminum and paper waste products are brought for separation, preparation, storage and disposal. All facets of the recycling process are to take place indoors, except that the finished product may be stored outdoors within containment walls that are not visible to the public.

RESTAURANT -- An establishment at which prepared food is sold for consumption by patrons seated within an enclosed building.

RESTAURANT, DRIVE-IN -- An establishment where prepared food, soft drinks, ice cream and/or similar confections are sold to patrons for consumption outside the confines of the principal building or in an automobile parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided within the principal building for the patrons.

ROOMING HOUSE/LODGING HOUSE -- Any dwelling in which more than one person is housed or lodged for hire without meals. A lodging house, rooming or furnished rooming house shall be deemed a rooming house, but a nursing, rest or convalescent home shall not be deemed a rooming house. A home for sheltered care of adult persons as defined by N.J.S.A. 30:11A-1 shall

not be considered a rooming house. The housing of outpatients from institutions shall not be permitted.

SCREENING -- A visual barrier of plant materials as described in the definition of "buffer strip," or appropriate fencing or other materials which may be agreed to by the Planning Board.

SECONDHAND STORE -- Any establishment selling used merchandise as a significant part of its business. For the purposes of this chapter, pawn shops, used furniture stores and thrift stores shall be considered secondhand stores, while dealers of books, antiques, collectibles or memorabilia are not considered secondhand stores. [Added 2-14-1995 by Ord. No. 8-95]

SENIOR CITIZENS PROJECT -- A residential development, including recreation facilities and other appropriate facilities, within which residency shall be restricted to permanent residents of the age of 60 years and over, except for the spouse and one child 18 years or more of age of a qualifying resident.

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 is closest to such lot lines. See also "building line."

SIGN -- Any device, structure or object for visual communication that is used for the purpose of bringing the subject to the attention of others, but not including any flag, badge or insignia of any public, quasi-public, civic, charitable or religious groups. Such signs shall be designed in accordance with Chapter 284, Signs, where applicable.

- A. **SIGN AREA** -- The area defined by the frame or edge of a sign. Where there is no geometric frame or edge of this sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the sign.
- B. **SIGN, IDENTIFICATION** -- Any sign which shall be used to advertise and identify the activity conducted on the premises where the sign is located.

SITE -- Any plot, parcel or parcels of land.

SITE PLAN -- A development plan of one or more lots on which is shown:

- A. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways.
- B. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices.
- C. A key map.

- D. 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 Planning Board adopted pursuant to N.J.S.A. 40:55D.

SITE PLAN, MINOR -- Any development plan for one or more lots which is (are) subject to development which:

- A. Requires site plan approval;
- B. In the opinion of the Board's Site Plan Committee, the submitted project is of such a simplistic nature as to merit consideration as a minor site plan;
- C. Meets the requirements set forth in Article IV, Zone District Use Regulations, and contains the information reasonably required in order to make an informed determination as to whether the Board's requirements for approval of a minor site plan have been met; and
- D. Meets the following conditions:
 - (1) The construction of drainage facilities is not required either on or off site.
 - (2) The proposed development conforms to the performance standards set forth in § 345-45.
 - (3) The proposed development does not involve planned development.
 - (4) The proposed development will not require the issuance of a Coastal Area Facilities Review Act^{EN(8)} permit.
 - (5) The proposed development does not involve any new street or the extension of any existing street.
 - (6) The proposed development does not involve the extension or construction of any off-tract improvement.
 - (7) The proposed development, if new construction, requires 10 parking spaces or less or if a change of use of an existing facility or addition to an existing facility and less than five spaces are required.
 - (8) The proposed development consists of new construction or an addition, either of which are less than 1,000 square feet.

SOIL -- All unconsolidated mineral and organic material of any origin that overlies bedrock and which can be readily excavated.

SOIL CONSERVATION DISTRICT -- A governmental subdivision of this state, which encompasses this municipality, organized in accordance with the provisions of Chapter 24, Title

4, N.J.S.A. (Freehold Soil Conservation District).^{EN(9)}

SPLIT-LEVEL DWELLING -- A residential building consisting of two or more levels of living area, on or above grade, connected by two or more flights of stairs containing at least five steps each.

STORY -- The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF -- A story under a sloping roof with the exterior walls at least two feet and not more than five feet above the floor of such story.

STREET -- A public thoroughfare which has been dedicated or deeded to the public for public use which has been improved in accordance with municipal standards.

STREET LINE -- That line determining the limit of the street rights of the public, either existing or contemplated.

STRUCTURE -- A combination of materials to form a construction on, under or above ground level and that is safe and stable and includes, among other things: buildings, parking areas, driveways, walkways, patios, decks, stadiums, platforms, radio/television towers, satellite dishes, sheds, storage bins, garages, fences, walls, pools and display signs. [Amended 6-22-1993 by Ord. No. 19-93]

SUBDIVISION^{EN(10)} -- The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this chapter, if no new streets are created:

- A. Divisions of land found by the Planning Board or Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five acres or larger in size.
- B. Divisions of property by testamentary or intestate provisions.
- C. Divisions of property upon court order, including but not limited to judgments of foreclosure.
- D. Consolidation of existing lots by deed or other recorded instrument.
- E. The conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons, and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the Tax Map or atlas of the City. The term "subdivision" shall also include the term "resubdivision." (See also Chapter 300, Subdivision,

§ 300-4, Definitions.)

SUPERMARKET -- A full-service store which is dedicated to providing a complete stock of foodstuffs and ancillary goods. A supermarket may contain a delicatessen or prepared food section. The minimum floor area allowed for a supermarket is 3,001 square feet.

SWIMMING CLUB, PUBLIC -- A privately or publicly owned pool or oceanfront beach, open to the general public and having no appurtenant facilities other than dressing room facilities, an enclosed snack bar serving patrons only and off-street parking facilities.

SWIMMING POOL, PRIVATE -- A private swimming pool associated with a residential dwelling unit or units and located on an individual, residential lot. Swimming pools may not be located in any front yard area and cannot be located closer than 10 feet to any side or rear yard lot lines.

TATTOO PARLOR -- Any establishment engaged in the application to the human skin of permanent body art or makeup. [Added 2-14-1995 by Ord. No. 8-95]

TELECOMMUNICATIONS DEVICES/ARRAYS -- See § 345-10I. [Added 5-8-2001 by Ord. No. 17-01]

TOWER APARTMENT -- A group of one or more buildings of more than six stories of dwelling units designed and erected as a project with singleness of use and operation and where joint or communal use is to be made of open areas by the occupants, whether it be for recreation, parking of automobiles or other communal purposes. One level of parking may be below the six stories of dwellings.

TOWNHOUSE (TOWNHOUSE DWELLING UNIT) -- One of a series of single-family dwelling units which is attached by a common fireproof and sound-resistant wall (which wall shall start at the lowest footing line and go to the underside of the highest roof sheathing) to one or more adjacent units and which has an individual, enclosed and private area, with direct access from the interior of the dwelling unit.

TOWNHOUSE COMPLEX -- A development project of one or more townhouse structures, including individual townhouse lots and common lands or facilities.

TOWNHOUSE LOT -- The parcel of land immediately under the dwelling unit which has been or is intended to be conveyed in fee simple to an individual purchaser, together with a townhouse dwelling unit constructed thereon.

TOWNHOUSE PARCEL -- The entire tract upon which a townhouse complex shall be or has been built.

TOWNHOUSE STRUCTURE -- A structure containing three or more townhouse dwelling

units.

USE -- The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

VARIANCE -- Permission to depart from the literal requirements of zoning regulations pursuant to N.J.S.A. 40:55D-60, Subsections 29.2b, 57 c and 57 d of Chapter 291.^{EN(11)}

VERTICAL PARKING GARAGES -- Any multilevel structure constructed for use as a facility for vehicular parking or storage. The levels can be above- or below-grade or both.

VIDEO STORES, RETAIL -- Any establishment that rents or sells videos, DVDs, compact discs, or other visually viewed technology.^{EN(12)} [Added 9-25-2001 by Ord. No. 34-01]

- A. Any retail video store which displays or offers for rent or sale obscene material shall display such materials in the rear of the business premises, in a segregated room where no admission to anyone under the age of 18 shall be permitted, which area shall be clearly denoted and marked to indicate such prohibition, and which area shall be constructed in such a way so as to prevent the view of any obscene material to any person under the age of 18.
- B. Utilization of greater than 10% of the floor area of the interior of the establishment for the display of obscene material shall be presumptive evidence of the use of said premises being for adult entertainment purposes.
- C. For purposes of this definition "obscene material" means any description, narrative account, display or depiction of sexual activity or anatomical area contained in, or consisting of, a picture or other representation, publication, sound recording, live performance or film, video, DVD, or other recording, which by means of posing, composition, format or animated sensual details:
 - (1) Depicts or describes in a patent or offensive way ultimate sexual acts, normal or perverted, actual or simulated, masturbation, exploitative functions, or lewd exhibition of genitals.
 - (2) Lacks serious literary, artistic, political or scientific value when taken as a whole.
 - (3) Is a part of a work which, to the average person applying contemporary community standards, has a dominant theme, taken as a whole, which appeals to the prurient interest.
- D. Any person or corporation who shall violate or fail to comply with the provisions of this definition shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or both.

- E. This definition shall be enforceable by the Zoning Officer, Code Enforcement Officer, or any designee thereof of the City of Long Branch, or any law enforcement officer of the State of New Jersey.
- F. Display. In this definition, "display" shall be defined as the offering for sale or rent or display of an item, good, ware, publication or product through visible presentation of same to the general public.

YARD

- A. FRONT -- An open, unoccupied space on the same lot with the principal building, extended the full width of the lot and situated between the street line and the front line of the building projected to the side lines of that lot. Setback line shall be synonymous with the rear limit of the required front yard area.
- B. REAR -- A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the principal building on the same lot. The depth of a rear yard shall be measured at right angles to the rear line of the lot, or if the lot is not rectangular, then in the general direction of its side building line.
- C. SIDE -- An open, unoccupied space between the side line of the lot and the nearest building line and extending from the front yard to the rear yard, or in the absence of either side yards, to the street or rear lot lines, as the case may be. The width of a side yard shall be measured at right angles to the side line of the lot.

ZONING BOARD OF ADJUSTMENT -- The officially established Board of Adjustment of the City.

ZONING PERMIT -- A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone district in which it is located or is to be located or variance therefrom duly authorized pursuant to N.J.S.A. 40:55D-60 or 40:55D-70 and the City Code.

CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE II, Establishment of Zones

ARTICLE II, Establishment of Zones

CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /

**PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE II,
Establishment of Zones / § 345-4. Zone districts. [Amended 5-14-1996 by Ord.
No. 15-96]**

§ 345-4. Zone districts. [Amended 5-14-1996 by Ord. No. 15-96]

For the purpose of this chapter, the City of Long Branch is divided into the following districts:

R-1	One-Family Residential
R-2	One-Family Residential
R-3	One-Family Residential
R-4	One-Family Residential
R-5	One- to Four-Family/Townhouse Residential
R-6	Townhouse/Professional Office
R-7	Riverfront Mixed
R-8	Boulevard Mix
RC-1	Beachfront Mixed
RC-2	Riverfront Residential/Commercial
C-1	Central Commercial
C-2	Professional Offices and Related Services
C-3	Neighborhood Commercial
C-4	Resort Commercial
I	Industrial
HTLI	High Technology Light Industrial

MB	Manufacturing and Business
S-1	Professional Office
S-2	Oceanfront
M	Medical/Hospital
--	Oceanfront-Broadway Redevelopment Zone (overlay)

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE II,
Establishment of Zones / § 345-5. Zoning Map. EN**

§ 345-5. Zoning Map. EN(13)

The boundaries of zone districts are hereby established as shown on the map entitled "Zoning Map of the City of Long Branch," revised 7-22-1997, which is incorporated herein by reference. EN(14)

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE II,
Establishment of Zones / § 345-6. Zoning boundaries.**

§ 345-6. Zoning boundaries.

Where uncertainty exists as to any of the boundaries as shown on the map, the following rule shall apply:

- A. Zone boundary lines are intended to follow the center line of the streets, railroad, rights-of-way, streams and lot or property lines as they existed on March 15, 1989, unless such zone boundary lines are fixed by dimensions shown on the Zoning Map.
- B. Where boundary lines are not fixed by dimensions and where they approximately follow lot lines and where they do not scale more than 10 feet distant therefrom, the lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- C. In unsubdivided land and where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the Map, shall be determined by the

following: In the event that the boundary line of a zone shall divide a lot between the front or street line and the rear line, the use regulations, height and area regulations of the zone in which lies the portion of the lot abutting a public street shall govern and control the entire lot. In the event that the boundary line of a zone shall divide a lot between the side lines thereof, the use regulations and height and area regulations of the zone in which lies the greater portion of the lot abutting a public street shall govern and control the entire lot. In the further event that the boundary line of the zone shall divide a corner lot in any manner, the property line thereof containing the lesser distance abutting either public street shall be considered as the front or street line of such lot for the purpose of application of the foregoing rules.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE II,
Establishment of Zones / § 345-7. Lot, yard and bulk requirements.**

§ 345-7. Lot, yard and bulk requirements.

Lot, yard and bulk requirements for all zone districts shall be as set forth on the schedules annexed to this chapter and entitled "Schedules of Lot, Yard and Bulk Requirements for the City of Long Branch."EN(15) In the event that there shall be an inconsistency between the schedule and the written provisions of this chapter, such written provisions of this chapter shall control.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE III, General
Regulations**

ARTICLE III, General Regulations

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE III, General
Regulations / § 345-8. Provisions of existing ordinances.**

§ 345-8. Provisions of existing ordinances.

Any restrictions or requirements with respect to buildings or land or both which appear in other ordinances of the City or are established by law and which are greater than those set forth herein shall take precedence over those herein. Otherwise the provisions of this chapter shall apply.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE III, General
Regulations / § 345-9. Applicability of regulations.**

§ 345-9. Applicability of regulations.

No building shall be erected and no existing building shall be moved, structurally altered, rebuilt, added to or enlarged, nor shall any land be used for any purpose other than those included among the uses listed as permitted uses in each zone by this chapter and meeting the requirements set forth in the Schedules; nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity to the area and bulk requirements, off-street parking requirements and all other regulations designated in the Schedules and this chapter for the zone district in which the building or space is located. In the event of any such unlawful encroachment or reduction, such building or use shall be deemed to be in violation of this chapter, and the certificate of occupancy shall become void.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE III, General
Regulations / § 345-10. Permitted modifications and exceptions.**

§ 345-10. Permitted modifications and exceptions.

A. Height. The height limitations of this chapter shall not apply to church spires, belfries, cupolas and domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, similar features and necessary mechanical appurtenances usually carried above the roofline. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve. The provisions of this chapter shall not apply to preventing the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five feet. Public and quasi-public buildings, schools, churches and other similar permitted uses shall increase the front, rear and side yards by one foot for each foot by which such buildings exceed the height limit established for such zone in which they are located, and further provided that in no case shall any building have a height greater than 50 feet unless explicitly permitted by the schedules or this chapter. [Amended 4-10-2007 by Ord. No. 17-07]

- (1) Finished grade. In the event that a lot or lots are to be regraded in order to increase the lot height, and as a result building height shall be increased beyond the original allowable height and no other provision of this section requires the prior approval of the same, then in that event, a variance shall be required. It is the intent of this subsection to

prohibit the increase of allowable building height by means of the use of mounding, terracing or other devices without the appropriate board reviewing and approving a variance for such proposed grade changes. However, such approval shall not be required for a single-family home with an increase of lot height of 18 inches or less measured at the average perimeter of the building.

- (2) In the case of existing grades with slopes the measurement for any allowed height and/or number of stories for any proposed structures along this slope shall be calculated along a line which runs parallel to the existing slope and is measured at each point along this line, provided that no increase in height and/or number of stories shall be allowed which is greater than what each zone or use allows at the highest point of the existing or finished grade, whichever is less.
 - (3) In no case shall any below-grade level (basement, parking level, crawl space, etc.) be counted in the number of stories allowed on any site or for any use.
- B. Irregularly shaped lots. In the case of existing irregularly shaped lots, the minimum lot width specified in the Schedules may be measured at the building line, provided that in no case shall the lot frontage measured at the street right-of-way line be less than 50% of the minimum lot width requirements. The creation of any new irregularly shaped lots is prohibited.
- C. Exception to front yard setback requirements. The minimum front yard setback requirements in all residential zones shall be as indicated in the zoning schedule, except for the following listed conditions: Buildings shall be located a greater or lesser distance than the minimum allowed front yard setback when the pattern of existing buildings within 300 feet of either side of the lot on the same side of the street is established at a greater or lesser distance. When this condition exists, then the mean average existing setback distance shall control.
- D. Exception relating to industrial use. Within the Industrial Zone, use boundaries which were designated on the Zoning Map dated August 2, 1977. Industrial uses shall remain as permitted uses; provided, however, that any expansion is limited to the maximum lot coverage established for the current Industrial Zone use.
- E. Exception relating to alterations to existing nonconforming structures.
- (1) Alterations, as applied to a nonconforming structure, shall only include a change or rearrangement in the structural supports or a change in the exterior appearance of a structure.
 - (2) A nonconforming structure may be altered, provided that the cost of alterations does not exceed, in the aggregate, 50% of the assessed value of the structure as recorded in the records of the Tax Assessor. More substantial alterations are not permitted unless the

structure is changed to conform to the requirements of this chapter.

- (3) A nonconforming structure may not be enlarged, extended, increased in height, width or depth or moved, relocated or modified in such a way so as to increase habitable or usable space, number of dwelling units or number of bedrooms unless such structure is changed to a structure conforming to the requirements of this chapter, except that an existing one-family structure (principal or accessory) may be enlarged, extended or added to, provided that:
 - (a) EN(16)The enlargement, extension or addition conforms to all yard requirements;
 - (b) The portion of the enlargement, extension or addition which does not conform to yard requirements consists entirely of the enclosure of existing side or rear porches; [Amended 11-25-1997 by Ord. No. 39-97]
 - (c) (c) The portion of the enlargement, extension or addition which does not conform to yard requirements consists entirely of a second floor addition located above an existing first floor area or existing foundation; or [Added 11-25-1997 by Ord. No. 39-97]
 - (d) The proposed enlargement, extension or addition consists of an area no greater than 300 square feet, which shall be located in such a manner as to square off an irregular building layout and does not decrease the existing principal structure setback. [Added 11-25-1997 by Ord. No. 39-97]
 - (e) The enclosure of any front porch area shall maintain a minimum of at least 60% of the vertical surfaces as something other than solid walls. [Added 11-25-1997 by Ord. No. 39-97]
 - (f) All exterior finishes for any enlargement, extension or addition must be uniform and match that which is applied to the existing structure. [Added 11-25-1997 by Ord. No. 39-97]
- (4) Accessory structures may not be constructed on nonconforming lots and/or on lots which contain a nonconforming principal structure unless:
 - (a) The lot conforms to minimum lot area requirements.
 - (b) A single- or two-family principal residential building exists on the lot.
 - (c) The new accessory structure conforms to all requirements of this chapter for accessory buildings and uses. (See § 345-11P.)

F. Finished grade. In the event that a lot or lots are to be regraded in order to increase the lot

height, and as a result building height shall be increased beyond the original allowable height and no other provision of this section requires the prior approval of the same, then in that event, a site plan shall be submitted to the Planning Board of the City of Long Branch. It is the intent of this subsection to prohibit the increase of allowable building height by means of the use of mounding, terracing or other devices without the appropriate board reviewing and approving a site plan of such proposed grade changes. However, such approval shall not be required for a single-family home with an increase of lot height of 18 inches or less measured at the average perimeter of the building.

- G. One-family principal buildings shall be allowed a modification from existing height limitations of this chapter, provided that for each one foot of building elevation, an additional five feet of setback for each front, side and rear yard shall also be provided. In addition, this modification shall not exceed a maximum of 38 feet or three stories in heights. [Added 5-11-1999 by Ord. No. 25-99]
- H. Exception relating to single-family dwellings. Should the enlargement, extension or addition of single-family dwellings include bedrooms as defined in § 345-3, each bedroom over four bedrooms shall require that an additional parking space be provided in an appropriate yard space as per § 345-42, and that no front yard area be used for parking in a higher percentage than 40%, and that lot coverage maximums not be exceeded. [Added 7-25-2000 by Ord. No. 25-00]
- I. Telecommunications devices/arrays telecommunications receiving/transmitting/repeater devices shall be allowed as an accessory use in the C-1, C-4, RC-1, M, MB, I and HC Zoning Districts, provided that the following criteria and procedures be complied with: [Added 5-8-2001 by Ord. No. 17-01]
 - (1) The proposed telecommunications device/array is only to be installed upon an existing tower or building (the construction of any new towers or poles is prohibited).
 - (2) A telecommunication device/array permit application must be filed with the Planning Department. As part of the application, appropriate documentation (survey/site plan showing location of array/device, structural support details, telecommunications data, etc.) must be submitted)
 - (3) Payment of a \$500 technical review/escrow application fee.
 - (4) Review and approval by the City's designated technical expert concerning structural support/location/FCC safety requirements.
 - (5) Upon approval by the City's designated technical expert, obtain proper zoning permit.
 - (6) Obtain any required construction permits.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE III, General
Regulations / § 345-11. Additional provisions.**

§ 345-11. Additional provisions.

- A. Preservation of natural features. No structure shall be built within 100 feet of the top of the bank of a flowing body of water. No building shall be constructed on land subject to periodic overflow or on land which has an average water table within two feet of the ground surface. No person shall strip, excavate or otherwise remove topsoil for sale or other use other than on the premises from which taken, except in connection with the construction or alteration of a building on such premises and excavating or grading incidental thereto, or except as hereinafter specified. Existing natural features such as trees, brooks, drainage channels and view shall be retained. Whenever such features interfere with the proposed use of such property, a retention of the maximum amount of such features consistent with the use of the property shall be required, whenever possible, at the discretion of the Planning Board.
- B. Waste disposal. The dumping of refuse, waste material or other substances is prohibited in all districts within the City with the exception of designated sanitary landfill operated by the City. Only inorganic matter may be used for the purpose of fill in order to establish grades, and a permit must be obtained by the owner from the City Council prior to such action.
- C. Storage of materials. No person shall store materials of any kind on the premises in any district except in conjunction with bona fide warehouses and the construction of a structure to be erected on the premises upon which the materials are stored for a period of one year from the date of the commencement of storage unless a permit is granted by the City Council.
- D. Exterior design and appearance of residential buildings. The exterior design and appearance of buildings erected in the same residential neighborhood shall be subject to the provisions of Chapter 128, Buildings, Design of.
- E. No lot in a residential zone other than a townhouse parcel developed in accordance with an approved site plan shall have erected upon it more than one principal, one-family residential building. No yard or other open space provided around any building for the purpose of complying with the provisions of this chapter shall be considered to provide a yard or open space for any other building.
- F. At the intersection of two or more streets, no hedge, fence or wall, other than a single post or tree not exceeding one square foot in cross-section, which is higher than three feet above curb level, nor any obstruction to vision shall be permitted in the triangular area formed by the intersecting street lines and a line joining points each 25 feet distant from the intersection

along the street lines.

- G. Every principal building other than a townhouse structure within a complex constructed in accordance with an approved site plan shall be built upon a lot with frontage upon a public street improved to meet the City's requirements or for which such improvements have been ensured by the posting of a performance guaranty pursuant to Chapter 300, Subdivision of Land.
- H. All yards facing on a public street shall be considered front yards and shall conform to the minimum front yard requirements for the zone in which they are located. Corner lots shall provide the minimum front yard requirements for the respective zone for both intersecting streets, for both principal and accessory buildings.
- I. Where a building lot has frontage on a street which the development plan or the Official Map indicates is proposed for right-of-way widening, the required front yard area shall be measured from such proposed right-of-way line.
- J. No front yard shall be used for open storage of boats, vehicles or any other equipment except for vehicular parking on driveways, but not to include parking lots. All open storage areas which have secured permits from the City Council shall be properly landscaped. None of the aforesaid vehicles, boats or any other equipment shall be stored less than 10 feet from the rear or side lines of the principal building, nor shall any such boats, recreation vehicles or other equipment be stored in a public street.
- K. Business structures or uses shall not display goods for sale purposes or coin-operated vending machines of any type in any location which would infringe upon the required yard areas specified in this chapter.
- L. All yards, open space, off-street parking and required landscaping must be contained within the zone in which this use is permitted.
- M. Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning district shall be automatically extended to the center of such vacated public way, and all that are included in the vacated area in question shall be subject to all appropriate regulations of the extended district.
- N. When a new lot is formed so as to include within its boundaries any part of a former lot on which there is an existing building or use, the subdivision must be carried out in such a manner as will not infringe upon any of the provisions of this chapter either with respect to any existing structures of use and any proposed structures or use.
- O. The provisions of this chapter shall not apply to customary local utility distribution or collection lines for water, gas, telephone or electric service. All facilities such as pumping

stations, repeater stations and electric substations which require a structure above-grade shall be subject to the provisions of this chapter with respect to other uses requiring conditional use permit application as indicated in each of the respective districts and subject to §§ 345-57 and 345-61.

- P. Any accessory structure or use attached to a principal building shall comply in all respects with the yard requirements of this chapter for the principal building. Detached accessory structures or uses shall be located in other than a front yard, and if located in a side yard area, shall conform to side yard requirements of the schedules (§ 345-102 et seq.) for the appropriate zone and shall observe a rear yard setback of not less than 10 feet, except where otherwise stated. [Amended 2-14-1995 by Ord. No. 8-95; 8-25-1998 by Ord. No. 28-98; 4-10-2007 by Ord. No. 16-07]
- (1) In the case of a shed, a shed under 100 square feet is permitted in a rear yard area to be a minimum of five feet from the property line, with a maximum number allowed to be two.
 - (2) On all properties located within the R-1 Residential Zone, which either meet or exceed the minimum lot frontage, lot depth, and lot area requirements for the R-1 Zone, a minimum side and rear setback of 20 feet is required for any accessory structure or use.
 - (3) Any accessory structure proposed within any residential zone district or for any residential use in any other district must conform to the following:
 - (a) Any proposed accessory structure must match as close as feasible the architectural styling/design as that of the principal structure located on the property (exception: sheds of 100 square feet or less).
 - (b) Any proposed accessory structure must use as close as is practicable the same exterior architectural materials and colors as that which the principal structure is constructed (exception: sheds of 100 square feet or less).
 - (c) The roof pitch of any accessory structure must match the roof pitch of the principal structure located on the property. This provision will allow an exception to the fifteen-foot maximum height for accessory structures, provided that in no case shall an accessory structure be taller than 25 feet or higher than the principal structure located on the property, whichever is less (exception: sheds of 100 square feet or less).
 - (d) The increased attic area/volume created within accessory structures subject to the roof pitch/height allowance shall not be used for any use other than storage of personal items owned by the occupant residing in the principal structure on the property. The creation of any "finished" second floor room or use other than open

lofted storage in any accessory structure is prohibited.

- (e) On properties where the principal structure contains a flat roof, all accessory structures may have a peaked roof provided that in no case shall an accessory structure contain a height of greater than 15 feet.
- (4) Sport courts. The minimum setback for any sport court located in all zone districts shall be 20 feet. Exception: Any basketball play area located upon a legal paved driveway is excepted from this requirement.
- (5) No detached accessory structure shall be converted to or used as habitable space or a habitable dwelling unit.
- Q. No proposed development within 50 feet of Ocean Boulevard shall be permitted to have any structure designed with either the rear elevation or side elevations facing Ocean Boulevard.
- R. A minimum thirty-foot front yard setback to all new buildings shall be required for all properties fronting on Ocean Boulevard in the area located between Morris Avenue and the Monmouth Beach boundary line. No new parking facilities shall be permitted in this area in any front or side yards abutting Ocean Boulevard.
- S. In the event that any section, subsection or definition in this chapter shall conflict with any provisions of the BOCA Code, the State Uniform Construction Code or any other state or federal statute, rule or regulation, and the municipality is prohibited by said statute, rule or regulation from adopting stricter standards, then, in that case, the Planning Board shall exercise its jurisdiction in reviewing the application or applications before it is based on the applicable state or federal statute, rule or regulation.
- T. When a request is made to construct or add on to a single-family home in a zone which does not permit the same, then, in that event, the structure must comply with the least restrictive residential bulk requirements.
- U. Notwithstanding anything to the contrary set forth in this chapter, the maximum height of any structure located on a lot, parcel or site within a nonresidential zone, which lot, parcel or site is adjacent to a residential zone (not including RC zones), shall be four stories. The minimum setbacks for side or rear yards abutting residential zones shall be as follows:
 - (1) One to two stories: Must equal the minimum required for the abutting residential zone.
 - (2) Three to four stories: fifty-foot minimum.
- V. Decks and patios shall be permitted in any residential zone or in conjunction with any residential use, as an accessory use, provided that the following criteria be met:

(1) One-family.

- (a) Ground level decks and patios located in the front yard must meet the front yard setbacks of the particular residential zone in which they are located.
- (b) Any deck or patio located in a side or rear yard must be at least 10 feet from any side or rear property line.
- (c) Elevated decks shall not be permitted in a front yard area.
- (d) Elevated decks located in a side or rear yard must meet the side or rear yard setback requirement for buildings of the particular residential zone in which they are located.
- (e) Decks/patio areas shall be included with the building footprint in determining maximum allowable lot coverage of all buildings.

(2) Two-family and multifamily.

- (a) Ten-foot minimum side/rear yard setback.
- (b) Not permitted in front yard area of tract.
- (c) Deck/patio cannot extend greater than 10 feet from structure.
- (d) Architectural design, styling, use of materials and color must be consistent and similar for any and all other decks/patios to be constructed in the same multifamily use.
- (e) All deck/patio areas shall be included within the building footprint in determining maximum allowable lot coverage of all buildings.
- (f) All elevated decks shall be considered as balconies and must be included in the building footprint when determining side and rear yard setbacks.
- (g) Guidelines for deck construction, materials and regulations must be included in any homeowners' association/condominium association rules and controls.

W. Principal permitted use or principal building.

- (1) Unless otherwise permitted in a specific zone as set forth in Article IV, Zone District Use Regulations, or as permitted in Subsection E, no lot shall have erected upon it more than one principal permitted use or one principal building.
- (2) An exception to this is that there shall be no limit as to the number of permitted principal commercial/professional uses allowed in one principal building in the following zones:

C-1, C-2, C-3, RC-1, RC-2, R-8 and MB. [Amended 5-14-1996 by Ord. No. 15-96]

- X. Open space and recreation. In all major subdivisions and residential site plans of six units or greater, the developer shall reserve an area as specified in § 345-18 for recreational purposes. The developer shall improve this area for active and passive recreation. Plans for the improvements of this recreation area shall be an integral element of any preliminary plat and final construction drawings for any major subdivision or residential site plan of six units or greater, including the requirements of §§ 345-9 through 345-18. The developer shall have the option to post an off-tract assessment in the amount of \$750 per lot or unit to be used for the construction of recreational facilities within the City or provide services or property equal to said amount.
- Y. Circular driveways. Circular driveways shall be permitted in the front yard of a one-family dwelling located in the R-1, R-2 or R-3 Zones subject to the following criteria:
- (1) The driveway shall not be closer than 10 feet to any side or rear property line.
 - (2) A separate parking area/garage entrance area must be provided in any yard area, except the front yard, and cannot be located closer than 10 feet to any property line.
- Z. Outdoor dining. In those zones where outdoor dining is permitted, the following regulations and conditions shall apply over and above any others stated in this chapter:
- (1) One additional parking space for every four outdoor seats established shall be provided, unless there is no actual increase in the seating capacity of the establishment (e.g., number of inside seats reduced by number placed outside).
 - (2) Obtaining minor site plan approval.
 - (3) Obtaining Health Department approval.
 - (4) The entire outside area must be thoroughly cleaned at the end of each night.
- AA. Any handicapped ramps for single-family homes shall be allowed based on the same standards as sidewalks or walkways for single-family homes. [Added 7-25-2000 by Ord. No. 28-00]
- BB. Adult materials in retail establishments.^{EN(17)} [Added 9-25-2001 by Ord. No. 35-01]
- (1) No person who operates a store, newsstand, booth, concession or similar business with unimpeded access for persons under 18 years of age or who is in the business of making sales of periodicals or other publications, at retail, containing pictures, drawings or photographs, shall display or permit to be displayed at his/her business premises any obscene material at a location other than behind the counter of the business

establishment, in an area under employee control. The public display of the obscene materials shall constitute presumptive evidence that the retailer knowingly made or permitted this display. For the purpose of this section, "obscene material" means any description, narrative account, display or depiction of sexual activity or anatomical area contained in, or consisting of, a picture or other representation, publication, sound recording, live performance or film, which by means of posing, composition, format or animated sensual details:

- (a) Depicts or describes in a patent or offensive way ultimate sexual acts, normal or perverted, actual or simulated, masturbation, exploitative functions, or lewd exhibition of genitals.
 - (b) Lacks serious literary, artistic, political or scientific value when taken as a whole.
 - (c) Is a part of a work which, to the average person applying contemporary community standards, has a dominant theme taken as a whole, which appeals to the prurient interest.
- (2) Any person or corporation who shall violate or fail to comply with the provisions of this subsection shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or both.
 - (3) This subsection shall be enforceable by the Zoning Officer, Code Enforcement Officer, or any designee thereof of the City of Long Branch, or any law enforcement officer of the State of New Jersey.
 - (4) Display. In this subsection, "display" shall be defined as the offering for sale of an item, good, ware, publication or product through visible presentation of same to the general public.
 - (5) The utilization of greater than 2% of the floor area of the interior of the establishment for the display of obscene material shall be presumptive evidence of the use of said premises being for adult entertainment purposes.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE III, General
Regulations / § 345-12. Prohibited uses.**

§ 345-12. Prohibited uses.

Any use not specifically permitted in a zoning district established by this chapter is hereby expressly prohibited from that district, and further provided that the following uses and activities

shall be specifically prohibited in any zone in the City:

- A. All billboards, signboards, advertising signs or devices not expressly related to the business being conducted on the premises or otherwise specifically permitted by this chapter.
- B. Auction markets.
- C. Junkyards and automobile wrecking or disassembly yards.
- D. The keeping and raising of any animal other than domestic pets.
- E. Trailer courts and trailer coaches used as dwelling or commercial activities related to the outdoor storage or display of trailer coaches.
- F. Privately operated dumps for the disposal of garbage, trash, junk, refuse and similar materials.
- G. Any use of any building or premises in such a manner that the health, morals, safety or welfare of the community may be endangered.
- H. Any use which emits excessive and objectionable amounts of dust, fumes, noise, odor, smoke, vibration, glare or waste products. (See § 345-45.)
- I. The manufacture of concrete and bituminous materials.
- J. The use of any premises for the public sale of sex paraphernalia (excepting birth control devices) or for the exhibition of motion pictures by individual viewing machines.
- K. The sorting, baling or storage of scrap metal, paper, rags or other scrap or waste material, except that such sorting, baling or storage may take place in conjunction with a permitted recycling plant as set forth in § 345-34A(12).
- L. Any use of public or private property as a location for trucks, wagons, carts or any other mobile means of vending merchandise, foodstuffs or other wares of any kind.
- M. Automobile repair or automobile body centers, shops or businesses.
- N. Boardinghouse, rooming house or lodging house.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE III, General
Regulations / § 345-13. Application for use variance.**

§ 345-13. Application for use variance.

- A. An application for a building permit for a use not permitted by this chapter must be submitted to the Board of Adjustment for a variance in accordance with N.J.S.A. 40:55D-1 et seq. The applicant shall file with the Secretary of the Board of Adjustment 22 copies of an application for a hearing before the Board of Adjustment. Such application shall also include 22 copies of the plan which conforms to the requirements of § 345-76B(1) through (6). See the checklist and application form at the end of this chapter.^{EN(18)}
- B. Any use variance granted by the Board of Adjustment shall require site plan review and approval as hereinafter set forth in this chapter, except for applications for single-family or two-family homes. The Zoning Board may refer the site plan to the Planning Board for its review and recommendation prior to final action thereon. Such reference shall not extend the time for action by the Zoning Board, whether or not the Planning Board has submitted its report.
- C. In connection with any use variance application, the Zoning Board of Adjustment may also require an opinion from the Planning Board as to whether or not the proposed use will be compatible with the Master Plan and whether or not the proposed use will adversely affect the overall zoning plan.
- D. In connection with a site plan approval portion of a use variance application, the Zoning Board of Adjustment shall distribute one set of building and landscaping and site plans to the departments listed in § 345-14. Each of those departments shall prepare a written report containing their department's recommendations concerning the site plan application and present it to the Zoning Board no later than 10 working days prior to the meeting at which the site plan application is to be discussed before the entire Board.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE III, General
Regulations / § 345-14. Site plan review.**

§ 345-14. Site plan review.

- A. Any application for a building permit for other than a single- or two-family home for new construction or for a change, addition or expansion of a new or existing use shall require site plan approval. The application (three copies) shall be accompanied by 14 copies of the building, landscaping and site plans for the portion of the project to be developed and such other information as shall be required. See the checklist and application form at the end of this chapter.^{EN(19)}
 - (1) It shall be filed at least 31 days prior to the Planning Board meeting at which the site plan application is to be discussed before the entire Board. The Planning Department

shall transmit copies of the plans and information to the City Planning Board or a committee thereof for review and recommendations to assure that the plans comply with the area and design requirements set forth in this chapter and to permit the applicant to make such changes as may be necessary to bring his plans into conformance with the requirements.

- (2) The Secretary of the City Planning Board shall distribute one set of building and landscaping and site plans to the agencies or departments listed in Chapter 300, Subdivision of Land, § 300-7B(3). Each of these departments shall prepare a written report containing their department's recommendations concerning the site plan application and present it to the Planning Board no later than five working days prior to the Planning Board meeting at which the site plan application is to be discussed before the entire Board.
- (3) If the applicant proposes to develop the property in successive stages, similar detailed plans shall be submitted to the City Planning Board for each portion of the applicant's property prior to the issuance of a building permit.
- (4) Plans and information to be submitted shall include the following:
 - (a) A written description of the existing use of the site and any buildings on the site. The description shall contain a written description of the proposed operations of the building(s), including the number of employees or members of nonresidential buildings; the proposed number of shifts to be worked and the maximum number of employees on each shift; expected truck and tractor-trailer traffic, emission of noise, glare, air and water pollution; safety hazards; and anticipated expansion plans incorporated into the building design.
 - (b) A statement of compliance contained on the site plan, signed by the applicant and signed and sealed by the architect or engineer responsible for the preparation of the site plan as follows: "I hereby certify that this document complies with all Long Branch codes and ordinances."
 - (c) Certified building plans for all new structures or existing structures to be structurally modified, including floor plans and building elevations.
 - (d) A map, known as the "site plan," signed and sealed by a professional engineer or architect, containing the following information:
 - [1] The existing boundaries of the site as certified by a professional engineer or licensed surveyor, showing all structures and physical features, including all existing and proposed on-site grading.

- [2] The location and arrangement of vehicular accessways and location, size and capacity of all areas to be used for off-street parking, loading and unloading and streetlights.
- [3] The location and dimensions of sidewalks, walkways and all other areas to be devoted to pedestrian use.
- [4] The design and treatment of buffer areas and screening devices to be maintained and including dimensions of all areas devoted to planting, lawns, trees or other landscaping devices.
- [5] Provisions for water supply, fire hydrants, storm drainage and sewer disposal.
- [6] Sufficient data to indicate the effect of the proposed development in producing traffic congestion and safety hazards and sufficient additional data to enable the Planning Board and the Construction Code Official to determine compliance with the design requirements set forth in this chapter.
- [7] The size, shape and location of any area reserved for public use or any area of open space to be set aside for the use and benefit of the residents of the development.
- [8] Designation of any land subject to flooding and information on such measures as will be taken to protect and conserve soil from erosion.
- [9] Sufficient information to show that the proposed development will be in conformity with the Air Safety and Zoning Act of 1983.^{EN(20)}
- [10] Sufficient information to show that the proposed development will be in conformity with Chapter 293, Solid Waste.
- [11] Sufficient information to determine that the proposed development will be in conformity with the State Highway Access Management Code with respect to any state highways within the municipality, any access management code adopted by Monmouth County with respect to any county roads and any municipal access management code with respect to municipal streets.
- [12] Sufficient information to determine that the proposed development will not endanger potable water supply reservoirs as a result of pollution or other degradation of water quality and that such provisions for protection shall be in accordance with any siting, performance or other standards or guidelines adopted for that purpose by the New Jersey Department of Environmental Protection.

- B. No application for development shall be acted upon unless and until it is determined to be complete in every respect, pursuant to N.J.S.A. 40:55D-10.3, including but not limited to necessary supporting data, papers, certificates, plans and fees and all other items set forth in the Long Branch development application checklists dated February 1, 2006, incorporated herein by reference.^{EN(21)} [Amended 4-11-2006 by Ord. No. 9-06]
- (1) Any applicant for development shall be given a copy of the aforesaid checklists upon request for a development application. He may seek waiver of any of the aforesaid provisions pursuant to the aforesaid statute.
 - (2) In the case of a change of use, expansion of use or addition of use to an existing structure when no structural changes are necessary, only Subsection A(4)(a) through (d) as above are specifically required. In that case the applicant will only need to show sufficient attention has been paid to all items on the checklist and include adequate details so as to answer all questions as to the safety and desirability of the proposed use.
- C. Preliminary site plan approval. Site plan approval of 10 acres or less or 10 dwelling units or less:
- (1) Upon submission to the City Administrative Office of a complete application for a site plan for 10 acres of land or less and 10 dwelling units or less, the Planning Board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval of the site plan.
 - (2) If the Planning Board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon as in the case of the original application for development. The Planning Board shall, if the proposed development complies with the chapter, grant preliminary site plan approval.
 - (3) As a condition of preliminary approval, it shall be solely the applicant's responsibility to submit proof of compliance to any subject conditions of preliminary approval in one document and one complete submission to the Planning Department. This submission must be provided to the Planning Department prior to any application being scheduled for final approval and must be submitted a minimum of 10 days prior to any Planning Board Meeting. [Added 6-12-2001 by Ord. No. 22-01]
- D. Final site plan approval.
- (1) The Planning Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the above standards and the

conditions of preliminary approval.

- (2) Final approval shall be granted or denied within 45 days after submission of a complete application to the Construction Code Official or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute final approval, and a certificate of the Planning Board Secretary as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and the Construction Code Official shall issue the required building permit.
- (3) Whenever review or approval of the site plan application by the County Planning Board is required by N.J.S.A. 40:27-6.6, the City Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.
- (4) Bonds and fees. Prior to final approval of the application, the subdivider, where required, shall post with the City Clerk a performance guaranty as required by Chapter 300, Subdivision of Land, § 300-11, Required improvements, and shall post with the Director of Finance a fee for engineering inspections equal to 5% of the estimated cost of the improvements, as determined by the City Engineer. This fee shall be in addition to the amount of the performance guaranty and all application fees. Upon completion of the development and all inspections, and at the request of the developer, the developer shall receive an accounting of the expended funds, and any unspent funds shall be returned to the developer. Should the initial deposit be insufficient to cover inspection costs, the developer shall deposit additional sums upon notice from the Director of Finance. Each additional deposit shall be in amounts not to exceed 50% of the initial deposit. The City Clerk and Finance Director shall provide the subdivider with a certificate indicating compliance with the requirements for submission to the Planning Board for attachment to the application.
- (5) As a condition of final approval, it shall be solely the applicant's responsibility to submit proof of compliance to any conditions of final approval in one document and in one complete submission to the Planning Department prior to applying for any zoning and construction permits. [Added 6-12-2001 by Ord. No. 22-01]

E. Stamp of approval.

- (1) The approved site plan shall be impressed with a stamp showing Planning Board approval and signed by the Chairperson of the Planning Board and the Secretary of the

Planning Board. Said signatures shall be dated.

- (2) Upon receipt by the Construction Code Official of the report of the Planning Board showing the conditions set forth in this chapter have been complied with and receipt of the site plan stamped and signed as above, and upon compliance with the standards set forth in the building code,^{EN(22)} the Construction Code Official may issue the required building permit. In the event that the Planning Board shall not make a finding that the conditions set forth in this chapter have been complied with or shall not stamp and sign the site plan, the Construction Code Official shall refuse to issue a building permit, except as in the case of Subsection D(4), Bonds and fees, and the reasons for such refusal shall be set forth in writing.
- F. If the Construction Code Official, acting upon the recommendations of the Planning Board, issues or denies the permit, then in either case any person aggrieved by such determination and action by the Construction Code Official may appeal such decision as permitted under N.J.S.A. 40:55D-70.
- G. Site plan review and approval shall not be required for individual lot applications for detached one-family homes.
- H. Improvements required. Prior to the granting of final approval, the applicant shall have furnished performance guaranties for the ultimate installation of the following improvements. All of the listed improvements shall be subject to inspection and approval by the City Engineer, who shall be notified by the developer at least five days prior to the start of construction. No underground installation shall be covered until approved and inspected by the City Engineer. The performance guaranties required herein shall comply with and be administered pursuant to the conditions set forth in Subsection I.
- (1) Topsoil protection. Topsoil moved during the course of construction shall be redistributed as to provide at least six inches of cover to all areas of the site and shall be stabilized by seeding or planting and shall be governed by the ordinance of the City relative thereto.
 - (2) Monuments. To be of the size and shape required by N.J.S.A. 46:23-9.11 and shall be placed in accordance with said statute.^{EN(23)}
 - (3) Sewers. Sanitary sewers designed in accordance with the regulations of the Sewage Authority shall be installed in a manner adequate to handle all present and probable future development.
 - (4) Sidewalks. All streets shall be provided with concrete sidewalks at least four feet in width and four inches in thickness, except at driveways, where the sidewalk shall be at least six inches in thickness. Where a site adjoins an existing street on one side only, the

sidewalk shall be constructed only on that side. Where existing sidewalks are in disrepair, the applicant shall be required to repair, reconstruct or replace the same as directed by the Board.

- (5) **Curbs.** Curbs shall be constructed on both sides of all streets, shall be not less than 18 inches deep and six inches in width at the top and eight inches in width at the bottom and shall be constructed of a minimum concrete mixture of one part cement, two parts washed sand and three parts washed gravel, or other suitable aggregate. The concrete shall have a compressive strength of 3,000 pounds per square inch after 28 days. The minimum length of blocks shall be 10 feet, with a preformed bituminous expansion joint filler one-half-inch thick, installed every 40 feet. The finish shall be a float finish with corners rounded. Where existing curbs are in disrepair, the applicant shall be required to repair, reconstruct or replace the same as directed by the Board.
- (6) **Streets.** All streets shall be improved with a two-and-one-half-inch two-course-type S.M. bituminous concrete pavement in accordance with current New Jersey State Highway Department specifications on a five-and-one-half-inch thick, two-and-one-half-inch size broken stone base. Where subbase conditions of the proposed street are wet, springy or of such a nature in the opinion of the City Engineer that paving would be inadvisable without first treating the subbase, the subbase shall be prepared by the installation of suitable subsurface drainage or other means as may be required to meet the special condition. The method employed to stabilize the base must be approved by the City Engineer.
- (7) **Drainage.** All streets shall be provided with catch basins and pipes which, in the opinion of the City Engineer, are necessary for proper surface drainage. The requirements of this section shall not be satisfied by the construction of dry wells.
 - (a) Catch basins shall be designed in accordance with New Jersey Highway Department standard plans and specifications. Frames and grates shall be Campbell Foundry Co. Pattern No. 2541 or No. 2548 stream flow grating with eight-inch curb face, or equal.
 - (b) Storm drain pipes shall be reinforced concrete culvert pipe extra strength, conforming to A.S.T.M. specifications C76-55 when installed in streets, and may be reinforced concrete sewer pipe, standard strength conforming to A.S.T.M. specifications C75-55 when installed off streets. Joints shall be Bell and Spigot, properly caulked with jute or oakum and filled with cement mortar, or shall be provided with a suitable rubber gasket of a type approved by the Municipal Engineer and installed in accordance with the manufacturer's recommendations.
 - (c) Manholes shall be designed in accordance with New Jersey State Highway

Department standard plans and specifications. Frames and covers shall be Campbell Foundry Co. Pattern 1203 or equal.

- (d) Poured concrete headwalls shall be constructed at the point of discharge of all storm drains in accordance with New Jersey State Highway Department standard plans and specifications.
 - (e) At through intersections, where it is necessary to carry surface water across a street, it shall be accomplished by the use of a minimum of a twelve-inch diameter cast-iron culvert pipe. At other than through intersections, water may be carried across streets in dished gutters constructed of portland cement concrete or bituminous concrete type S.M.
 - (f) Storm drains shall be located within the curblines of streets, with catch basins located at the end of curb returns wherever possible.
 - (g) Where drainage water from the streets shown on the plat discharges on the property of either the owner or others, proper easements shall be obtained by the applicant and be furnished to the City governing the rights to discharge such drainage water.
- (8) Water mains. All streets shall have water mains not less than six inches in diameter installed therein for the entire length thereof if the site is located within the area served by a water company unless the requirements hereof are expressly waived in whole or in part by the Planning Board.

I. Performance guaranty.

- (1) No final plat shall be approved by the Planning Board until the applicant shall have filed with the City Clerk a performance guaranty sufficient in amount to cover the cost of all such improvements or uncompleted portions thereof as estimated by the City Engineer and assuring the installation of such uncompleted improvements on or before an agreed date. The performance guaranty may be in the form of a performance bond which shall be issued by a bonding or surety company after full compliance or any other type of surety approved by the City Attorney, so long as a minimum of 10% of the sum of the total performance guaranty shall be in cash or certified check. All such guaranties shall run to and be in favor of the City.
- (a) Notwithstanding the foregoing, in any redevelopment zone of the City of Long Branch the Redevelopment Agency may, in its sole discretion, waive the requirement for the posting of a cash portion of a performance guarantee. Such waiver will be based upon the extent of the project and the circumstances thereof. Should the Redevelopment Agency deem it appropriate at any time during a project's completion, it shall, in its sole discretion, have the right to impose cash bond

requirements in the event of any changed circumstances which would compel the need for cash bonds; and [Added 12-10-2002 by Ord. No. 61-02]

- (b) Said circumstances include but are not limited to slow downs in construction, failure of bond companies to pay promptly all invoices, insolvency of bond company or failure of developer to comply with all terms of the redeveloper agreement's requirements. [Added 12-10-2002 by Ord. No. 61-02]
- (2) The performance guaranty shall be approved by the City Attorney as to form, sufficiency and execution. The performance guaranty shall run for a period to be fixed by the Planning Board, but in no case for a term more than three years.
 - (a) The time allowed for installation of the improvements for which the performance guaranty has been provided may be extended by the governing body by resolution, but such additional period shall not exceed three years. As a condition or as part of any such extension, the amount of any performance guaranty shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of installation as determined as of the time of the passage of the resolution.
 - (b) A developer wishing to reduce the amount of the performance guaranty after portions of the required improvements have been installed shall make application by letter to the Planning Board. The Planning Board shall direct the City Engineer to inspect the applicant's improvements and report to the Board the condition and status of the improvements. If the Planning Board decides to recommend a release of all or part of the performance guaranty, it shall advise the City Council and the Mayor of its decision. The City Council may instruct the City Treasurer by resolution to release all or part of the performance guaranty.
- (3) If the required improvements have not been installed in accordance with the performance guaranty, the obligor and surety shall be liable to the City for the reasonable costs of the expenses incurred. The City may take any and all legal steps available to obtain the installation of such improvements.
- (4) A maintenance bond shall be furnished by the subdivider upon acceptance of the streets and public improvements by the City. The maintenance bond, which shall be issued by a bonding or surety company approved by the Council, shall be in an amount not to exceed 15% of the original estimated cost of construction of the required improvements and shall run to and be in favor of the City for a period not to exceed two years after final acceptance of the improvements. The bond shall be approved by the City Attorney as to form, sufficiency and execution.
- (5) Disposition of guaranties.

- (a) The City Clerk shall hold the instrument of performance guaranty. Duplicate copies of that instrument shall be held by the Planning Board.
 - (b) The comptroller shall hold all of the cash portions of performance guaranties and deposit them in interest-bearing accounts.
- (6) Release of guaranties.
- (a) Upon substantial completion of all required appurtenant utility improvements and the connection of the same to the public system, the obligor may notify the governing body, in writing, by certified mail addressed in care of the Municipal Clerk, of the completion or substantial completion of improvements and shall send a copy thereof to the Municipal Engineer. Thereupon the Municipal Engineer shall inspect all improvements of which such notice has been given and shall file a detailed report, in writing, with the governing body, indicating its approval, partial approval or rejection of such improvements, with a statement of reasons for any rejection. The cost of the improvements as approved or rejected shall be set forth.
 - (b) The governing body shall either approve, partially approve or reject the improvements on the basis of the report of the Municipal Engineer and shall notify the obligor, in writing, by certified mail, of the contents of the report and the action of the approving authority with relation thereto, no later than 65 days after receipt of the notice from the obligor of the completion of improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guaranty, except for that portion adequately sufficient to secure provision of the improvements not yet approved, provided that 30% of the amount of the performance guaranty posted may be retained to ensure completion of all improvements. Failure of the governing body to send or provide such notification to the obligor within 65 days shall be deemed to constitute approval of the improvements, and the obligor and surety, if any, shall be released from all liability, pursuant to such performance guaranty for such improvements.
 - (c) If any portion of the required improvements is rejected, the approving authority may require the obligor to complete such improvements, and, upon completion, the same procedure of notification as set forth in this section shall be followed.
 - (d) Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the Municipal Engineer.
 - (e) The obligor shall reimburse the municipality for all reasonable fees paid to the Municipal Engineer for the foregoing inspection improvements, provided that the

municipality shall require of the developer a deposit for all reasonably anticipated fees to be paid to the Municipal Engineer for such inspection.

- (f) In the event that the inspection fees required to be posted pursuant to the provisions set forth herein are not sufficient to cover the reasonable inspection fees paid to the City Engineer for the foregoing inspection of improvements, the developer shall be required to deposit additional funds with the Finance Director to cover the fees paid to the City Engineer for such inspection.
- J. Waiver of site plan approval. The Planning Board may waive the requirement for the submission of a site plan or minor site plan for its review and approval where, in the opinion of the Board, formal approval and additional data are unnecessary to protect and advance the purposes of Chapter 300, Subdivision of Land, and this chapter; provided, however, that the Board may impose reasonable restrictions as to styles, design and like matters, notwithstanding the grant of such waiver. The Board may, in lieu of a formal site plan, require an applicant to submit such sketches, drawings and/or renderings as it deems necessary. The Planning Board shall only grant such a waiver if it finds, on the basis of an on-site inspection and any other documentation presented, that the existing conditions on the premises involved are satisfactory for the proposed use. Application for a waiver of site plan approval shall be submitted, in writing, to the Secretary of the Planning Board with a fee of \$50 payable to the City of Long Branch. The Planning Board shall hold a public hearing on the application at its first regular meeting that follows by 31 days of the submission to the Secretary, as in the case of an application for site plan approval specified in this section. The Planning Board shall act on the application for a waiver at its meeting during which it holds the public hearing or within such additional time as may be agreeable to the applicant. Any waiver of site plan approval shall be valid for the same period of time as an approval of a site plan would have been valid.
- K. Off-tract/off-site improvements. The approving authority shall comply with the procedures and provisions of Chapter 300, Subdivision of Land, § 300-13, Off-tract/off-site contributions, in granting final site plan approval.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE III, General
Regulations / § 345-15. Minor site plan.**

§ 345-15. Minor site plan.

Any applicant meeting the definitional requirements of a minor site plan who applies for such approval may, at the discretion of the governing board (Planning Board or Zoning Board, where

appropriate), submit plans which have not been prepared by licensed professionals. Such site plans, floor plan layouts and/or exterior sketches must be legibly drawn and contain enough information to enable the Board to make an intelligent decision concerning the project in question, but in no event shall they be required to contain more detail than required for a construction permit. All such plans must be superimposed on a currently valid survey plat. Any applicant who receives minor site plan approval, however, will be required to meet any additional plan requirements of the Health Department and Building Department of the City of Long Branch prior to applying for and obtaining any necessary permits.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE III, General
Regulations / § 345-16. Extension of approvals.**

§ 345-16. Extension of approvals.

Any request for extension of approvals must provide the following and conform to the specific criteria for extensions as set forth in N.J.S.A. 40:55D-52a and 40:55D-52b, where applicable:

- A. File completed extension request form.
- B. Provide appropriate fee as prescribed in Chapter 69, Land Use Procedures, § 69-29, Fees.
- C. Provide six copies of the most recent architectural elevations and floor plans, along with six copies of the most recent site plan, landscaping plan, lighting plan, grading/drainage plan and soil sediment control plan.
- D. Public notice shall be given pursuant to N.J.S.A. 40:55D-12, where applicable.
- E. Any request for an approval extension must be filed at least 30 days prior to the project's previously recorded day of expiration.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE III, General
Regulations / § 345-17. Floodplain regulations. EN**

§ 345-17. Floodplain regulations. EN⁽²⁴⁾

- A. Purpose and policy. It has been established that since floodplain developments and encroachments aggravate flood conditions, the most appropriate method of alleviating such conditions is through regulation of such developments and encroachments. It is therefore determined that the special and paramount public interest in the floodplain justifies the

regulation of property located therein as provided in this section for the protection of the persons and property of the inhabitants and for the preservation of the public health, safety and general welfare.

- B. **Applicability.** The restrictions of this section are applicable to two areas in the City subject to flooding. These two areas, known as the "floodplain" and the "flood hazard area," are delineated on maps located in the zoning office. The basis for the delineation of these areas is contained in the preliminary survey map by the City Engineer, subsequently to be delineated by detailed survey of the United States Army Corps of Engineers. These restrictions shall be in addition to the controls of the applicable zoning district covered by the floodplain and flood hazard area. These two areas are defined as follows:
- (1) "Floodplain" shall mean an area, usually a relatively flat or low land area adjoining a river, street, watercourse, ocean, bay or lake, which has been in the past or can reasonably be expected in the future to be covered temporarily by flood or subject to unstable surface soil in which the history of instability, the nature of the geology, the structure of the soil and the climate indicate a relatively high potential for mudslides, caused by the action of the surplus water accumulated above or below the ground, to inundate normally dry land surfaces.
 - (2) "Flood hazard area" shall mean the maximum area of the floodplain which is likely to be flooded once every 100 years or any area for which mudslides can reasonably be anticipated. For the purposes of this section, it is the area identified in accordance with Section 1360 of the National Flood Insurance Act of 1968 and delineated on the official Flood Hazard Map. This is the minimum area to which the requirements of this part apply and in which flood insurance initially will be sold after the prerequisites set forth in part 1910 of subchapter B, Chapter 7, Title 24 of Housing and Housing Credit, United States Department of Housing and Urban Development, have been met.
- C. **Regulations.** The following regulations shall govern development in the floodplain and the flood hazard area:
- (1) **Floodplain.** No structure shall be erected or enlarged nor shall any material or equipment be stored, except that the following are permitted:
 - (a) Accepted practices of soil husbandry and the harvesting of crops in connection with farming.
 - (b) Forestry and wood production, excluding open storage or mill structures.
 - (c) Flower and vegetable gardening and outdoor plant nurseries.
 - (d) Bridges, roads, utility installations and the like.

- (e) Temporary storage of material or equipment.
 - (f) Public parks.
 - (g) Surface parking, open residential uses, open fencing and similar minimal obstructions.
 - (h) Floodplain areas may be filled, provided that such practice shall include the protection and stabilization of fill by bulkheading to an elevation at least one foot above the ground elevation at the edge of the flood hazard area. Areas so filled may be used for development, provided that such development is in accordance with the codes and ordinances and this Code of the City, and provided that a fill level of an elevation at least one foot above the ground elevation at the edge of the flood hazard area is provided for a ten-foot distance from any structure for human occupancy around its entire perimeter and in a manner providing vehicular and pedestrian access to a public street improved to City specifications.
- (2) Flood hazard area. Any use permitted in the zone applicable to a floodplain area shall be permitted within the flood hazard area in accordance with the regulations established by this subsection, except that:
- (a) No structure to be used for human occupancy either as a dwelling, a place of work or any other purpose shall be erected or altered if the elevation of any floor thereof shall be less than one foot above the ground elevation at the edge of the flood hazard area farthest from the floodplain.
 - (b) No open storage shall be established or expanded unless it shall be upon a rigid, permanent structure, elevating such open storage at least one foot above the ground elevation at the edge of the flood hazard area farthest from the floodplain.
- (3) Floodplain letter. A fee of \$10 shall be charged to any person or entity requesting written confirmation of an inquiry as to whether a particular property lies within the floodplain in the City of Long Branch.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE III, General
Regulations / § 345-18. Open space and recreation.**

§ 345-18. Open space and recreation.

- A. All major subdivisions and residential site plans of six units or greater shall be required to provide open space. Developed open space is designed to provide active recreational facilities

to serve the residents of the development. Undeveloped open space is designed to preserve important site amenities and environmentally sensitive areas.

B. Minimum requirements.

- (1) Amount of open space required. Ten percent of the buildable area of the tract proposed for development shall be set aside for undeveloped and developed open space.
- (2) Size of open space parcels. The area of each parcel of open space designed for active recreational purposes shall be of such minimum dimensions as to be functionally usable and meet or exceed minimums set by the NRPA, National Recreation and Parks Association, or other standards acceptable to the approving authority.
- (3) Location of open space parcels. Open space parcels should be convenient to the dwelling units they are intended to serve. However, because of noise generation, they should be sited with sensitivity to surrounding development.

C. Improvement of open space parcels.

- (1) Developed open space. The Board or other approving authority may require the installation of recreational facilities and site improvements, taking into consideration:
 - (a) The character of the open space land.
 - (b) The estimated age and the recreation needs of persons likely to reside in the development.
 - (c) The proximity of municipal recreation facilities.
 - (d) The cost of the recreational facilities.
 - (e) The landscape requirements set forth in this chapter.
- (2) Undeveloped open space. As a general principle, undeveloped open space should be left in its natural state. A developer may make certain improvements, such as the cutting of trails for walking or jogging or the provision of picnic areas, etc. In addition, the Planning Board may require a development to make other improvements, such as the removal of dead or diseased trees and thinning of trees or other vegetation, to encourage more desirable growth, planting, grading and seeding.

D. Exceptions to the standards. The Planning Board may permit minor deviations from open space standards when it can be determined that:

- (1) The objectives underlying these standards can be met without strict adherence to them;
and

- (2) Because of peculiarities in the tract of land or the facilities proposed, it would be unreasonable to require strict adherence to these standards.
- E. Deed restrictions. All lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions approved by the Municipal Attorney that ensure that:
- (1) The open space area will not be further subdivided in the future.
 - (2) The open space area will continue in perpetuity for the purpose specified.
 - (3) Appropriate provisions are made for the maintenance of the open space.
 - (4) Common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee.
- F. Open space ownership. The type of ownership of land dedicated for open space purposes shall be selected by the owner, developer or subdivider, subject to the approval of the Board. The type of ownership may include but is not necessarily limited to the following:
- (1) The municipality, subject to acceptance by the governing body of the municipality.
 - (2) Other public jurisdictions or agencies, subject to their acceptance.
 - (3) Quasi-public organizations, subject to their acceptance.
 - (4) Homeowners', condominium or cooperative associations or organizations.
 - (5) Shared, undivided interest by all property owners in the subdivision.
- G. Homeowners' association. If the open space is owned and maintained by a homeowners' or condominium association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for the preliminary approval. The provisions shall include but are not necessarily limited to the following:
- (1) The homeowners' association must be established before homes are sold.
 - (2) Membership must be mandatory for each home buyer and any successive buyer.
 - (3) The open space restrictions must be permanent, not just for a period of years.
 - (4) The association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
 - (5) Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the homeowners' association.

- (6) The association must be able to adjust the assessment to meet changed needs.

H. Maintenance of open space areas.

- (1) In the event that a nonmunicipal organization with the responsibility for the open space fails to maintain it in reasonable order and condition, the Mayor and Council or Administrator may serve written notice upon such organization or upon the owners of the development, setting forth the manner in which the organization has failed to maintain the open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be remedied within 35 days thereof and shall state the date and place of a hearing thereon, which shall be held within 15 days of the notice.
- (2) At such hearing, the Mayor and Council or Administrator may modify the terms of the original notice as to deficiencies and may give a reasonable extension of time, not to exceed 65 days, within which they shall be remedied. If the deficiencies set forth in the original notice or in the modification thereof shall not be remedied within said 35 days or any permitted extension thereof, the municipality, in order to preserve the open space and maintain the same, may enter and maintain such land for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the open space, except when the same is voluntarily dedicated to the public by the owners. Before the expiration date of said year, the Mayor and Council or Administrator shall, upon their initiative or upon the request of the organization theretofore responsible for the maintenance of the open space, call a public hearing upon 15 days' written notice to such organization and to the owners of the development, to be held by the Mayor and Council or Administrator, at which hearing such organization and the owners of the development shall show cause why such maintenance by the municipality shall not, at the election of the municipality, continue for a succeeding year. If the Mayor and Council or Administrator shall determine that such organization is ready and able to maintain said open space in a reasonable condition, the municipality shall cease to maintain said open space at the end of said year. If the Mayor and Council or Administrator shall determine that such organization is not ready and able to maintain said open space in a reasonable condition, the municipality may, in its discretion, continue to maintain said open space during the next succeeding year, subject to a similar hearing and determination in each year thereafter. The decision of the municipal body or officer in any such case shall constitute a final administrative decision, subject to judicial review.
- (3) The cost of such maintenance by the municipality shall be assessed pro rata against the properties within the development that have a right of enjoyment of the open space in accordance with the assessed value at the time of imposition of the lien and shall become a lien and tax on said properties and be added to and be a part of the taxes to be levied and assessed thereon and shall be enforced and collected with interest by the same

officers and in the same manner as other taxes.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE III, General
Regulations / § 345-19. Commercial facade regulations. [Added 3-24-1998 by
Ord. No. 8-98]**

§ 345-19. Commercial facade regulations. [Added 3-24-1998 by Ord. No. 8-98]

- A. The Planning Board of the City of Long Branch shall utilize the Commercial Facade Design Kit,^{EN(25)} a four-part pamphlet series on file with the Planning Department of the City of Long Branch, in overseeing and requiring new development and renovations of existing structures in all commercial areas of the City of Long Branch.
- B. The Zoning Board of Adjustment shall utilize the Commercial Facade Design Kit, a four-part pamphlet series on file with the Planning Department of the City of Long Branch, in overseeing and requiring new development and renovations of existing structures in all commercial areas of the City of Long Branch.
- C. The concepts and regulations contained in the four-part Commercial Facade Design Kit shall be followed by the appropriate Boards for all new development and renovations of existing buildings in all commercial zones of the City in order to ensure aesthetically pleasing and architecturally consistent design throughout the City of Long Branch.
- D. The references in the Commercial Facade Design Kit to the Broadway Corridor shall not limit the application of the designs, comments and regulations in the design kit to that area solely and that the City specifically desires the information and standards contained in the Commercial Facade Design Kit to apply to all commercial zones in the City of Long Branch.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations**

ARTICLE IV, Zone District Use Regulations

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-20. R-1 Residential District.**

§ 345-20. R-1 Residential District.

A. Permitted uses. Permitted uses shall be as follows:

- (1) One-family dwellings.
- (2) Municipal buildings, community centers and public parks and playgrounds, exclusive of schools.
- (3) Temporary buildings for uses incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.
- (4) Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be a permitted use in all residential districts. The requirements for such residences shall be the same as for single-family dwelling units located within such districts. [Added 2-23-1999 by Ord. No. 15-99]

B. Permitted accessory uses. Permitted accessory uses shall be as follows: [Amended 6-22-1993 by Ord. No. 19-93]

- (1) Private garages and carports.
- (2) Essential services.
- (3) Signs, subject to the provisions of Chapter 284, Signs.
- (4) Fences, subject to the provisions of § 345-41.
- (5) Off-street parking facilities, subject to the provisions of § 345-42.
- (6) Television antenna not exceeding 35 feet in height.
- (7) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

C. Area and bulk requirements. As specified in § 345-7.

D. Uses requiring a conditional use permit. These uses shall be subject to Article VII, Conditional Uses:

- (1) Churches and places of worship.
- (2) Beach clubs.^{EN(26)}

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-21. R-2 Residential District.**

§ 345-21. R-2 Residential District.

- A. Permitted uses. Permitted uses shall be all uses permitted in the R-1 Residential District, § 345-20A.
- B. Permitted accessory uses. Permitted accessory uses shall be as specified in the R-1 Residential District, § 345-20B.
- C. Area and bulk requirements. Area and bulk requirements shall be as specified in § 345-7.
- D. Uses requiring a conditional use permit. These uses shall be subject to Article VII, Conditional Uses:
 - (1) Public, parochial and private schools.
 - (2) Churches and places of worship.^{EN(27)}

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-22. R-3 Residential District.**

§ 345-22. R-3 Residential District.

- A. Permitted uses. Permitted uses shall be as follows:
 - (1) All uses permitted in the R-1 Residential District, § 345-20A.
 - (2) Home occupation.
 - (3) Home professional office.
- B. Permitted accessory uses. Permitted accessory uses shall be as specified in the R-1 Residential District, § 345-20B.
- C. Area and bulk requirements. Area and bulk requirements shall be as specified in § 345-7.
- D. Uses requiring a conditional use permit. These uses shall be subject to Article VII, Conditional Uses:

- (1) As specified in the R-2 Residential District, § 345-21D.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-23. R-4 Residential District.**

§ 345-23. R-4 Residential District.

A. Permitted uses. Permitted uses shall be as follows:

- (1) All uses permitted in the R-3 Residential District, § 345-22A.

B. Permitted accessory uses. Permitted accessory uses shall be as specified in the R-1 Residential District, § 345-20B.

C. Area and bulk requirements. Area and bulk requirements shall be as specified in § 345-7.

D. Uses requiring a conditional use permit. These uses shall be subject to Article VII, Conditional Uses:

- (1) As specified in the R-2 Residential District, § 345-21D.
- (2) Philanthropic or eleemosynary uses.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-24. R-5 Residential District.**

§ 345-24. R-5 Residential District.

A. Permitted uses. Permitted uses shall be as follows:

- (1) All uses permitted in the R-3 Residential District, § 345-22A.
- (2) Townhouses, subject to the provisions of § 345-53 and at a maximum density of 12 units per acre. [Amended 9-24-1996 by Ord. No. 31-96]
- (3) Two- to four-family dwellings subject to § 345-49.
- (4) Scattered site housing, subject to the provisions of § 345-56. [Added 2-23-1999 by Ord. No. 4-99]

B. Permitted accessory uses. Permitted accessory uses shall be as specified in the R-1

Residential District, § 345-20B.

- C. Area and bulk requirements. Area and bulk requirements shall be as specified in §§ 345-7, 345-49, 345-53 and 345-56. [Amended 2-23-1999 by Ord. No. 4-99]
- D. Uses requiring a conditional use permit. These uses shall be subject to Article VII, Conditional Uses:
 - (1) As specified in the R-2 Residential District, § 345-21D.
 - (2) Garden apartment projects of 20 or more units, subject to the provisions of §§ 345-48 and 345-51.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-25. R-6 Residential District.**

§ 345-25. R-6 Residential District.

- A. Permitted uses. Permitted uses shall be as follows:
 - (1) All uses permitted in the R-5 Residential District, § 345-24. Townhouses shall be restricted, however, to a maximum density of 10 units per acre. [Amended 8-24-1999 by Ord. No. 37-99]
 - (2) Professional offices.
- B. Permitted accessory uses. Permitted accessory uses shall be as specified in the R-1 Residential District, § 345-20B.
- C. Area and bulk requirements. Area and bulk requirements shall be as specified in § 345-7.
- D. Uses requiring a conditional use permit. These uses shall be subject to Article VII, Conditional Uses:
 - (1) Philanthropic and eleemosynary uses.
 - (2) (Reserved)^{EN(28)}
 - (3) Senior citizen housing.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone**

**District Use Regulations / § 345-26. R-7 Riverfront Mixed Residential District.
[Amended 2-27-1996 by Ord. No. 5-96]**

§ 345-26. R-7 Riverfront Mixed Residential District. [Amended 2-27-1996 by Ord. No. 5-96]

A. Permitted uses. Permitted uses shall be as follows:

- (1) One-family dwellings.
- (2) Municipal buildings, community centers, public parks, playgrounds and parking lots, exclusive of schools.
- (3) Temporary buildings for uses incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.
- (4) Townhouses, subject to the provisions of § 345-53 and at a maximum density of six units per acre.

B. Permitted accessory uses. Permitted accessory uses shall be as specified in the R-1 Residential District, § 345-20B.

C. Area and bulk requirements. Area and bulk requirements shall be as specified in § 345-7 and § 345-53.

D. Uses requiring a conditional use permit. These uses shall be subject to Article VII, Conditional Uses:

- (1) Churches and places of worship.
- (2) Marinas.^{EN(29)}

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-27. R-8 Boulevard Mix District.**

§ 345-27. R-8 Boulevard Mix District.

A. Permitted uses. Permitted uses shall be as follows:

- (1) Townhouses, subject to the provisions of § 345-53 and at a maximum density of six units per acre.
- (2) Office buildings, no taller than six stories, for professional, executive or administrative

purposes.

- (3) One-family dwellings. [Added 10-24-2000 by Ord. No. 39-00; amended 5-8-2001 by Ord. No. 17-01]
- (4) Two- to four-family dwellings, subject to § 345-49. [Added 5-8-2001 by Ord. No. 17-01]
- B. Permitted accessory uses. Permitted accessory uses shall be as specified in the R-1 Residential District, § 345-20B.
- C. Area and bulk requirements. Area and bulk requirements shall be as specified in § 345-7 and Article VI, Supplementary Regulations.
- D. Uses requiring a conditional use permit. Uses requiring a conditional use permit shall be as follows: [Amended 6-22-1993 by Ord. No. 19-93]
 - (1) Senior citizen housing. (See Article VI, Supplementary Regulations, and Article VII, Conditional Uses.)

CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone District Use Regulations / § 345-28. RC-1 Beachfront Mixed. [Amended 6-22-1993 by Ord. No. 19-93; 5-14-1996 by Ord. No. 15-96; 11-10-1998 by Ord. No. 39-98; 2-23-1999 by Ord. No. 15-99; 10-24-2000 by Ord. No. 40-00; 3-14-2006 by Ord. No. 6-06]

§ 345-28. RC-1 Beachfront Mixed. [Amended 6-22-1993 by Ord. No. 19-93; 5-14-1996 by Ord. No. 15-96; 11-10-1998 by Ord. No. 39-98; 2-23-1999 by Ord. No. 15-99; 10-24-2000 by Ord. No. 40-00; 3-14-2006 by Ord. No. 6-06]

A. Permitted uses. Permitted uses shall be as follows:

- (1) Waterfront mixed residential units subject to the provisions of § 345-55.
- (2) Townhouses, subject to the requirements of § 345-53 and at a minimum density of six units per acre.
- (3) Beachfront commercial.
- (4) Eating and drinking establishments. Such establishments may sell retail foods, including fish, meat and poultry, provided that the waste from such retail food operation shall be kept from public view, in secured containers, and disposed of each day by the owner of

such establishment.

- (5) Professional offices.
 - (6) Finance, insurance and real estate services.
 - (7) Outdoor dining subject to § 345-11Z.
 - (8) Bakery.
 - (9) Health spa/gym. (See § 345-3, Definitions.)
 - (10) Barbershop/beauty salon/tanning salon.
 - (11) One-family dwellings, subject to bulk requirements of the R-1 Zone.
- B. Permitted accessory uses. Permitted accessory uses shall be as specified in the C-1 Commercial District, § 345-30B.
- C. Area and bulk requirements. Area and bulk requirements shall be as specified in §§ 345-7, 345-55 and 345-53.
- D. (Reserved)
- E. Additional requirements. Additional requirements shall be as follows:
- (1) Townhouses. See § 345-53.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-29. RC-2 Riverfront Residential Commercial
Zone.**

§ 345-29. RC-2 Riverfront Residential Commercial Zone.

- A. Permitted uses. Permitted uses shall be as follows:
- (1) Townhouses, subject to the provisions of § 345-53 and at a maximum density of six units per acre.
 - (2) Neighborhood commercial as specified in § 345-32.
 - (3) Waterfront mixed residential units subject to the provisions of § 345-55.
- B. Permitted accessory uses. Permitted accessory uses shall be as specified in the C-1 District,

§ 345-30B.

- C. Area and bulk requirements. Area and bulk requirements shall be as specified in §§ 345-7, 345-55 and 345-53.
- D. Uses requiring a conditional use permit. Uses requiring a conditional use permit shall be as follows:
 - (1) Marinas.
 - (2) Senior citizen high-rise housing. (See Article VI, Supplementary Regulations.)
 - (3) Public utilities.
 - (4) Motor vehicle service stations.
- E. Additional requirements. Additional requirements shall be as specified in the C-1 Commercial District, § 345-11E; as to townhouses, see § 345-53.^{EN(30)}

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-30. C-1 Central Commercial District. [Amended
6-22-1993 by Ord. No. 19-93]**

§ 345-30. C-1 Central Commercial District. [Amended 6-22-1993 by Ord. No. 19-93]

A. Permitted uses. Permitted uses shall be as follows:

- (1) Retail trade stores, as follows:
 - (a) New or previously unused general merchandise. [Amended 2-14-1995 by Ord. No. 8-95]
 - (b) Food.
 - (c) New automobile showrooms of authorized automobile dealerships, and new and used car lots only in conjunction therewith; automobile and marine accessories; new boat showrooms of authorized boat dealerships; and new and used boat lots or used car lots in conjunction therewith.
 - (d) Apparel and accessories.
 - (e) New or previously unused furniture, home furnishings and equipment. [Amended 2-14-1995 by Ord. No. 8-95]

- (f) Restaurants and eating and drinking places, but not drive-in restaurants.
 - (g) Variety stores, drug stores, florists or other retail trade stores, but not including fuel.
 - (h) Delicatessens.
 - (i) Antique, used book, memorabilia and collectible dealers. [Added 2-14-1995 by Ord. No. 8-95]
 - (j) Tattoo parlors, except that no tattoo parlor may be located within 1,000 feet of another tattoo parlor. [Added 2-14-1995 by Ord. No. 8-95]
 - (2) Service uses, as follows: [Amended 2-14-1995 by Ord. No. 8-95]
 - (a) Finance, insurance, real estate, legal, personnel and business consulting services.
 - (b) Governmental services.
 - (c) Educational services and colleges, but excluding primary and secondary.
 - (d) Publication of newspapers and periodicals.
 - (e) Professional office/services. [Added 2-27-1996 by Ord. No. 6-96; amended 6-11-1996 by Ord. No. 20-96]
 - (3) Assembly hall, bowling alley and motion-picture theater, provided that it is carried on within a building.
 - (4) Municipal buildings, parks and playgrounds.
 - (5) Temporary buildings for uses incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.
 - (6) High Technology Light Industrial. (See § 345-35 for specifics.)
 - (7) Health spa/gym. (See § 345-3, Definitions.)
 - (8) Barbershop/beauty salon/tanning salon.
- B. Permitted accessory uses. Permitted accessory uses shall be as follows: [Amended 2-14-1995 by Ord. No. 8-95]
- (1) Signs subject to provisions of Chapter 284, Signs.
 - (2) Fences, subject to the provisions of § 345-41.
 - (3) Essential services.

- (4) Private garages.
 - (5) Off-street parking facilities, subject to the provisions of § 345-42.
 - (6) Parking lots, subject to § 345-42 and all other applicable general regulations of Chapter 300, Subdivision of Land, and this chapter.
 - (7) Satellite and/or microwave broadcasting appurtenances (applicable to commercial properties only, and excluding residential properties).
- C. Area and bulk requirements. Area and bulk requirements shall be as specified in § 345-7.
- D. Uses requiring a conditional use permit. These uses shall be subject to Article VII, Conditional Uses: [Amended 2-14-1995 by Ord. No. 8-95]
- (1) Public utilities.
 - (2) Motor vehicle service stations.
 - (3) Senior citizen housing. (See Article VI, Supplementary Regulations, and Article VII, Conditional Uses.)
 - (4) Secondhand stores.
- E. Additional requirements. Where the property line of a proposed commercial lot abuts a residential use or zone, a strip of land at least 10 feet in width adjacent to the abutting property line shall be kept free of any building development, except for landscaping which shall include a buffer strip as defined by this chapter. Wherever these provisions apply, 10 feet shall be added to the required building setback line standard. (See § 345-11U.)

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-31. C-2 Professional Office and Related Services
District.**

§ 345-31. C-2 Professional Office and Related Services District.

- A. Permitted uses. Permitted uses shall be as follows:
- (1) All uses permitted in the S-1 Professional Office District.
 - (2) Related services, including but not limited to the following: printing, business machines and office supplies.

- B. Permitted accessory uses. Permitted uses shall be as specified in the C-1 Commercial District, § 345-30B.
- C. Area and bulk requirements. Area and bulk requirements shall be as specified in § 345-7.
- D. Uses requiring a conditional use permit. Uses requiring a conditional use permit shall be as follows:
 - (1) (Reserved)^{EN(31)}
 - (2) Churches and places of worship.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-32. C-3 Neighborhood Commercial District.
[Amended 6-22-1993 by Ord. No. 19-93]**

§ 345-32. C-3 Neighborhood Commercial District. [Amended 6-22-1993 by Ord. No. 19-93]

- A. Permitted uses. Permitted uses shall be retail uses of a neighborhood convenience nature of the following types:
 - (1) Retail trade stores in new or previously unused general merchandise. [Amended 2-14-1995 by Ord. No. 8-95]
 - (2) Retail trade stores in food.
 - (3) Retail trade stores in apparel and accessories.
 - (4) Retail trade eating and drinking establishments.
 - (5) Variety stores.
 - (6) Drugstores.
 - (7) Liquor stores.
 - (8) Florists.
 - (9) Finance, insurance and real estate services.
 - (10) Professional services.

- (11) Municipal buildings, parks and playgrounds.
 - (12) Temporary buildings, for uses incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.
 - (13) Delicatessens.
 - (14) Railroad stations and/or yard and associated facilities.
 - (15) Outdoor dining, subject to § 345-11Z.
 - (16) Convenience store.
 - (17) Hair styling shop/tanning salon. [Amended 2-14-1995 by Ord. No. 8-95]
 - (18) Health spa/gym. (See § 345-3, Definitions.)
 - (19) Antique, used book, memorabilia and collectible dealers. [Added 2-14-1995 by Ord. No. 8-95]
 - (20) Dry cleaners. [Added 4-10-2001 by Ord. No. 15-01; amended 5-8-2001 by Ord. No. 17-01]
 - (21) Tailors. [Added 4-10-2001 by Ord. No. 15-01; amended 5-8-2001 by Ord. No. 17-01]
 - (22) Laundromats. [Added 5-8-2001 by Ord. No. 17-01]
 - (23) The following additional uses shall also be permitted within the existing C-3 Neighborhood Commercial Zone area bounded by Bath Avenue, Westwood Avenue and the New Jersey Transit railroad tracks. [Added 5-8-2001 by Ord. No. 17-01]
 - (a) Food preparation corporations, both retail and wholesale.
 - (b) Fuel oil distributors/heating repair services.
 - (c) Warehouse/self-storage facilities.
- B. Permitted accessory uses. Permitted accessory uses shall be as specified in the C-1 Commercial District, § 345-30B.
- C. Area and bulk requirements. Area and bulk requirements shall be as specified in § 345-7.
- D. Uses requiring a conditional use permit. These uses shall be subject to Article VII, Conditional Uses:
- (1) As specified in the C-1 Commercial District, § 345-30D.

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PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-33. C-4 Resort Commercial District.**

§ 345-33. C-4 Resort Commercial District.

A. Permitted uses. Permitted uses shall be as follows:

- (1) Motels, subject to the provisions of Article VI, Supplementary Regulations.
- (2) Municipal buildings, parks and playgrounds.
- (3) Temporary buildings for uses incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.
- (4) One-family dwellings, subject to the bulk requirements for the R-1 Residential District as they are specified in § 345-7.
- (5) Townhouses, subject to the provisions of § 345-53 and at a maximum density of six units per acre.
- (6) Waterfront mixed residential units, subject to the provisions of § 345-55. [Added 8-10-1999 by Ord. No. 32-99]

B. Permitted accessory uses. Permitted accessory uses shall be as specified in the C-1 Commercial District, § 345-30B, and the R-1 Residential District, § 345-20B.

C. Area and bulk requirements. Area and bulk requirements shall be as specified in §§ 345-7 and 345-53.

D. Uses requiring a conditional use permit. These uses shall be subject to Article VII, Conditional Uses: [Amended 2-14-1995 by Ord. No. 8-95]

- (1) Beach clubs.
- (2) (Reserved)^{EN(32)}
- (3) Churches and places of worship.
- (4) Senior citizens project.

E. Additional requirements. Additional requirements shall be as specified in the C-1 Commercial District, § 345-30E.^{EN(33)}

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-34. I - Industrial Zone District.**

§ 345-34. I - Industrial Zone District.

A. Permitted uses. Permitted uses shall be as follows:

- (1) Manufacturing uses of light machinery, comprising any of the following: carburetors and small machine parts, cash registers, sewing machines and typewriters, calculators, printing and other office machines.
- (2) Fabrication of metal products, comprising any of the following: baby carriages, bicycles and other similar vehicles, metal foil-tin, aluminum, gold, etc.; and metal furniture, musical instruments, sheet metal products and toys.
- (3) Fabrication of wood products, comprising any of the following: boats, boxes, cabinets and woodworking; furniture; and toys.
- (4) Food and associated industries, comprising any of the following: bakeries, bottling of food and beverages; food and cereal mixing and milling food processing; food sundry manufacturing; ice cream manufacturing; and manufacturing of spirituous liquor.
- (5) Laboratories, comprising any of the following: biological, chemical, dental, electronic, pharmaceutical and general.
- (6) The warehousing or storage of goods and products and associated wholesaling uses.
- (7) Office buildings for executive or administrative purposes.
- (8) Other permissible industry, comprising any of the following: brush and broom manufacturing; electric light and power and other utility company installations; electronic products; farm machine sales and service; glass and glass products manufacturing; jewelry manufacturing, except curing, tanning and finishing of hides; motion picture exchange; pharmaceutical products and manufacturing; photo finishing; pottery and ceramic products manufacturing; printing plants; sporting goods manufacturing; and thread and yarn manufacturing.
- (9) Lumber yards and fuel dealers.
- (10) Municipal functions conducted in the public interest.
- (11) Temporary buildings for uses incidental to construction work, provided that such

buildings are removed upon completion or abandonment of the construction work.

- (12) Recycling plant for indoor sorting, preparation, storage and disposal of glass, metal, aluminum and paper waste products and outdoor storage of the finished product, so long as it is confined within containment walls not visible to the public.

- (13) Retail sales associated with one of the above uses.

- B. Permitted accessory uses. Permitted accessory uses shall be as specified in the C-1 Commercial District, § 345-30B.
- C. Area and bulk requirements. Area and bulk requirements shall be as specified in § 345-7.
- D. Uses requiring a conditional use permit. Uses requiring a conditional use permit shall be as follows:

- (1) Public utilities.
- (2) Public, parochial and private schools. [Added 8-22-2000 by Ord. No. 34-00]

- E. Other requirements for industrial uses.

- (1) No residential use shall be permitted in the Industrial Zone District, except the following: [Amended 5-14-1996 by Ord. No. 15-96; 2-9-1999 by Ord. No. 5-99]
 - (a) Hotels/motels, subject to the provisions of § 345-52.
 - (b) Any use which by its nature would have a tendency to create objectionable conditions due to the emission of smoke, noise or odor or in any way result in a detrimental effect upon the surrounding area and the general community. (See § 345-45.)
 - (c) Any exclusively retail use.
- (2) Buffering and landscaping. Where the property line of a proposed industrial lot abuts or is across the street from a residential zone, a strip of land 50 feet in width adjacent to the abutting property line shall be kept free from any building, development or improvement, except for landscaping which shall include a buffer strip or fence as defined by this chapter. Wherever these provisions apply, 50 feet shall be added to the required building setback line standard.
- (3) A site plan conforming to the requirements established under § 345-14 shall be submitted to the Planning Board for its approval.
- (4) A detailed description of the proposed industrial process and its product.

- (5) Reports prepared by competent technical experts showing compliance with environmental standards, § 345-45.
- (6) All industrial uses must stay within the tolerance standards set forth in § 345-45, and the user shall furnish proof of this when asked to do so by the appropriate authorities.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-35. HTLI High Technology Light Industrial.**

§ 345-35. HTLI High Technology Light Industrial.

A. Permitted uses. Permitted uses shall be as follows: [Amended 6-22-1993 by Ord. No. 19-93]

- (1) Laboratories, comprising any of the following: biological, chemical, dental, electronic, pharmaceutical and general.
- (2) Office buildings for executive or administrative purposes.
- (3) Fabrication of video, radio, computer hardware and software items.
- (4) Any other light industry, which is hereby defined as any industry which manufactures, processes, assembles or otherwise treats products the manufacture, assembly or treatment of which does not cause or result in or will not tend to cause or result in toxic or objectionable or corrosive fumes, vapors, odors, effluent, gas, smoke, dust, glare, flashes or excessive noise or vibration, including buildings and structure for offices and distribution purposes incidental to the light industry herein defined. Any and all such manufacturing, processing, assembling or treatment shall be carried on within and confined to an enclosed structure or structures. (See § 345-45.)
- (5) Warehouse/storage facilities.

B. Permitted accessory uses. Permitted accessory uses shall be as follows:

- (1) Signs, subject to the provisions of Chapter 284, Signs.
- (2) Fences, subject to the provisions of § 345-41.
- (3) Off-street parking facilities, subject to the provisions of § 345-42.
- (4) Satellite and/or microwave broadcasting appurtenances. [Added 2-14-1995 by Ord. No. 8-95]

- C. Area and bulk requirements. Area and bulk requirements shall be as specified in § 345-7.
- D. Uses requiring conditional use permit. Use requiring a conditional use permit shall be as follows:
 - (1) Public utilities.
- E. Other requirements for HTLI uses.
 - (1) Additional prohibited uses in the HTLI District shall include, but shall not be necessarily limited to the following uses:
 - (a) Any residential use.
 - (b) Any use which by its nature would have a tendency to create objectionable conditions due to the emission of smoke, noise or odor or in any way result in a detrimental effect upon the surrounding area and the general community. (See subsection § 345-45.)
 - (2) Buffering and landscaping. Where the property line of a proposed HTLI lot abuts or is across the street from a residential zone, a strip of land 50 feet in width adjacent to the abutting property line shall be kept free from any building, development or improvement, except for landscaping which shall include a buffer strip or fence as defined by this chapter. Wherever these provisions apply, 50 feet shall be added to the required building setback line standard. All HTLI uses must stay within the tolerant standards set forth in § 345-45, and the user shall furnish proof of this when asked to do so by the appropriate authorities. [Amended 6-22-1993 by Ord. No. 19-93]

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-36. MB Manufacturing and Business District.**

§ 345-36. MB Manufacturing and Business District.

- A. Permitted uses. Permitted uses shall be as follows:
 - (1) All uses permitted in the I-Industrial District.
 - (2) All uses permitted in the C-1 Commercial District.
 - (3) Convenience store.
 - (4) Adult entertainment uses; subject to the provisions of § 345-47. [Added 2-14-1995 by

Ord. No. 6-95]

- B. Permitted accessory uses. Permitted accessory uses shall be as specified in the C-1 Commercial District, § 345-30B.
- C. Area and bulk requirements. Area and bulk requirements shall be as specified in § 345-7.
- D. Uses requiring a conditional use permit. These uses shall be subject to Article VII, Conditional Uses:
 - (1) Public utilities.
- E. Other requirements for MB uses. These uses shall be as follows:
 - (1) Any use is prohibited which by its nature would have a tendency to create objectionable conditions due to the emission of smoke, noise or odor or in any way result in a detrimental effect upon the surrounding area and the general community. (See § 345-45.)
 - (2) Buffering and landscaping. Where the property line of a proposed industrial lot abuts or is across the street from a residential zone, a strip of land 50 feet in width adjacent to the abutting property line shall be kept free from any building, development or improvement, except for landscaping which shall include a buffer strip or fence as defined by this chapter. Wherever these provisions apply, 50 feet shall be added to the required building setback line standard.
 - (3) All industrial uses must stay within the tolerance standards set forth in § 345-54, and the user shall furnish proof of this when asked to do so by the appropriate authorities.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-37. S-1 Professional Office District.**

§ 345-37. S-1 Professional Office District.

- A. Permitted uses. Permitted uses shall be as follows:
 - (1) One-family homes in accordance with the regulations of the R-4 District regulations.
 - (2) Home professional offices.
 - (3) Professional offices.
 - (4) Home occupation.

- (5) Funeral home.
- (6) Municipal buildings, parks and playgrounds.
- (7) Temporary buildings for uses incidental to construction work, provided that such buildings are removed upon completion and abandonment of the construction work.
- B. Permitted accessory uses. Permitted accessory uses shall be as specified in the C-1 Commercial District, § 345-30B.
- C. Area and bulk requirements. Area and bulk requirements shall be as specified in § 345-7.^{EN(34)}

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-38. S-2 Oceanfront District.**

§ 345-38. S-2 Oceanfront District.

- A. Permitted uses. Permitted uses shall be as follows:
 - (1) Piers, seawalls, bulkheads, boardwalks, docks or fences for beach maintenance or protection.
 - (2) Public beaches and buildings, such as rest rooms, lockers or dressing room facilities and snack bars, as deemed necessary to serve the patrons of the beach.
 - (3) Buildings accessory to parks, playgrounds and other public beach facilities.
 - (4) Municipal buildings, parks and playgrounds.
 - (5) Temporary buildings for uses incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.
- B. Permitted accessory uses. Permitted accessory uses shall be as follows:
 - (1) Signs, subject to the provisions of Chapter 284, Signs.
 - (2) Fences, subject to the provisions of § 345-41.
 - (3) Essential services.
 - (4) Off-street parking facilities, subject to the provisions of § 345-42.

- C. Area and bulk requirements. Area and bulk requirements shall be as specified in § 345-7.
- D. Uses requiring a conditional use permit. These uses shall be subject to Article VII, Conditional Uses:
 - (1) Beach clubs.
 - (2) Commercial/recreational piers, to include fishing/crabbing, eating and drinking establishments, recreational arcades, beachfront commercial, apparel stores, florists, gift shops, bookstores, antique shops, recreational equipment/sports stores and health spas and gyms. [Amended 5-14-1996 by Ord. No. 15-96]

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IV, Zone
District Use Regulations / § 345-39. M - Medical/Hospital District.**

§ 345-39. M - Medical/Hospital District.

A. Permitted uses. Permitted uses shall be as follows:

- (1) Medical center.
- (2) Hospital.
- (3) Medical and clinical laboratories.
- (4) Professional offices.
- (5) Outpatient medical clinics.
- (6) Medically related educational and occupational training facilities.
- (7) Townhouses, subject to the provisions of § 345-53.
- (8) Garden apartments, subject to the provisions of § 345-48.

B. Permitted accessory uses. Permitted accessory uses shall be as follows:

- (1) Service-related support activities within a medical center, such as a:
 - (a) Gift shop.
 - (b) Florist.
 - (c) Barbershop.

- (d) Cafeteria.
- (2) Off-street parking facilities, subject to § 345-42.
- (3) Vertical parking structures, subject to § 345-42.
- (4) Private residential garages.
- C. Area and bulk requirements. Area and bulk requirements shall be as specified in §§ 345-7, 345-50 and 345-51.
- D. Uses requiring conditional use permit. Uses requiring a conditional use permit shall be as follows:
 - (1) Nursing, rest and convalescent homes, subject to § 345-63.
 - (2) Philanthropic and eleemosynary uses, subject to § 345-62.
- E. Additional requirements. Additional requirements shall be as follows:
 - (1) Off-street parking, subject to subsection § 345-42.
 - (2) All medical center/hospital buildings and grounds shall be designed, constructed, equipped and furnished in a manner that protects the lives and ensures the physical safety of its patients, personnel and visitors.
 - (3) Compliance with applicable standards.
 - (a) All medical center/hospitals shall be designed, constructed, equipped and furnished in such a manner as to be in compliance with the current City, state and federal applicable building codes, fire prevention codes, state and/or federal occupational safety and health codes and standards, the New Jersey Health Care Facilities Planning Act, the New Jersey Department of Health and the Department of Environmental Protection, Atomic Energy Commission, the (National Fire Protection Association) NFPA Life Safety Code and the Federal Department of Health, Education and Welfare hospital construction requirements. It shall be the responsibility of the medical center/hospital to provide certificates of compliance with all required standards prior to issuance of a building permit. Outpatient and rehabilitation facilities, whether on or off medical center/hospital premises, must comply with the above requirements as well as applicable City zoning ordinances.
 - (b) Where there is a conflict in the applicable standards, the more restrictive provisions shall prevail.
 - (4) All medical center/hospitals shall comply with the existing state and federal standards

for making buildings accessible to the physically handicapped.

- (5) General application. The performance standards shall apply to all uses; although, with the approval of the Construction Code Official, any use may exceed the required minimums.
- (6) Site plan submission (§ 345-14) shall include a copy of an approved certificate of need obtained from the New Jersey Department of Health.
- (7) Permitted service-related accessory uses shall be wholly contained within the main hospital structure. Entrance/exit to these uses shall be only through the main hospital entrance or from corridors, waiting areas, etc., and not directly onto a public thoroughfare.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE V, Special
Regulations**

ARTICLE V, Special Regulations

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE V, Special
Regulations / § 345-40. Signs.**

§ 345-40. Signs.

Signs shall be erected and maintained in accordance with the provisions of an ordinance duly adopted to regulate and license the erection of signs within the City.^{EN(35)}

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE V, Special
Regulations / § 345-41. Fences.**

§ 345-41. Fences.

- A. No fence hereafter erected, altered or reconstructed in any zone in the City may exceed three feet in height above the curb level when located within 25 feet of the intersection of two street lines.

- B. No fence hereinafter erected, altered or reconstructed in any residential zone or on lots of any other zone on which residential buildings are erected shall exceed four feet in height above ground level within a front yard area, or more than six feet in height above ground level on any other side. This regulation shall not preclude the erection of a fence in accordance with Chapter 312, Tennis Court, in conjunction with a tennis court or Chapter 303, Swimming Pools, Article II, Public Recreational Bathing Places, in conjunction with a swimming pool. In the case of a corner lot, and in conjunction with a single family home, a five-foot fence would be permitted following toward the rear yard from the rear line of the house, continuing a maximum of 30 feet, and across the rear line, if located a minimum of 10 feet off the front property line. [Amended 8-25-1998 by Ord. No. 28-98]
- C. Every fence shall be maintained in a safe, sound, upright condition and in accordance with the approved plan on file with the Construction Code Official.
- D. All fences and/or walls must be erected within property lines, and no fence or wall shall be erected which will encroach upon a public right-of-way. The finished side of a fence shall face outward from the property on which it is erected, unless determined otherwise by the Aesthetic Committee of the Planning Board.
- E. The foregoing restrictions shall not be applied so as to prevent the erection of an open wire fence not exceeding eight feet in height above ground level anywhere within a public park, public playground or public school properties. These restrictions shall not be applied so as to restrict the erection of a wall for the purpose of retaining space, provided that such wall does not exceed such height to be measured from the ground level of the highest adjacent grade.
- F. The following fences and fencing materials are specifically prohibited: barbed-wire fences, sharp-pointed fences, canvas, cloth, electrically charged fences and temporary fences, such as snow fences, expandable fences and collapsible fences, at any location on the lot upon which a dwelling or structure is situated.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE V, Special
Regulations / § 345-42. Off-street parking regulations.**

§ 345-42. Off-street parking regulations.

A. General provisions.

- (1) Off-street parking space shall be provided with each and every new use created as further specified in this chapter and shall be furnished with necessary passageways and driveways. All such space shall be deemed to be required space on the lot on which it is

situated and shall not be encroached upon or reduced in any manner.

- (2) None of the off-street parking facilities that are required in this chapter shall be required for any existing building or use, unless the building or use shall be enlarged, in which case the provisions of this chapter shall apply only to the enlarged portion of the building or use.
 - (3) The collective provision of off-street parking area by two or more buildings or uses located on adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately, and further provided that the land upon which the collective facilities are located is owned or leased by one or more of the collective users.
 - (4) Parking areas, driveways and access aisles may be located in any yard space, but shall not be closer than 10 feet to any street line or property line.
 - (5) A site plan shall be filed with the zoning permit application where off-street parking facilities are required or permitted under the provisions of this chapter in connection with the use or uses for which application is being made.
 - (6) All parking areas, passageways and driveways, except when provided in connection with one-family residences, shall be surfaced with a dustless, durable, all-weather pavement, clearly marked for car spaces, and shall be adequately drained, all subject to the approval of the City Engineer.
 - (7) No display vehicles or trailer device for commercial purposes shall remain in any district for longer than a twenty-four-hour period.
 - (8) For additional parking requirements on Ocean Avenue and Ocean Boulevard, See § 345-11Q and R.
- B. Parking areas in commercial and industrial districts. Every parcel of land hereafter used as a public or private parking area in any commercial or industrial zone shall be developed and maintained in accordance with the following requirements:
- (1) Screening.
 - (a) Off-street parking areas shall be effectively screened on any side which adjoins or faces premises situated in any residence zone district or institutional premises, as required in Subsection A.
 - (b) In addition to such buffer planting, the owner of the commercial property shall erect on the buffer a fence at least four feet in height for the purpose of protecting the residential property from litter, debris and light glare and such other nuisances that

would disturb peaceful possession. The fence shall be of closed post picket solid fence, containing no more than 25% open space. The responsibility of maintenance of the commercial property referred to herein shall be joint and/or shared between the owner of the property and any other tenants who are in possession. No part of any parking area shall be closer than 10 feet to any school, hospital or other institutional building unless screened by an unpierced masonry wall.

- (2) Not more than two driveways of not less than 20 feet or more than 30 feet in width, used as a means of ingress or egress for nonresidential off-street parking areas, shall be submitted for each 200 feet of frontage on a public street, nor shall any driveway be located closer than 50 feet to the intersection of two public streets.
- (3) Landscaping consisting of attractive trees, shrubs, plants and grass lawns shall be required and planted in accordance with the site plans. Special buffer planting shall be provided along the side and rear property lines so as to provide protection to adjacent properties when such lot lines abut or are within residential zones or uses.
- (4) Off-street parking areas located in commercial, industrial and medical zones which provide parking for 20 or more vehicles shall be provided with shade trees of a type approved by the City Engineer. The shade trees shall be located in a planned manner within the parking lot area in quantity equal to not less than one shade tree for every 10 parking spaces.
- (5) For commercial and all nonresidential uses in business districts, required parking shall be provided within 150 feet of such use. It shall be measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.
- (6) The provisions of this subsection may be met by participation in a community parking program designed to serve a larger area, provided that plans for such community parking have been approved by the Planning Board.
- (7) All parking areas and appurtenant passageways and driveways serving commercial and industrial uses shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation. Adequate shielding shall be provided by commercial and industrial users to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.

C. Parking areas in residential districts.

- (1) Parking may be in attached or detached garages, driveways or parking areas.
- (2) Driveways designated as parking space(s) shall have an area of nine feet by 18 feet for

each space within the property lines.

- (3) Parking areas for other than one-family detached dwellings shall provide landscaping consisting of attractive trees, shrubs, plants and grass lawns and shall be required and planted in accordance with the site plans. Special buffer planting shall be provided along the side and rear property lines so as to provide protection to adjacent properties when such lot lines abut or are within residential zones or use.
- (4) Commercial vehicles.
 - (a) No commercial vehicle shall be parked on private property between the hours of 9:00 p.m. and 5:00 a.m. or on Sunday in a residential zone; provided, however, that such restriction shall not apply to one commercial motor vehicle with a registered gross weight of 8,000 pounds or less, owned or used by a resident of the premises, which vehicle may be parked or garaged between the hours of 9:00 p.m. and 5:00 a.m. on said premises within a residential zone. [Amended 6-27-1994 by Ord. No. 29-94; 2-14-1995 by Ord. No. 8-95]
 - (b) The following vehicles shall be prohibited regardless of weight classifications: tow truck, school bus.
- (5) Parking restrictions.
 - (a) No motor vehicle of a registered gross weight greater than 8,000 pounds shall be permitted to park between 9:00 p.m. and 5:00 a.m. on any premises, private property, City property, City street or City row within any residential zone or on any residential property. (See Chapter 325, Vehicles and Traffic, § 325-3L(1) and (2), and Chapter 316, Towing, § 316-5, Fees and charges, for further restrictions.)
 - (b) Exemption. Any emergency municipal, state, federal agencies or public utility vehicles being utilized to fulfill their specific tasks. [Added 2-14-1995 by Ord. No. 8-95]
- (6) Failure to comply with this subsection will result in those penalties as prescribed in § 345-79, where applicable. [Added 2-14-1995 by Ord. No. 8-95]

D. Required off-street parking space. [Amended 6-22-1993 by Ord. No. 19-93]

- (1) Requirements shall be as follows:
 - (a) Dwelling units.

[1] One-family detached dwelling: two parking spaces, except that one additional parking space shall be required for each additional bedroom, as defined in

§ 345-3, over four bedrooms. [Added 7-25-2000 by Ord. No. 26-00]

- [2] Multifamily detached, two, three and four dwellings: 2 1/2 parking spaces per dwelling unit.
 - [3] Townhouses: 2 1/2 parking spaces per dwelling unit.
 - [4] Garden apartment: 2 1/2 parking spaces per dwelling unit.
 - [5] Apartment in structure of more than two stories: 2 1/2 parking spaces per dwelling unit.
 - [6] Age-restricted dwellings: see § 345-54G.
- (b) Barbershop, beauty salon and tanning salon: two spaces per chair/tanning bed, plus one additional space for each employee.
 - (c) Banks, financial and business offices and professional offices: one parking space for every 150 square feet of building area or major fraction thereof.
 - (d) Retail and service stores, except when otherwise specifically covered herein: one parking space for every 200 square feet of building area or major fraction thereof.
 - (e) Stores for the retail sale of furniture, appliances and hardware: one parking space for every 500 square feet of building area or major fraction thereof.
 - (f) Supermarkets and self-service food stores: one parking space for every 100 square feet of building area or major fraction thereof.
 - (g) Laundromats: one parking space for every two washing machines.
 - (h) Motor vehicle sales and service: one parking space for every 200 square feet of building area or fraction thereof.
 - (i) Eating and drinking facilities (restaurants, diners, bars, taverns, etc.).
 - [1] One thousand square feet or less of floor area: one parking space for every four seats, plus one parking space for every two employees.
 - [2] Above 1,000 square feet of floor area: one parking space for every four persons who may be legally admitted therein at one time under the state fire prevention laws, plus one space per every two employees.
 - [3] Raised decks and outdoor dining facilities: one parking space for every four persons who may be legally admitted therein at one time under the state fire

prevention laws.

- [4] Ground level patios and outdoor dining facilities: one parking space for every four seats provided.
- (j) Bowling alleys: five parking spaces for each bowling lane.
- (k) Auditoriums, churches, theaters, stadiums, assembly halls and similar places of public and quasi-public assembly having fixed seating facilities: one parking space for every four seats in the main assembly unit.
- (l) Auditoriums, exhibition halls, assembly halls, union halls, community centers and similar places of public and quasi-public assembly not having fixed seating facilities: one parking space for every four persons who may legally be admitted therein at one time under the state fire prevention laws.
- (m) Institutional uses for care of the ill or aged: one parking space for every four beds, plus one additional parking space for every two employees and members of the staff in the largest working shift.
- (n) Mortuaries and funeral homes: two parking spaces for every 50 square feet of floor area in the slumber rooms, parlors or individual funeral service rooms.
- (o) Public utility installations: five spaces.
- (p) Parks and other outdoor recreation sites: five parking spaces for each gross acre of land up to 50 acres, and one parking space per gross acre of land above 50 acres.
- (q) Industrial manufacturing establishments: one parking space for each employee, plus one space for each 1,000 square feet of gross floor area in the buildings for use by visitors to the building or buildings. The employee ratio shall be applied to the shift of work activity that has the greatest number of employees. Such parking area may be located in the required yard area, but shall not be located within a buffer area as required by this chapter.
- (r) Home occupations: one parking space for each 150 square feet of space used for home occupation.
- (s) Hospital/medical center:
 - [1] One space for every two beds.
 - [2] One space for every 150 square feet of professional office, clinic and outpatient facilities.

- [3] One space for every three employees, doctors or students.

(t) Vertical parking garages.

- [1] Vertical parking garages shall be treated as an accessory building within the zone district of its location; however, setbacks shall be a minimum of 30 feet from any property line or the height of the structure, whichever is the greater.
- [2] Any site plan application for a vertical parking garage shall include design data on structural bearing capacities, anticipated loads, soil bearing and compaction tests.
- [3] All plans and structures shall be subject to those applicable standards as set forth by appropriate federal, state, county and local agencies.
- [4] All roof lighting shall be properly shielded so as not to produce glare affecting surrounding properties or any other buildings on the site.
- [5] To reduce visual blight and increase safety, the space between the floors shall be of the same material and aesthetic design as the principal structures. Provisions for adequate ventilation must be provided so as to eliminate lingering noxious fumes and odors. The roof shall be enclosed with a solid masonry parapet four feet high around the entire perimeter.
- [6] Levels permitted above-grade shall have a maximum height of 40 feet.
- [7] An off-street waiting area capable of holding 5% of the total parking capacity within the structure shall be provided on the site.
- [8] Ingress and egress points shall be subject to the approval of the Planning Board based on reports from the City Engineer, Traffic Bureau and Public Works and Division of Planning so as to minimize traffic congestion and hazard. No access point shall be closer than 150 feet of any street intersection.
- [9] Parking space; aisle width. See Subsection D(1)(y).

(u) Other regulations.

- [1] Nursing homes. See Subsection D(1)(m).
- [2] Single family. See Subsection D(1)(a).
- [3] Loading. See § 345-43.

(v) Delicatessens: one space for every two employees. There shall be one additional

parking space for every 100 square feet of building area or major fraction thereof.

- (w) Arcade: one parking space for every 25 square feet of floor area plus one space for each employee.
 - (x) Convenience store: one space for each 100 square feet of floor area.
 - (y) Health spa/gym: two parking spaces per each apparatus, plus one parking space per each 100 square foot of floor area, plus one parking space per paid employee.
 - (z) Active recreational sports, exposition and entertainment facility: two parking spaces per each apparatus, plus one parking space for each 100 square feet of floor space, plus one parking space per employee. [Added 2-14-1995 by Ord. No. 8-95^{EN(36)}]
- (2) Parking space size shall be nine feet by 18 feet minimum. Aisle widths shall be as follows:

Aisle Width		
Angle (degrees)	One-Way (feet)	Two-Way (feet)
30° or 45°	12	20
60°	22	22
90°	25	25

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE V, Special
Regulations / § 345-43. Off-street loading and unloading provisions.**

§ 345-43. Off-street loading and unloading provisions.

- A. For every building, structure or part having over 5,000 square feet of gross building area erected and occupied for commerce, hospital, laundry, dry cleaning, places of public and quasi-public assembly, industry and other similar uses involved in the receipt and distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading and unloading services in order to avoid undue

interference with the public use of streets or alleys. Every building structure or addition having a use which complies with the above definition shall be provided with at least one truck standing, loading and unloading space on the premises not less than 12 feet in width, 35 feet in length and 14 feet in height. One additional truck space of these dimensions shall be provided for every additional 20,000 square feet, or fraction thereof, of gross area in the building.

- B. Access to truck standing, loading and unloading space shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and will permit orderly and safe movement of truck vehicles.
- C. Loading space as required under this section shall be provided an area in addition to off-street parking space and shall not be considered as supplying off-street parking space.
- D. Off-street loading and unloading areas shall be surfaced with a dustless, all-weather pavement, which shall be adequately drained, all subject to the approval of the City Engineer.
- E. Whenever an off-street loading and unloading area shall be located next to a residential zone, the loading and unloading area shall be suitably screened and buffered in accordance with § 345-42B(1) and (3).

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE V, Special
Regulations / § 345-44. Swimming pools. [Amended 6-22-1993 by Ord. No.
19-93EN]**

§ 345-44. Swimming pools. [Amended 6-22-1993 by Ord. No. 19-93EN(37)]

All swimming pools shall be constructed and erected in accordance with the local Health Department regulations and existing ordinances. (See Chapter 303, Swimming Pools, Article II, Public Recreational Bathing Places.) Swimming pools may not be located in any front yard area and must be set back at least 10 feet from any side or rear lot line. All swimming pools must be enclosed by a minimum four-foot-high fence or wall. Swimming pools shall be considered as a permitted accessory use when located on a site containing a permitted residential use.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE V, Special
Regulations / § 345-45. Environmental standards.**

§ 345-45. Environmental standards.

As a condition of approval and the continuance of any use, occupancy of any structure and operation of any process or equipment, the applicant shall supply evidence, satisfactory to the Planning Board or to its designated representative, that the proposed use, structure, process or equipment will conform fully with all of the applicable performance standards. As evidence of compliance, the Board may require certification of tests by appropriate government agencies or by recognized testing laboratories, any costs thereof to be borne by the applicant. The Planning Board may require that specific operating procedures or methods be followed or that specific types of equipment, machinery or devices be installed if the government agencies or testing laboratories examining the proposed operation shall determine that the use of such specific types of machinery, equipment, devices, procedures or methods is required in order to ensure compliance with the applicable performance standards. Permits and certificates required by other government agencies shall be submitted to the Planning Board as proof of compliance with applicable codes.

- A. Preservation of natural features. No structure shall be built within any drainage or conservation easement or, in their absence, within 100 feet of the top of the bank of a flowing body of water. No building shall be constructed within the floodplain of any stream or on land subject to periodic overflow or on land which has an average water table within two feet of the ground surface. No persons, firms or corporations shall strip, excavate or otherwise remove soil for sale or other use other than on the premises from which taken, except in connection with the construction or alteration of a building on such premises and excavating or grading incidental thereto, or except as hereinafter specified or pursuant to the terms of Chapter 290, Soil Removal. Existing natural features such as trees, brooks and drainage channels shall be retained. Whenever such features interfere with the proposed use of such property, a retention of the maximum amount of such features consistent with the use of the property shall be required, wherever possible, at the discretion of the Planning Board.
- B. Noise. [Amended 6-22-1993 by Ord. No. 19-93]
- (1) Any noise produced on any premises or within any structure shall not be in excess of the standards set by the Department of Labor, Occupational Safety and Health Administration, occupational safety and health standards and applicable established federal standards.
 - (2) Any noise produced on any premises or within any structure shall not be in excess of standards as set forth in Chapter 235, Noise. This subsection, if governed by a state or federal legislation, regulation or standard, shall be deemed to be superseded by said state or federal legislation, regulation and/or standard.

- C. Air pollution. All standards and provisions of the New Jersey State Department of Environmental Protection Air Pollution Control Codes, as amended or supplemented, shall be complied with.
- (1) Smoke. In any nonresidential zone, smoke shall not be emitted into the open air from any fuel-burning equipment in excess of the standards set by the New Jersey Department of Environmental Protection, New Jersey Air Pollution Control Code, Chapter 4, Control and Prohibition of Air Pollution by Smoke, as amended or supplemented.
 - (2) Solid particles.
 - (a) In any zone there shall be no discharge of solid particles through a stack, duct or vent in excess of the standards set by the New Jersey Department of Environmental Protection, New Jersey Air Pollution Control Code, Chapter 7, Control and Prohibition of Solid Particles, as amended or supplemented.
 - (b) No open burning shall be permitted in any zone except in compliance with the New Jersey State Department of Environmental Protection Air Pollution Control Code, Chapter 2, Control and Prohibition of Open Burning, as amended or supplemented.
 - (c) All incinerators shall be approved by the New Jersey Department of Environmental Protection and comply with all standards and provisions of the New Jersey Department of Environmental Protection, New Jersey Air Pollution Control Code, Chapter 11, Control and Prohibition of Air Pollution from Incinerators, as amended or supplemented.
 - (d) No coal or coke shall be used to heat or cool any building or used in any process.
 - (e) Any road, parking area, driveway, truck loading or unloading station or any other exterior area having a substantial movement of vehicles or equipment shall be paved or otherwise stabilized during construction sufficiently to minimize the generation of dust from the movement of such vehicles or equipment.
- D. Odors. In any zone, odorous material shall not be emitted into the atmosphere in quantities sufficient to be detected without instruments or in excess of the standards and provisions set by the New Jersey Department of Environmental Protection, New Jersey Air Pollution Control Code, Chapter 6, Prohibition of Air Pollution, as amended or supplemented. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained. Table 1 (Odor Thresholds in Air) in Part 1 (Odor Thresholds for 53 Commercial Chemicals) of Research on Chemical Odors, copyrighted October 1968 by the Manufacturing Chemists Association, Inc., Washington, D.C., shall be used as a guide in determining quantities of offensive odors.

- E. Liquid waste. No liquid waste shall be discharged (directly or indirectly) into any watercourse except as to conform to federal, state and local statutes, laws, rules and regulations, as amended or supplemented. [Amended 6-22-1993 by Ord. No. 19-93]

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE V, Special
Regulations / § 345-46. Arcades.**

§ 345-46. Arcades.

- A. Gambling devices not permitted. Nothing in this section shall in any way be construed to authorize, license or permit any gambling devices whatsoever or any mechanism that has been judicially determined to be a gambling device or in any way contrary to law or that may be contrary to any future laws of the State of New Jersey.
- B. License required. Any person, firm, corporation or association displaying for public patronage or keeping for operation any mechanical or electronic amusement device shall be required to obtain a license from the City of Long Branch as set forth in Chapter 106, Amusements.
- C. Exclusions. Nothing in this section shall prohibit any person, firm, corporation or association operating within the City of Long Branch from offering for public patronage or keeping for operation two mechanical or electronic amusement games.
- D. Parking. There shall be one parking space for every 25 square feet of floor area plus one parking space for each employee.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE V, Special
Regulations / § 345-47. Adult entertainment uses. [Added 2-14-1995 by Ord. No. 6-95]**

§ 345-47. Adult entertainment uses. [Added 2-14-1995 by Ord. No. 6-95]

- A. In the development and execution of this section it is recognized that there are certain uses which, because of their very nature, are recognized as having serious objectionable operational characteristics. Such uses create and promote a deleterious effect on the City's neighborhood characteristics, administration of schools and the commercial and economic viability of the community. Adult entertainment uses are such uses. In order to prevent the deterioration of the community, to preserve the neighborhoods of the City of Long Branch, to

ensure the economic prosperity of the community and to provide for the protection and well-being of the quality of life in the City of Long Branch, certain regulations are necessary to prevent these adverse effects.

- B. Adult entertainment uses are prohibited in all zones, except where expressly permitted.
- C. In any zone where adult entertainment uses are expressly permitted, however, no adult entertainment use shall be located within 100 feet of any of the following:
 - (1) Churches, monasteries, chapels, synagogues, convents and rectories.
 - (2) Schools, up to and including the 12th grade, and their adjunct play areas.
 - (3) Public playgrounds, public swimming pools, public parks and public libraries.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VI,
Supplementary Regulations**

ARTICLE VI, Supplementary Regulations

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VI,
Supplementary Regulations / § 345-48. Garden apartment projects of 20 or more
units.**

§ 345-48. Garden apartment projects of 20 or more units.

- A. Area and yard requirements. Area and yard requirements shall be as follows:
 - (1) Lot area ratio. In no case shall any structure or development contain more than one dwelling unit per 3,100 square feet of the lot area.
 - (2) Lot coverage. Not more than 35% of the lot area shall be occupied by buildings nor more than a total of 60% maximum coverage of all structures, including parking.
 - (3) Yards.
 - (a) Frontage. The front building line along each street accepted for public maintenance shall not be less than the prescribed standard for each zone in which garden apartments shall have frontage of not less than 200 feet on at least one street

accepted for maintenance by the City. The front yard setback shall be in accordance with the requirements of the schedule for the applicable zone.

- (b) Buffer strip. There shall be a buffer strip along the entire perimeter of the property, exclusive of the front yard, of at least 10 feet in width, measured inward from the property line and suitably landscaped with grass and/or ground cover, shrubs and trees.
 - (c) Courtyards. Courtyards bounded on three or more sides by the wings of the same building or by the walls of separate buildings shall have a minimum court width of two feet for each one foot in height of the tallest building.
 - (d) Buildings prohibited in buffer strip. No buildings, including garages, other accessory structures, interior streets and driveways, parking areas, drying yards or play areas may be located in the buffer strips. Ingress and egress driveways may be permitted in the front yard, but nothing herein contained shall be construed to permit parking areas in the front yard.
 - (e) Setback. Every building shall have a minimum setback of 10 feet from all interior development roads, driveways and parking areas.
 - (f) Garages. Garages not a part of a garden apartment dwelling structure and accessory buildings shall be located at least 10 feet from the nearest building wall of a garden apartment dwelling structure.
 - (g) Proximity to other structures. No garden apartment dwelling structure shall be located within 25 feet of another such structure.
 - (h) Garbage collection. Garbage and refuse storage and collection areas shall be provided with each apartment or motel or hotel project in the appropriate numbers and locations to serve the convenience of the residents and/or operation. Such areas shall be screened from view but in suitable locations to permit the use of dumpsters, which shall be required. Such areas shall not be located in any front yard.
- B. Off-street parking. There shall be provided on site two off-street parking spaces for each dwelling unit.
- C. Building requirements.
- (1) The owner and/or builder shall be required to erect no less than 20 dwelling units in the initial phase of construction. No building permits shall be issued for fewer than 20 units, except as an addition to an existing garden apartment dwelling structure, and no occupancy permit shall be issued until such minimum number of units has been completed. Additions to existing apartment units shall be submitted in accordance with

the procedure for new applications.

- (2) All buildings shall be not more than 2 1/2 stories and not in excess of 30 feet in height.
- (3) There shall be no dwelling unit below the first floor nor above the second story of any structure with the exception of one dwelling unit for the use of a building superintendent. Fire walls of approved masonry construction shall be provided from the cellar to the roof, separating every two dwelling units. The exterior of the buildings shall be of brick veneer construction.
- (4) Each dwelling unit shall contain complete kitchen facilities and toilet, bathing and sleeping facilities, as well as living space, and shall have a minimum gross floor area in accordance with the following schedule:
 - (a) One-bedroom dwelling units and/or efficiency units shall have a minimum of 700 square feet of floor area.
 - (b) Two-bedroom dwelling units shall have a minimum of 1,000 square feet of floor area.
 - (c) Three-bedroom dwelling units shall have a minimum of 1,500 square feet of floor area.
- (5) There shall be not more than 20 dwelling units in each building or structure.
- (6) In addition to any storage area contained inside individual dwelling units, there shall be provided for each dwelling unit 200 cubic feet of storage area in a convenient, centrally located area in the basement or ground floor of the dwelling structure or elsewhere where personal belongings and effects may be stored without constituting a fire hazard and where the belongings and effects may be kept locked and separated from belongings of other occupants. There shall be a further minimum common storage area in each building for bicycles, perambulators and similar type of equipment of 50 cubic feet per dwelling unit.
- (7) The total number of one-bedroom or efficiency apartments shall not be less than 80% of the entire project.
- (8) Every dwelling unit shall have a front and rear entrance through a full-size door. Such entrance shall lead only to an interior hallway or stairway with ground level outdoor access to a parking lot.

D. Signs.

- (1) One nonilluminated project identification sign shall be permitted on each public street on

which the garden apartment development has frontage and which may bear only the name of the project, the street address and the presence or lack of vacant units. Such sign shall not exceed 12 square feet in area on either side and six feet in height and shall be situated within the property lines but not attached to the building.

- (2) No other signs, other than pedestrian and vehicular directional signs, shall be visible from the premises.

E. Open space and recreation. (See §§ 345-11X and 345-18.)

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VI,
Supplementary Regulations / § 345-49. Two- to four-family dwellings.**

§ 345-49. Two- to four-family dwellings.

- A. The minimum lot size and area and yard requirements for one-family homes in the zoning district in which the structure is proposed shall apply. Each dwelling unit in excess of one shall require an additional 15 feet lot frontage and an additional 2,000 square feet of area.
- B. Off-street parking facilities shall be provided on the premises in the rear and side yards, but not in the front yard, of not less than two parking spaces per unit. A parking space shall be no less than nine feet in width and 18 feet in length. There shall be provided on site 2 1/2 parking spaces per dwelling unit.
- C. Each dwelling unit shall contain complete kitchen facilities and toilet, bathing and sleeping facilities, as well as living facilities, and shall have a minimum gross floor area in accordance with the following schedule:
 - (1) One-bedroom dwelling units and/or efficiency units shall have a minimum of 600 square feet of floor area.
 - (2) Two-bedroom dwelling units shall have a minimum of 800 square feet of floor area.
 - (3) Three-bedroom dwelling units shall have a minimum of 1,000 square feet of floor area.
 - (4) Four- or more bedroom dwelling units shall have a minimum of 1,500 square feet of floor area.
- D. In addition to any storage area contained inside individual dwelling units, there shall be provided for each dwelling unit 200 cubic feet of storage area in a convenient, centrally located area in the basement or ground floor of the dwelling structure or elsewhere where personal belongings and effects may be stored without constituting a fire hazard and where

such belongings and effects may be kept locked and separated from belongings of other occupants. There shall be a further minimum common storage area in each building for bicycles, perambulators and similar types of equipment of 50 cubic feet per dwelling unit.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VI,
Supplementary Regulations / § 345-50. Mid-rise apartments.**

§ 345-50. Mid-rise apartments.

A. Permitted accessory uses. Permitted accessory uses shall be as follows:

- (1) Professional offices located within the interior of the mid-rise building, provided that:
 - (a) Such offices are located on the first and second floors only.
 - (b) A minimum of four off-street parking spaces shall be provided for each office.
- (2) Restaurants, cocktail lounges and places of entertainment shall be permitted on the top floor or roof and below the third floor of the building.

B. Area and yard requirements.

- (1) Lot area (ratio). In no case shall any structure or development contain more than one dwelling unit per 1,200 square foot of lot area.
- (2) Lot coverage. In no case shall the lot area to be occupied by buildings exceed 35%.
- (3) Yard requirements.
 - (a) Each mid-rise apartment structure shall have a front yard having a minimum depth of 50 feet or a depth equal to 1/2 of the height of the building for which the front yard is being measured, whichever is greater. Each mid-rise apartment lot shall have a frontage of not less than 200 feet on at least one street accepted for maintenance by the City.
 - (b) Each mid-rise apartment structure shall have a minimum setback from any side lot line or rear lot line a distance of 50 feet or 1/2 of the height of the building for which the side yard is being measured, whichever is greater. There shall be a buffer strip along the entire perimeter of the property exclusive of the front yard, which may be included when measuring required building setback, of at least 10 feet in width measured inward from the property line and suitably landscaped with grass and/or ground cover, shrubs and trees.

- (c) Where more than one mid-rise apartment structure is placed upon a single lot, the minimum distance between such structures shall be a distance equal to the height of the taller of the two buildings for which the separation distance is being measured.
 - (d) No buildings, including garages, other accessory structures, interior streets and driveways, parking areas, drying yards or play areas, may be located in the buffer strips. Ingress and egress driveways may be permitted in the front yard, but nothing herein contained shall be construed to permit parking areas in the front yard.
 - (e) Every building shall have a minimum setback of at least 10 feet from all interior development, roads, driveways and parking areas.
 - (f) Garages and other accessory buildings shall be located at least 20 feet from the nearest building wall of a mid-rise apartment structure.
 - (g) At least 25% of the area of the lot on which one or more mid-rise apartment structures are to be erected shall be planted and landscaped as open lawn areas. Up to 1/2 of the required planted and landscaped open lawn area may be provided on the roof of a portion of the structure which is not more than one story in height above the level of any through street abutting the property.
- C. Off-street parking. There shall be provided on site 2 1/2 off-street parking spaces for each dwelling unit.
- D. Building requirements.
- (1) All buildings shall have a maximum height of six stories.
 - (2) Each dwelling unit shall contain complete kitchen facilities and toilet, bathing and sleeping facilities, as well as living space, and shall have a minimum gross floor area in accordance with the following schedule, provided that at least 90% of the units shall contain no greater than two bedrooms and not more than 10% of the units shall contain three bedrooms. Units containing more than three bedrooms shall not be permitted.
 - (a) One-bedroom dwelling units and/or efficiency units shall have a minimum of 700 square feet of floor area.
 - (b) Two-bedroom dwelling units shall have a minimum of 900 square feet of floor area.
 - (c) Three-bedroom dwelling units shall have a minimum of 1,200 square feet of floor area.
 - (3) In addition to any storage area contained inside individual dwelling units, there shall be provided for each dwelling unit 200 cubic feet of storage area in a convenient, centrally

located area in the basement or ground floor of the dwelling structure or elsewhere where personal belongings and effects may be stored without constituting a fire hazard and where the belongings and effects may be kept locked and separated from belongings of other occupants. There shall be a further minimum common storage area in each building for bicycles, perambulators and similar types of equipment of 50 cubic feet per dwelling unit.

E. Signs.

- (1) One project identification sign shall be permitted and shall not exceed 15 square feet in area on either side and eight feet in height and shall be situated within the property lines but not attached to the building. The sign may include only the name of the project, the street address, the presence or lack of vacancies and the availability of supporting or recreational facilities on the premises.
- (2) No other signs, other than pedestrian and vehicular directional signs, shall be visible from off the premises.

F. Open space and recreation. (See §§ 345-11X and 345-18.)

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VI,
Supplementary Regulations / § 345-51. Garden and mid-rise apartments and
motels.**

§ 345-51. Garden and mid-rise apartments and motels.

- A. See § 345-42D(2) for requirements as to interior road aisle widths.
- B. Parking areas shall be located within reasonable proximity of dwelling units which they serve, and such structures shall be provided with a direct means of entry. Parking stalls shall be nine feet wide by 18 feet in length. Pedestrian walks shall be at least four feet in width and shall have four-inch-thick concrete surface on a cinder or gravel fill and shall be provided wherever normal pedestrian traffic will occur. Parking areas and driveways shall be constructed as herein specified: Grade to an even surface and compact earth with a ten-ton roller, apply four inches of clean stone, compacted with a ten-ton roller and penetrated with a bituminous sealer (OA4) at a quantity of two gallons per square yard, then top with a one-inch layer of asphalt FABC or equivalent.
- C. Sufficient laundry, drying, garbage pickup and other utility areas must be provided and shall be located with a view both to convenience and to minimizing any detrimental effect on the aesthetic character of the development and shall be enclosed and shielded from view by

fencing, walls or shrubbery of at least six feet in height around the perimeter. Fencing and walls shall not be less than 30% nor more than 50% open to the vertical surface.

- D. Interior development roads and pedestrian walks shall be provided with shade trees which are of minimum size and character and malls between buildings residents, and border strips along the sides of pedestrian walks shall be graded and seeded to provide a thick stand of grass or other plant material. Approaches to dwelling structures and entrance areas shall be attractively shrubbed.
- E. Topsoil shall not be removed from the site during construction but shall be stored and redistributed to areas most exposed to view by occupants and the public, and such areas shall be stabilized by seeding or planting.
- F. Interior development roads, parking areas, dwelling to entranceways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and motor vehicles utilizing the same and shall, where necessary, be shielded to avoid disturbing glares to occupants or buildings. Lighting shall be so arranged as to reflect away from all adjoining residential buildings.
- G. The land shall be so graded, paved areas so pitched and storm drains and catch basins so located as to provide rapid runoff of stormwater disturbing to occupants, under the normal range of water conditions, as may be required by the City Engineer.
- H. Other standards and conditions relating to the site plan and to curbing, driveways, parking areas, pedestrian walks, landscaping and planting not otherwise specified herein may be attached as conditions by the Planning Board and further by the City Council in the event that it renders final approval.
- I. Refuse disposal facilities shall be enclosed and removed from sight in addition to meeting the requirements of § 345-48A(3)(h). Dumpster service may be requested by the City at the owner's expense.
- J. When such facilities as air-conditioning units, auxiliary generators and similar equipment are located upon the ground outside of the main structure of any mid-rise apartment, garden apartment or motel complex, these facilities shall be suitably enclosed by masonry walls which complement the principal building or buildings, and the installation shall be in accordance with a site plan approved by the Planning Board and the Board of Adjustment if a variance is necessary before a certificate of occupancy may be issued. When individual air-conditioning units are installed in any mid-rise apartment, garden apartment or motel complex, they shall not extend outward beyond the exterior face of the building adjacent to their location unless they are suitably trimmed so that they blend with and do not detract from the architectural design and appearance of the finished structure.

K. Open space and recreation. (See §§ 345-11X and 345-18.)

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VI,
Supplementary Regulations / § 345-52. Additional requirements for hotels/motels
in the C-4 Zone District. [Amended 5-14-1996 by Ord. No. 15-96]**

**§ 345-52. Additional requirements for hotels/motels in the C-4 Zone District. [Amended
5-14-1996 by Ord. No. 15-96]**

- A. The minimum land area shall be 700 square feet for each hotel or motel occupancy room.
- B. The minimum number of hotel or motel occupancy units in any hotel or motel shall be 50.
- C. The minimum size of any hotel or motel occupancy unit shall be 300 square feet.
- D. The maximum lot coverage by a hotel or motel building shall be 35%.
- E. Off-street parking space shall be provided in the following ratios: one for each hotel or motel occupancy unit; one for each 50 square feet of dining floor area; one for each eight seats in any area for public assembly; one for each two employees of the hotel or motel and any concession or rental space; and one space for every 150 square feet of office area. This subsection may be met by the use of a reasonably remote parking site or as outlined in § 345-42B(5).
- F. Refuse disposal facilities shall be enclosed and hidden from sight from streets. Dumpster service may be requested by the City at the owner's expense.
- G. Where more than one building is to be constructed on a single lot, the distance between them shall be 25 feet or 1/2 the height of the tallest building, whichever is greater.
- H. Any wall of a hotel or motel building which faces a public street shall be architecturally designed as a front wall even when it is not, in fact, a front wall.
- I. Interior roads shall have a minimum width of 12 feet for one-way traffic and 24 feet for two-way traffic, shall be so designed as to minimize hazards to pedestrians and to motor vehicles operated in and on such roads and in areas adjacent to such roads and shall comply with requirements of the City of Long Branch as set forth in Chapter 300, Subdivision of Land.
- J. Parking stalls shall be nine feet wide and 18 feet in length. Pedestrian walks shall be at least four feet in width and shall have four-inch-thick concrete surface on a cinder or gravel fill and shall be provided wherever normal pedestrian traffic will occur. Parking areas and

driveways shall be constructed as herein specified: Grade to an even surface and compact earth with a ten-ton roller, apply four inches of clean stone, compacted with a ten-ton roller and penetrated with a bituminous sealer (OA4) at a quantity of two gallons per square yard, then top with a one-inch layer of asphalt FABC or equivalent.

- K. Interior development roads and pedestrian walks shall be provided with shade trees which are of a minimum size and character. Open space adjacent to buildings and malls between buildings to be utilized by residents and border strips along the site of pedestrian walks shall be graded and seeded to provide a thick stand of grass or other plant material.
- L. Topsoil shall not be removed from the site during construction but shall be stored and redistributed to areas most exposed to view by occupants and the public, and such areas shall be stabilized by seeding or planting.
- M. Interior development roads, parking area, dwelling entranceways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and motor vehicles utilizing the same and shall, where necessary, be shielded to avoid disturbing glares to occupants or buildings. Lighting shall be so arranged as to reflect away from all adjoining residential buildings.
- N. The land shall be so graded, paved areas so pitched and storm drains and catch basins so located as to provide rapid runoff to stormwater disturbing to occupants, under the normal range of water conditions, as may be required by the City Engineer.
- O. Buildings shall not be closer than 10 feet in interior roads or parking areas.
- P. Other standards and conditions relating to the site plan and to curbing, driveways, parking areas, pedestrian walks, landscaping and planting not otherwise specified herein may be attached as conditions by the Planning Board and further by the City Council in the event it renders final approval.
- Q. Area and bulk requirements shall be as specified in § 345-7, except that when 1/2 of the building height exceeds the required front yard, the building height shall be the required front yard setback.^{EN(38)}

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VI,
Supplementary Regulations / § 345-53. Townhouse complexes.**

§ 345-53. Townhouse complexes.

A. Townhouse complex and parcel requirements.

- (1) The minimum frontage of a townhouse parcel upon a duly-accepted public street, improved at least to the standards of the street specifications of the City of Long Branch, shall be 150 feet.
- (2) Each townhouse structure shall have a front yard, having a minimum depth of 35 feet from the parcel property line. Each townhouse structure shall be set back from any side or rear lot line a minimum distance of 20 feet.
- (3) There shall be not more than 12 townhouse dwelling units per gross acre of townhouse parcel or such lesser density as is specified in the individual zone regulations. In the event that the parcel site to be developed as townhouse dwelling units is less than one gross acre in size, the maximum number of townhouse dwelling units to be developed thereon shall be reduced proportionately. The minimum parcel site to be developed as townhouse dwelling units shall consist of 30,000 square feet. [Amended 9-24-1996 by Ord. No. 31-96]
- (4) All portions of a townhouse parcel shall be either lotted and sold, offered for dedication to and accepted by the City or put into common ownership pursuant to the Condominium Act of 1970, N.J.S.A. 46:8B-1, or a similar or comparable ownership arrangement consistent therewith.^{EN(39)}
- (5) Every townhouse dwelling within a complex shall be served by public water and public sanitary sewer, which shall be installed by and at the expense of the developer. In addition, the developer shall install, at his own expense, roads, drives, parking facilities, all-weather pedestrian walkways, streetlights, fire hydrants and any other improvements, such as drainage facilities, as required in accordance with the standards and ordinances of the City of Long Branch, except where specific waiver is granted as provided for within the standards and ordinances of the City of Long Branch.
- (6) All utilities within a townhouse complex shall be installed underground.
- (7) The City shall require all streets or drives within the complex which do not directly implement the proposals or the comprehensive plan or Official Map for the City and do not provide a direct connection between existing streets outside the complex, to be transferred to the ownership of a homeowners' association for maintenance and repairs. Any street transferred to such ownership shall be constructed to the standards of the City of Long Branch for minor streets to a width of not less than 25 feet.
- (8) For purposes of meeting the requirements of 2 1/2 off-street parking spaces per townhouse dwelling unit, it shall be proposed where there is a separate driveway to a townhouse dwelling unit with a garage at the end of the driveway of such townhouse

unit to count the garage as one off-street parking space and the driveway leading to the garage as another off-street parking space.

- (9) Wherever medial grass strips or other landscaped areas are proposed which will be visible to the general public within the development, the covenants and/or agreements of the maintenance of such areas by that association shall apply to such areas.
- (10) Lot, yard, area and bulk requirements not otherwise provided for in this section shall be as specified in § 345-7, where applicable.
- (11) Interior development, roads, parking areas and driveways. All interior development and parking areas shall be set back a minimum of 20 feet from any side yard or rear yard property boundary. All interior roads and driveways shall be set back a minimum of 10 feet from any side or rear yard property boundary and an additional 10 feet from any interior development.
- (12) Open space and recreation. (See §§ 345-11X and 345-18.)

B. Townhouse private areas requirements.

- (1) Each townhouse dwelling unit shall have a private ground area or areas accessible from within the dwelling unit and to adjacent open space, having a total area of at least 400 square feet.
- (2) Each townhouse shall have direct access to common open space or public land or street from either the front or rear. Under no circumstances shall the arrangement of townhouses require the crossing of one townhouse lot or private ground area in order to achieve access to another townhouse.
- (3) No detached accessory buildings shall be permitted within the private ground area. Accessory structures shall be within the private ground area and shall be limited to normal residential activities, such as outdoor barbecues, fireplaces and trellises, not exceeding the height of the fence or wall enclosing the private ground area.

C. Townhouse structure requirements.

- (1) Not less than three or more than eight townhouse dwelling units shall be contained within any one townhouse structure.
- (2) The front facade of any townhouse structure shall not continue on the same plane for a distance of more than the width of two adjacent units. Offsets between front facade planes shall be at least four feet and not more than 20 feet.
- (3) An overall theme of designs and architectural modes shall be utilized within every

townhouse complex for the purpose of presenting an aesthetically desirable effect and shall be such that they provide varied building elevations, design and structural appearance within the context of the overall theme. Identical front facades for townhouse dwelling units shall not be repeated at a closer interval than every third dwelling unit. Each townhouse dwelling unit shall have at least two shade trees.

- (4) The minimum distance between townhouse structures shall be as follows: end to end, 15 feet; end to back, 30 feet; back to back, 50 feet; front to back, 40 feet; front to front, 30 feet; and front to end, 30 feet, measured perpendicular to the walls of the structure. In no event shall one townhouse structure be closer to another townhouse structure, measured at any angle, than 15 feet.
- (5) No townhouse structure shall be located closer than 10 feet to any original townhouse parcel boundary.
- (6) The maximum height of any townhouse structure shall be 35 feet and shall not exceed three stories as measured from the average finished grade immediately adjacent to the structure.
- (7) There shall be two exits for each townhouse structure.

D. Townhouse dwelling unit requirements.

- (1) The minimum floor area of a townhouse dwelling unit shall be 1,100 square feet for a one-bedroom dwelling and 1,200 square feet for a two-bedroom dwelling, of which at least 600 square feet shall be on the first floor. Each townhouse dwelling unit shall be a minimum of two stories in height.
- (2) No floor area of a room having more than 1/2 of its height below the average finished grade immediately adjacent to the structure shall be countable toward meeting the minimum floor area requirement for dwelling units.
- (3) Every townhouse dwelling unit shall have direct access to the private area which is provided for that dwelling. When fences are to be used, they shall be all uniform and comply with § 345-41.
- (4) Each dwelling unit shall contain complete kitchen facilities and toilet, bathing and sleeping facilities.
- (5) Each dwelling unit shall contain a minimum of 300 cubic feet of storage area. This area may be within the confines of the garage (if one is proposed). The storage may not infringe upon the ten-foot-by-twenty-foot area within the garage designated as the parking space.

- (6) Each dwelling unit shall have a minimum width of 20 feet.

E. Application procedures.

- (1) At the time of application for a site plan approval as required by § 345-14, the development shall submit plans showing all information required on the application for subdivision classification if individual lots are to be created and to show areas to be used for dwelling units, specifying the location of the various types of dwelling units proposed, the density of the proposed complex, the proposed arrangement of structures, parking and utilities, including drainage facilities, proposed on each lot and in all open space. Typical elevations of all sides of the proposed structure and typical floor plans of proposed dwelling units shall also be submitted. Such plans shall be accompanied by appropriate written information to supplement them as required to provide full information to the City on the proposed complex. Such plans shall also be accompanied by the proposed agreements, covenants and restrictions which will affect the parcel, common areas and lots, to include the provisions for maintenance of open space and common areas and the proposed recourse to be provided to the City in the event of nonperformance of maintenance responsibility. Such plans shall also include a proposed form of the performance bond or bonds to guarantee the completion of all utilities, streets and drainage facilities proposed to be constructed by the applicant. The amount of such bond shall be determined by the procedures which would apply to a major subdivision whether or not subdivision is actually contemplated.^{EN(40)}
- (2) A sketch plan of sufficient detail to show intent may be submitted informally to the Planning Board for discussion purposes prior to formal application for a permit at the discretion of the developer.
- (3) During its review of the proposed townhouse complex, the Planning Board shall determine that the proposal meets all the requirements of this and all other applicable City ordinances and standards and that the design of structures is consistent with the intent of securing thematic architectural designs and treatments and that the site planning is consistent with the intent of creating attractive and usable open space, preserving desirable natural features and tree cover and offering maximum visual protection to adjacent property.
- (4) A certificate of occupancy may be issued upon the completion of each townhouse dwelling structure, provided that the installation of all utilities, all-weather pedestrian walkways, parking areas, roads or other improvements required affecting that particular structure have been completed in a satisfactory manner.

F. Pending applications and variances.

- (1) All applications for townhouse development filed with the Planning Board or Board of Adjustment prior to the introduction date of this chapter (March 12, 1991) may be continued and decided under those ordinances in effect as of the date of such filing, but any appeals arising out of decisions made on any such application shall be governed by the provisions of such ordinance in effect at the time of such appeal.
- (2) All applicants who were granted variances for townhouse development by the Planning Board or Board of Adjustment prior to the introduction of this chapter, which as a result of the passage of this chapter would have expired as a result of the one-year limitation set forth Chapter 69, Land Use Procedures, § 69-24, Period of limitation, is hereby granted an additional ninety-day period from this date in which to obtain a building permit and comply with § 69-24.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VI,
Supplementary Regulations / § 345-54. Modification of standards for senior
citizen's housing.**

§ 345-54. Modification of standards for senior citizen's housing.

Garden apartment or mid-rise apartment structures may be specified for and restricted to occupancy by senior citizens, as that term may be defined by the United States Department of Housing and Urban Development and the New Jersey Department of Community Affairs. In that event, the following standards shall override and augment the regulations of §§ 345-48 and/or 345-50 and/or 345-51 as appropriate. Except where contradiction or augmentation exists, however, the regulations of those sections shall apply.

- A. No dwelling unit shall contain more than two bedrooms, and at least 80% of all units shall have not more than one bedroom.
- B. Efficiency units shall have a minimum of 500 square feet of floor area.
- C. One-bedroom units shall have a minimum of 650 square feet of floor area.
- D. Two-bedroom units shall have a minimum of 800 square feet of floor area.
- E. No more dwelling units shall be constructed than permitted by the following lot area requirements per unit:

- E. No more dwelling units shall be constructed than permitted by the following lot area requirements per unit:

Number of Stories	Lot Area Per Dwelling Unit (square feet)
2 to 5	2,100
6 to 7	1,000

- F. Off-street parking shall be provided on the basis of the number of bedrooms per unit as follows:
 - (1) Efficiency units: 0.75 spaces per unit.
 - (2) One-bedroom unit: 0.75 spaces per unit.
 - (3) Two-bedroom units: 1.00 spaces per unit.
- G. In addition to professional offices, a short-term first aid room or infirmary for minor treatment and short-term resident care may be established on one of the first two floors of a mid-rise apartment.
- H. The architectural design of all buildings shall be consistent with the creation of independent, self-reliant and pleasant living atmosphere for a group of older persons requiring indoor and outdoor privacy, participation in social and community activities and having limited or restricted mobility. As a minimum, 10% of the lot area should be devoted to common recreation area.
- I. All buildings shall be provided with a central heating system for each building or for the entire project, designed with sufficient capacity to maintain a temperature of 75° F. in all bathrooms and of 70° F. in all other habitable rooms.
- J. Each dwelling unit shall have bath facilities, including as a minimum a lavatory, water closet and bathtub or stall shower.
- K. The size of the bathroom and arrangement of the fixtures shall be adequate for the convenient use of the fixtures by older persons. The floor finish shall be impervious to water, have nonslip characteristics and slope inward. The threshold should be flush with the floor.
- L. All plumbing fixtures, accessories and trim shall be selected for and provide the maximum features of design that contribute to the safety, convenience and aid to older persons.
- M. The shower stall will include a built-in seat or bench or sufficient space for a bath stool.
- N. Openable windows operated from across the bathtub will not be permitted.
- O. Ventilation fans shall be also controlled so that they can be operated independently from the lighting. Convenience outlets in the bathroom shall be integrated with electric fixtures. No other convenience outlets will be permitted in the bathroom.
- P. Cooking facilities shall not be of a type exposing open flame.
- Q. Every dwelling unit shall be equipped with an emergency signal which transmits to either a

central administrative center or to each of two dwelling units.

- R. Ten percent of the floor space shall be used as recreational area, for such purpose as game rooms, dining, television and meeting rooms.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VI,
Supplementary Regulations / § 345-55. Waterfront mix residential units.**

§ 345-55. Waterfront mix residential units.

A. Waterfront mix residential unit and parcel requirements.

- (1) See § 345-7 for minimum size of tract, boundary line setback, street setback and mixed use concept requirements. The minimum tract size shall be two acres in all zones where permitted (RC-1, RC-2 and C-4). [Amended 1-9-1996 by Ord. No. 50-95; 5-14-1996 by Ord. No. 15-96; 10-11-2005 by Ord. No. 29-05]
- (2) No section of a building in a waterfront mix residential complex shall be more than four stories high, except that when the four stories are built over one level of ground-level parking or a building lobby area, or required nonresidential uses, this parking level or building lobby area or required nonresidential uses shall not be counted in the number of stories of said complex. Any underground parking level or nonresidential floor area located below the ground floor of the building shall not be counted in the number of stories of said complex. [Amended 4-10-2007 by Ord. No. 17-07]
- (3) There shall be no less than 10 nor more than 30 waterfront mix residential dwelling units per gross acre of any parcel. [Amended 1-9-1996 by Ord. No. 50-95]
- (4) All portions of a waterfront mix residential parcel shall be either lotted and sold, offered for dedication to and accepted by the City or put into common ownership pursuant to the Condominium Act of 1970, N.J.S.A. 46:8B-1, or a similar or comparable ownership arrangement consistent therewith. [Amended 10-27-1998 by Ord. No. 36-98]
- (5) Every waterfront mix residential dwelling within a complex shall be served by public water and public sanitary sewer which shall be installed by and at the expense of the developer. In addition, the developer shall install, at his own expense, roads, drives, parking facilities, all-weather pedestrian walkways, streetlights, fire hydrants and any other improvements, such as drainage facilities, as required in accordance with the standards and ordinances of the City of Long Branch, except where specific waiver is granted as provided for within the standards and ordinances of the City of Long Branch.

- (6) All utilities within a waterfront mix residential complex shall be installed underground.
- (7) The City shall require all streets or drives within the complex which do not directly implement the proposals or the comprehensive plan or Official Map for the City and do not provide a direct connection between existing streets outside the complex to be transferred to the ownership of a homeowners' association for maintenance and repairs. Any street transferred to such ownership shall be constructed to the standards of the City of Long Branch for minor streets to a width of not less than 25 feet.
- (8) For the purposes of meeting the requirements of a minimum of two off-street parking spaces per waterfront mix residential dwelling unit, parking may be provided beneath the unit, underground or in common parking areas or garages. [Amended 1-9-1996 by Ord. No. 50-95]
- (9) Wherever medial grass strips or other landscaped areas are proposed which will be visible to the general public within the development, the covenants and/or agreements of the maintenance of such areas by that association shall apply to such areas.
- (10) Lot, yard, area and bulk requirements not otherwise provided for in this section shall be as specified in § 345-7, where applicable.
- (11) Each waterfront mix residential building within the C-4 Zone shall have a minimum front yard setback of 50 feet or 1/2 the height of the building, whichever is greater. [Added 1-9-1996 by Ord. No. 50-95]
- (12) Each waterfront mix residential building within the C-4 Zone shall have a minimum side/rear yard setback of 20 feet or 1/2 the height of the building, whichever is greater. [Added 1-9-1996 by Ord. No. 50-95]
- (13) Any waterfront mix residential projects which directly abut the oceanfront shall maintain a minimum of 40% of the oceanside frontage free of residential development. [Added 1-9-1996 by Ord. No. 50-95]
- (14) Accessory uses/structures may be located in any yard area but cannot be located closer than 10 feet to any property line. [Added 1-9-1996 by Ord. No. 50-95]
- (15) Interior development, roads, parking areas and driveways. All interior development and parking areas shall be set back a minimum of 20 feet from any side yard or rear yard property boundary. All interior roads and driveways shall be set back a minimum of 10 feet from any side or rear yard property boundary and an additional 10 feet from any interior development.
- (16) Each waterfront mix residential dwelling unit shall have a private ground area or areas accessible from within the dwelling unit and to adjacent open space, having a total area

of at least 400 square feet, or, in the alternative, common open space areas may be set out throughout the tract based upon a ratio formula of 400 square feet per dwelling unit, which sum may include for calculation purposes the setback areas in Subsection C(2).

- (17) Any type of residential use shall be permitted; however, a minimum of 40% of the tract must be used for permitted uses other than residential (does not include parking requirements). Nonresidential uses permitted in a waterfront mix residential development complex include beach clubs, neighborhood-oriented retail sales and services, eating and drinking establishments (but not including drive-in restaurants), barber shops, beauty salons, tanning salons, health spas and gymnasiums, day spas, or any combination thereof. Parking requirements for the nonresidential uses shall be the parking requirements for such uses or similar uses in other zones. [Amended 10-11-2005 by Ord. No. 29-05; 4-10-2007 by Ord. No. 17-07]
- (18) Open space and recreation. (See §§ 345-11X and 345-18.)
- (19) Loading zones required for any nonresidential development in a waterfront mix residential development complex shall be permitted within the front-yard setback, provided it is located at the entrance to the main lobby to the building, and provided sufficient space is provided to allow vehicles to pass a vehicle in such loading zone. [Added 4-10-2007 by Ord. No. 17-07]

B. Waterfront mix residential unit structure requirements.

- (1) There shall be no limit as to the number of waterfront mix residential dwelling units that may be contained within any one complex.
- (2) The front facade of any waterfront mix residential structure shall not continue on the same plane for a distance of more than the width of two adjacent units. Offsets between front facade planes shall be at least four feet and not more than 20 feet.
- (3) An overall theme of designs and architectural modes shall be utilized within every waterfront mix residential complex for the purpose of presenting an aesthetically desirable effect and shall be such that they provide varied building elevations, design and structural appearance within the context of the overall theme. Identical front facades for waterfront mix residential dwelling units shall not be repeated at a closer interval than every third dwelling unit. Each waterfront mix residential dwelling unit shall have landscaping throughout which shall be subject to the approval of the Planning Board.
- (4) Height and setback requirements not otherwise provided for in this section shall be as specified in § 345-7, where applicable.
- (5) The number of exits from each waterfront mix residential structure shall comply with the

minimum provided in the State BOCA Fire Requirements.

C. Waterfront mix residential dwelling unit requirements.

- (1) The average minimum floor area of a waterfront mix residential dwelling unit as computed over the total number of units shall be 700 square feet for a one-bedroom dwelling and 1,000 square feet for a two-bedroom dwelling; however, no more than 25% of the total units on the tract may be efficiency-type units. No unit or units may exceed four stories.
- (2) The minimum distance between waterfront mix residential dwelling units shall be as follows: end to end, 15 feet; end to back, 30 feet; back to back, 50 feet; front to back, 40 feet; front to front, 30 feet; and front to end, 30 feet, measured perpendicular to the walls of the structure. In no event shall one waterfront mix residential dwelling unit be closer to another waterfront mix residential dwelling unit, measured at any angle, than 15 feet.
- (3) Each dwelling unit shall contain a minimum of 300 cubic feet of storage area. This area may be within the confines of the garage (if one is proposed) or the covered parking area. The storage may not infringe upon the ten-foot-by-twenty-foot area within the garage designated as the parking space.

D. Application procedures.

- (1) At the time of application for a site plan approval as required by § 345-14, the development shall submit plans showing all information required on the application for subdivision classification, if individual lots are to be created, and to show areas to be used for dwelling units, specifying the location of the various types of dwelling units proposed, the density of the proposed complex and the proposed arrangement of structures, parking and utilities, including drainage facilities, proposed on each lot and in all open space. Typical elevations of all sides of the proposed structure and typical floor plans of proposed dwelling units shall also be submitted. Such plans shall be accompanied by appropriate written information to supplement them as required to provide full information to the City on the proposed complex. Such plans shall also be accompanied by the proposed agreements, covenants and restrictions which will affect the parcel, common areas and lots, to include the provisions for maintenance of open space and common areas and the proposed recourse to be provided to the City in the event of nonperformance of maintenance responsibility. Such plans shall also include a proposed form of the performance bond or bonds to guarantee the completion of all utilities, streets and drainage facilities proposed to be constructed by the applicant. The amount of such bond shall be determined by the procedures which would apply to a major subdivision, whether or not the subdivision is actually contemplated.^{EN(41)}

- (2) A sketch plan of sufficient detail to show intent may be submitted informally to the Planning Board for discussion purposes prior to formal application for a permit at the discretion of the developer.
- (3) During its review of the proposed waterfront mix residential complex, the Planning Board shall determine that the proposal meets all the requirements of this and all other applicable City ordinances and standards and that the design of structures is consistent with the intent of securing thematic architectural designs and treatments and that the site planning is consistent with the intent of creating attractive and usable open space, preserving desirable natural features and tree cover and offering maximum visual protection to adjacent property.
- (4) A certificate of occupancy may be issued upon the completion of each waterfront mix residential dwelling unit, provided that the installation of all utilities, all-weather pedestrian walkways, parking areas, roads or other improvements required affecting that particular structure have been completed in a satisfactory manner.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VI,
Supplementary Regulations / § 345-56. Scattered site housing. [Added
7-28-1998 by Ord. No. 22-98]**

§ 345-56. Scattered site housing. [Added 7-28-1998 by Ord. No. 22-98]

A. Definition. As used in this section, the following terms shall have the meanings indicated:

SCATTERED SITE HOUSING -- A form of attached owner occupied housing not to exceed two units per structure, which must consist of a minimum of 10 units of proposed project. Said structures may exist on nonadjacent properties; however all initial proposed units/structures must be contained within one Planning Board application.

B. Application limits.

- (1) Designation as a Scattered Site Housing developer must be obtained from the State of New Jersey Housing Mortgage Finance Agency as administered by the City Office of Economic Development prior to the filing of Planning Board Application.
- (2) A developer must obtain support of the City Council prior to the filing of a Planning Board Application.
- (3) A designated scattered site housing developer may combine permitted R-5 housing types into one proposal, provided that the specific area and bulk requirements for each allowed

housing type are met. [Added 6-12-2001 by Ord. No. 20-01]

C. Requirements shall be as follows:

- (1) Minimum units per project is a total of 10, with a minimum and maximum of two per structure. Ten additional units may be added to the original project application as an amendment/revision in two-unit increments. [Amended 1-22-1999 by Ord. No. 7-99]
- (2) Maximum buildout for R-5 Zone: 80 units. [Amended 6-12-2001 by Ord. No. 20-01]
- (3) Front setback: 25 feet.
- (4) Rear setback: 25 feet.
- (5) Side setback: zero feet to adjoining unit; five feet to adjacent property line. [Amended 1-22-1999 by Ord. No. 7-99]
- (6) Minimum frontage: 50 feet for every two units.
- (7) Minimum lot depth: 120 feet.
- (8) Minimum lot area: 6,000 square feet for every two units. [Amended 9-23-1998 by Ord. No. 33-98; 1-22-1999 by Ord. No. 7-99]
- (9) Maximum lot coverage, all structures: 40%.
- (10) Parking requirement: two spaces per unit. (NOTE: A garage is required for each unit and may be considered as one parking space.)
- (11) Maximum height: 35 feet/three stories.
- (12) Minimum unit size: 1,600 square feet.
- (13) Bedrooms: minimum, two; maximum, three. (NOTE: One additional room type from the following will also be allowed and not be considered as a bedroom: den, gym, office, study.)
- (14) Accessory use height: 15 feet maximum height.
- (15) Accessory use setback: 10 feet from all sides/rear property lines. (No accessory uses are allowed in front yard areas.)
- (16) All units must contain garage (attached/detached).
- (17) Storage area: minimum of 300 cubic feet.
- (18) Architectural aesthetics: subject to review by Planning Board Site Plan/Aesthetics

Committee.

(19) Minimum landscaping: two trees per unit.

(20) All units to be subject to deed restrictions or requirements as approved by the Planning Board. These restrictions and/or requirements, including but not limited to applications to the Building Department for approvals of exterior alterations, such as repair, replacement, resurfacing or painting of areas, including but not limited to roof, siding, windows, doors and trim, will be specifically designed to ensure the future aesthetics and maintenance of the structures in conformance with other scattered sites and scattered site developments or projects throughout the City. [Added 1-22-1999 by Ord. No. 7-99]

D. Corner lots. [Added 1-22-1999 by Ord. No. 7-99]

(1) The following exceptions are allowed on corner lots:

(a) Maintain a minimum front yard setback from the narrowest side of the lot fronting on a street.

(b) Allow a ten-foot setback along the longest lot side fronting on a street.

(2) The exceptions enumerated in this Subsection D are only permitted if the side elevation on the widest side of the structure located on the longer of the two lot frontages which face a street includes a minimum of one bay or two double hung windows on the first floor and one window for each room on the second and third floors.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VII,
Conditional Uses**

ARTICLE VII, Conditional Uses

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VII,
Conditional Uses / § 345-57. Findings.**

§ 345-57. Findings.

A. Recognizing that certain uses, activities and structures are necessary to serve the needs and conveniences of the City, and at the same time recognizing that such uses may be or become

inimical to the public health, safety and general welfare if located and operated without proper consideration being given to existing conditions and character of the surrounding area, such uses are hereby designated as conditional uses.

- B. In addition to other powers conferred by this chapter and applicable statutes, the Planning Board shall have original jurisdiction in the granting of a permit for a conditional use under the terms and conditions established by this chapter under the following stipulations and guiding principles set forth in § 345-76.
- C. The use for which application is being made is specifically authorized as a conditional use in Article IV, Zone District Use Regulations, for the zoning district in which it is located.
- D. The minimum standards specified for the particular uses in §§ 345-58 through 345-67 shall be adhered to.
- E. No conditional use shall be located within 2,500 feet of another conditional use.
- F. Exception relating to churches/places of worships and eleemosynary/philanthropic uses within a portion of the R-5 Zone. [Added 8-24-2004 by Ord. No. 34-04]
 - (1) Area of exemption to include all properties fronting on Liberty Street and C.P. Williams Way located between Lewis Alley to the south and a point 160 feet north of Central Avenue (as denoted on the map annexed hereto and incorporated herein).^{EN(42)}
 - (2) Exemption shall only apply to those organizations which have entered into formal agreement for shared parking between themselves and the City of Long Branch.
 - (3) Exemption from requirements to include:
 - (a) No limitations as to number of conditional uses allowed within 2,500 feet of another conditional use.
 - (b) No maximum lot coverage for all structures.
 - (c) All lot area and bulk requirements (setbacks/depth/frontage/area) to be based on existing site conditions.
 - (d) On-site parking requirements (may be waived based upon shared parking agreement).

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VII,
Conditional Uses / § 345-58. Private schools.**

§ 345-58. Private schools.

Private schools, excluding institutions of higher learning, but not trade or business schools, may be permitted by conditional use permit as provided for in Article IV, Zone District Use Regulations, subject to the following:

- A. The application, in triplicate, shall include a detailed plot and drainage plan of the site, drawn to scale, indicating overall dimensions and topographical conditions, before and after; the location and intended use of existing and proposed buildings; location of recreation area; the relationship of the proposed use to highways, streets and adjacent properties; and such physical features as might present any deterrent to the protection of the health and safety of the pupils. The application shall include a complete set of architectural plans and specifications and existing and proposed buildings and structures and a statement setting forth in general terms the proposed course of instruction. This statement shall indicate the grade levels of the pupils to be in the building or buildings and the contemplated eventual enrollment of the school. Before authorizing the Construction Code Official to issue a permit, the Planning Board shall determine that the following standards are met:
- B. The curriculum of the proposed school shall be approved by the New Jersey Department of Education.
- C. The minimum lot area for an elementary school shall be five acres, plus one additional acre for each 100 pupils. The minimum lot area for an intermediate school, high school or institution of higher learning shall be 10 acres, plus one additional acre for each 100 pupils. No more than 10% of the site shall be covered by buildings.
- D. Off-street parking shall be provided in the following ratios: Elementary schools shall provide one parking space for each 10 pupils, plus adequate space for buses and delivery vehicles. All other schools shall provide one parking space for each staff member or employee, plus one parking space for each five pupils, plus adequate space for buses and delivery vehicles. These requirements may be increased if, in the judgment of the Planning Board, such considerations as the unavailability of the bus services, the distance from centers of population or a relatively high percentage of pupils driving their own cars make such increased requirements desirable.
- E. No driveway shall open onto a public street or road within 150 feet of an intersection of such street or road with another public street or road. In determining the suitability of proposed or existing driveways upon the site, the Board shall consider such factors as grade and site clearance, the number and pattern of driveways and number, location and design of ingress and egress points, the volume of traffic which may be anticipated on the site and upon

adjoining roads and the condition and width of pavement of adjoining roads.

- F. Illumination for night athletic activities shall be shielded from view from adjoining streets and residential areas.
- G. The Planning Board shall decide the matter in accordance with the procedure provided for the issuance of conditional use permits in § 345-76B.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VII,
Conditional Uses / § 345-59. Churches and places of worship.**

§ 345-59. Churches and places of worship.

Churches and places of worship may be permitted by conditional use permit in zoning districts as provided for in Article IV, Zone District Use Regulations, subject to the following:

- A. The minimum lot area shall be 25,000 square feet; the minimum width shall be 150 feet.
- B. The minimum bulk requirements for a church or place of worship shall be as follows:

Bulk Requirement	Minimum Dimension
Lot depth	250 feet
Lot frontage	200 feet
Setbacks:	
Front	70 feet
Rear	50 feet
Side	15 feet
Maximum building height:	
Principal building	2 1/2 stories or 30 feet
For accessory building	1 1/2 stories or 15 feet

Bulk Requirement	Minimum Dimension
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Maximum lot coverage of all buildings	35%
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- C. Off-street parking shall be provided at the ratio of one off-street parking space for each four seats in the church.
- D. Driveways shall cross the sidewalk at right angles and shall be no more than 24 feet wide at any point. Driveways must be at least 10 feet from any side lot lines and 25 feet from the intersection of street lines. Not more than two driveways shall be permitted for each 150 feet of street frontage.
- E. The Planning Board shall determine that the site plan is appropriate to the adjacent area. It may require buffers of foliage if necessary to protect surrounding properties from effect of light or noise generated in connection with use of the property.
- F. The Planning Board shall decide the matter in accordance with the procedure provided for the issuance of conditional use permits in § 345-76B.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VII,
Conditional Uses / § 345-60. Beach clubs. EN**

§ 345-60. Beach clubs. EN(43)

Beach clubs may be permitted by conditional use permit as provided for in Article IV, Conditional Uses, subject to the following:

- A. A set of plans, specifications and plot plans, and a statement setting forth full particulars on the operation of the structure are filed with the Planning Board, in triplicate, by the applicant.
- B. The beach club shall be limited to use by members of the beach club only.
- C. A complete and itemized list containing the names and residences of all members for the current year shall be furnished and filed with the City Clerk within five days after July 1 in each and every year.
- D. The beach club shall provide and maintain locker space and dressing room facilities on the premises for each member and/or family.

- E. In order to be used as a private beach club, a lot or plot of ground shall have a frontage of not less than 200 feet on Ocean Avenue and shall extend from Ocean Avenue to the Atlantic Ocean with a width throughout of not less than 200 feet. A front yard shall be provided on every lot, and no story or part of any building exclusive of cornices shall be erected nearer to the street line than 200 feet. The front yard shall be used exclusively for parking facilities or lawns or grass plots or lawn decorations. Any swimming pool or bathing facility shall not be erected unless erected easterly of existing or new structures.
- F. No beach club structure shall exceed a height of 25 feet.
- G. Nothing herein contained shall be construed to permit the operation of a beach club offering its facilities to the public generally or to transient guests or customers on less than an annual membership basis.
- H. The facility in no way will adversely affect the surrounding property values, traffic and the residential environment and that the use and/or facility will serve a useful purpose to the general welfare of the City.
- I. All utility service to a beach club shall be underground.
- J. The Planning Board of Adjustment shall decide the matter in accordance with the procedure provided for the issuance of special use permits in § 345-76B. [Amended 2-14-1995 by Ord. No. 8-95]

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VII,
Conditional Uses / § 345-61. Public utilities.**

§ 345-61. Public utilities.

Public utility uses, such as high voltage transmission lines, towers and substations, but no service or storage yards, may be permitted by conditional use permit as provided for in Article IV, Zone District Use Regulations, subject to the following:

- A. A set of plans, specifications and plot plans, and a statement setting forth the need and purpose of the installation, are filed with the Board of Adjustment, in triplicate, by the applicant.
- B. Proof is furnished to the Board of Adjustment that the proposed installation in a specific location is necessary and convenient for the efficiency of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located; and further provided that the design of any building

in connection with the facility conforms to the general character of the area and will in no way adversely affect the safe and comfortable enjoyment of property rights of the zone in which it is located; that adequate and attractive fences and other safety devices will be provided and that sufficient landscaping, including shrubs, trees and lawn, are provided and will be periodically maintained.

- C. The Planning Board shall decide the matter in accordance with the procedure provided for the issuance of conditional use permits, in § 345-76B.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VII,
Conditional Uses / § 345-62. Philanthropic or eleemosynary uses.**

§ 345-62. Philanthropic or eleemosynary uses.

Fraternal, social, civic, recreational or philanthropic or eleemosynary uses may be permitted by conditional use permit in zoning districts as provided for in Article IV, Zone District Use Regulations, provided that no lodging or boarding facilities are included, and subject to the following:

- A. A set of plans, specifications and plot plans, and a statement setting forth full particulars on the operation of the structure or use, is filed with the Planning Board by the applicant, in triplicate.
- B. It is ascertained by the Planning Board that the proposed use is a bona fide nonprofit organization.
- C. It is ascertained by the Planning Board that the proposed use in the proposed location provides sufficient landscaping, including trees, shrubs and lawn, to serve as a buffer between such use and residential properties and to ensure an attractive appearance for the use.
- D. Off-street parking space is provided as required in § 345-42.
- E. The proposed use and/or structure shall conform in all respects to the minimum bulk requirements as set forth in § 345-7.
- F. The Planning Board shall then decide the matter in accordance with the procedure provided for the issuance of conditional use permits in § 345-76B.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VII,**

Conditional Uses / § 345-63. Nursing, rest and convalescent homes.

§ 345-63. Nursing, rest and convalescent homes.

Nursing, rest and convalescent homes may be permitted by conditional use permit in the area bounded by Westwood, Bath and West Avenues, as provided for in Article IV, Zone District Use Regulations, subject to the following:

- A. A set of plans, specifications, a plot plan and a statement setting forth full particulars on the operations of the structure or use are filed with the Planning Board, in triplicate, by the applicant.
- B. The nursing home proposes to be duly licensed under the New Jersey Hospital Licensing Act and conforms in all respects to the standards prescribed by the Bureau of Community Institutions, State of New Jersey.
- C. The structure or use shall conform to all yard requirements for one-family dwellings in the appropriate zoning district in which it is located.
- D. Off-street parking facilities shall be provided on the premises in the rear, but not in the front yard and side yard, of not less than one parking space for every four beds, plus one additional parking space for every two employees and members of the staff in the largest working shift.
- E. One sign shall be permitted and bear only the name of the establishment, the street address and presence or lack of vacant units and the rooming house permit number. If the sign is to be illuminated, the illumination shall be from within. The sign shall not exceed four square feet in area on either side and five feet in height and shall be situated within the property lines.
- F. The Planning Board shall decide the matter in accordance with the procedure provided for the issuance of conditional use permits in § 345-76B.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VII,
Conditional Uses / § 345-64. Motor vehicle service stations.**

§ 345-64. Motor vehicle service stations.

Motor vehicle service stations may be permitted by conditional use permit in zoning districts as provided for in Article IV, Zone District Use Regulations, subject to the following:

- A. A set of plans, specifications and plot plans is filed, in triplicate, with the Planning Board, showing in detail the exact location of the motor vehicle service station or public garage, the

number and location of fuel tanks to be installed, the dimensions and capacity of each tank, the depth at which the tanks will be placed below the ground, the number and location of dispensers to be installed, the type of structure and accessory buildings to be constructed, the number of automobiles which may be garaged and a description of the nature and extent of the proposed use.

- B. Motor vehicle service stations shall comply with the requirements of that zone set forth in § 345-7 and the schedules.^{EN(44)}
- C. All fuel dispensers shall be located at least 30 feet from any street line or property line.
- D. No vehicles shall be permitted to be standing or parked on the premises of a motor vehicle service station other than those used by the employees in the indirect or direct operation of the establishment.
- E. Driveways shall cross the sidewalk at right angles and shall not be more than 24 feet wide at any point. Driveways must be at least 10 feet from any side lot line and 25 feet from the intersection of street lines. No more than two driveways shall be permitted for each 100 feet of street frontage.
- F. The entire area of the site traversed by motor vehicles shall be hard-surfaced.
- G. The Planning Board shall determine that the site plan is appropriate to the area. A five-foot planting strip, suitably landscaped, shall be provided between curb cuts and along all other property lines.
- H. No motor vehicle service station shall be located within 1,000 feet of any public entrance to a church, school, library, hospital, fire station, existing motor vehicle service station, park, playground, charitable institution or place of public assemblage. The distance shall be measured in a straight line along the center lines of streets forming the shortest route from a point opposite the nearest side boundary from the public entrance to a point opposite the nearest boundary of the service station or garage lot. No motor vehicle service station shall be located at the intersection of any two existing or proposed major or collector streets as indicated upon the Master Plan of the City.
- I. Any repair of motor vehicles shall be performed in a fully enclosed building. No parts or partially dismantled motor vehicle may be stored out-of-doors.
- J. Coin-operated service stations are not permitted.
- K. Permitted sign and advertising devices shall be permitted as follows:
 - (1) One pylon identification sign illuminated only by spotlight for each 100 feet of frontage, not to exceed 20 feet in height and 45 square feet in area on any one side. Those stations

having more than 100 feet frontage shall have a maximum of two such signs.

- (2) One portable A-frame-type sign approximately three feet by three feet shall be permitted for each 100 feet frontage. Those stations having more than 100 feet frontage shall have a maximum of two such signs.
 - (3) Two signs pertaining to the products or services offered by the gasoline service station may be displayed on each of the pylon signs. One sign shall not exceed two square feet. The second sign shall not exceed four square feet.
 - (4) The use of all flags, windmills, banners and any flashing or animated signs and the use of neon shall be prohibited. However, the use of pennants may be utilized for the purpose of advertising the opening of a new station, but shall be restricted to a ten-day period.
 - (5) Accessory goods for sale may be displayed on the pump island and the building island only. The outside storage of oil cans and/or antifreeze and similar products may be displayed on the respective islands if provided for in a suitable metal stand or rack.
- L. The Planning Board shall decide the matter in accordance with the procedure in § 345-76B for the issuance of conditional use permits. No existing public garage or a motor vehicle service station shall be deemed to become a nonconforming use through the subsequent erection of a school, hospital, church, theater, library, park, playground or fire station.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VII,
Conditional Uses / § 345-65. Senior citizen housing. [Amended 6-22-1993 by
Ord. No. 19-93]**

§ 345-65. Senior citizen housing. [Amended 6-22-1993 by Ord. No. 19-93]

Senior citizen housing may be permitted by conditional use permit as provided for in Article IV, Zone District Use Regulations, subject to the following:

- A. A complete set of plans, as required for site plan review, shall be filed with the Planning Board.
- B. It shall be ascertained by the Planning Board that the proposed use and organization has a bona fide charter and covenants restricting occupancy to senior citizens exclusively.
- C. The structure and proposed use shall comply in all respects with the requirements set forth in § 345-54 regarding senior citizen housing.

- D. The structure and proposed use shall comply in all respects with the requirements set forth in §§ 345-50, 345-51 and 345-54 regarding mid-rise and garden apartment standards.
- E. The proposed use and structure shall not exceed six stories.
- F. The Planning Board shall then decide the matter in accordance with the procedures provided for the issuance of conditional use permits in § 345-76B.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VII,
Conditional Uses / § 345-66. (Reserved) EN**

§ 345-66. (Reserved) EN(45)

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VII,
Conditional Uses / § 345-67. Secondhand stores. [Added 2-14-1995 by Ord. No.
8-95]**

§ 345-67. Secondhand stores. [Added 2-14-1995 by Ord. No. 8-95]

Secondhand stores may be permitted by conditional use permit in zoning districts as provided for in Article IV, Zone District Use Regulations, subject to the following:

- A. All procedures set forth in § 345-76B must be complied with.
- B. Storage and display areas must be clearly delineated. Storage areas must be separated from display areas by interior walls and must not exceed 40% of the total gross floor area of the store.
- C. No merchandise may be displayed outside the building, except by special permit.
- D. Display areas must be shown in floor plan layout with aisle widths no less than three feet.
- E. One identification sign will be permitted as specified in §§ 345-40 and 345-30B.
- F. Off-street loading facilities shall be provided according to § 345-43.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VIII,
Nonconforming Uses**

ARTICLE VIII, Nonconforming Uses

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VIII,
Nonconforming Uses / § 345-68. Continuance of existing provisions.**

§ 345-68. Continuance of existing provisions.

Except as otherwise provided in this section, the lawful use of land or buildings existing October 22, 1969, may be continued, although such use or building does not conform to the regulation specified by this chapter for the zone in which such land or building is located; provided, however, that:

- A. No nonconforming lot shall be further reduced in size.
- B. No nonconforming building shall be enlarged, extended or increased unless such enlargement would tend to reduce the degree of nonconformance.
- C. No nonconforming use may be expanded.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VIII,
Nonconforming Uses / § 345-69. Abandonment.**

§ 345-69. Abandonment.

A use shall be adjudged as abandoned when there occurs a cessation of any use or activity by an apparent act or failure to act on the part of the tenant or owners to reinstate or change such use.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VIII,
Nonconforming Uses / § 345-70. Restoration.**

§ 345-70. Restoration.

Any use or structure validly existing under the law on October 22, 1969, which does not conform with the provisions of this chapter may be continued upon the lot or in the building so occupied

or any such structure may be restored or prepared, but not enlarged, in the event of partial destruction. The use, matter or purpose may be continued, notwithstanding any change of title or right to possession. A nonconforming use may not be changed to another nonconforming use. A nonconforming use which is abandoned may not be reestablished.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VIII,
Nonconforming Uses / § 345-71. Conversion.**

§ 345-71. Conversion.

No nonconforming use shall, if once changed into a conforming use, be changed back again to a nonconforming use.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VIII,
Nonconforming Uses / § 345-72. Alterations.**

§ 345-72. Alterations.

A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost 50% of the assessed value of the building unless such building is changed to a conforming use.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VIII,
Nonconforming Uses / § 345-73. Construction approval prior to chapter.**

§ 345-73. Construction approval prior to chapter.

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three months of the date of such permit and the ground story framework of which, including the second tier of beams, which has work of which has been completed within six months of the date of the permit and which entire building shall be completed according to such plans as filed within one year from October 22, 1969.

CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /

**PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE VIII,
Nonconforming Uses / § 345-74. District changes.**

§ 345-74. District changes.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing or created thereby.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IX,
Administration**

ARTICLE IX, Administration

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IX,
Administration / § 345-75. Zoning Officer; powers and duties.**

§ 345-75. Zoning Officer; powers and duties.

- A. The duty of administering and enforcing the provisions of this chapter is conferred upon, but not reserved solely upon, the Zoning Officer, who shall have such powers as are conferred upon him or her by this chapter and as reasonably may be implied. The Construction Code Official, Department Head/Director of the Building and Development Department and/or Administrative Director of City Planning, or their designee or a designee or alternate designee as appointed by the Council of the City, may be appointed Zoning Officer. In no case shall a permit be granted for the construction or alteration of any building where the proposed construction, alteration or use thereof would be in violation of any provisions of this chapter. It shall be the duty of the Zoning Officer to cause any building, plans or premises to be inspected or examined and to order, in writing, the remedying of any condition found to exist in violation of this chapter, and he shall have the right to enter any building or premises during the daytime in the course of his duties. [Amended 10-24-2000 by Ord. No. 38-00]
- B. Where the Zoning Officer in the course of his duties determines that any plans, buildings or premises are in violation of the provisions of this chapter, he shall order the responsible party, in writing, to remedy such conditions. Such written order shall specify the nature of the

violation found to exist, the remedy ordered and time permitted for such action, the penalties and remedies which may be invoked by the City and the violators' rights of appeal as provided for by this chapter and the laws of the State of New Jersey.

- C. A copy of the written order shall be transmitted to the Construction Code Official, who shall thereupon refuse to grant such applicant a building permit or certificate of occupancy until the above violations have been remedied. Where such violations apply to an existing structure or use, the Construction Code Official shall cause the certificate of occupancy for the building or premises in question to be held null and void. A new certificate of occupancy shall be required for any further use of such building or premises.
- D. In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the Municipal Land Use Law^{EN(46)} or of this chapter or other regulation made under authority conferred hereby, the City of Long Branch or the Zoning Officer of the City of Long Branch or any interested party, 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 violation, to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about the premises.
- E. Enforcement procedure.
 - (1) Prior to construction and operation. Any application for a building permit for a use which shall be subject to performance standards shall be accompanied by a sworn statement filed by the owner of the subject property or the operator of the proposed use that such use will be operated in accordance with the performance standards set forth herein.
 - (2) Continued compliance. Continued compliance with performance standards is required and shall be enforced by the Construction Code Official.
 - (3) Termination of violation. All violations shall be terminated within 30 days or shall be deemed a separate violation for each day following and subject to fines as set forth within.
 - (4) Violation inspection.
 - (a) As a condition of approval and the continuance of any use, occupancy of any structure and operation of any process or equipment, the applicant shall supply evidence, satisfactory to the Planning Board or to its designated representative, that the proposed use, structure, process or equipment will conform fully with all of the applicable performance standards. As evidence of compliance, the Board may

require certification of tests by appropriate government agencies or by recognized testing laboratories, any costs thereof to be borne by the applicant. The Planning Board may require that specific operating procedures or methods be followed or that specific types of equipment, machinery or devices be installed if the government agencies or testing laboratories examining the proposed operation shall determine that the use of such specific types of machinery, equipment, devices, procedures or methods are required in order to ensure compliance with the applicable performance standards. Permits and certificates required by other government agencies shall be submitted to the Planning Board as proof of compliance with applicable codes. The Construction Code Official shall be the designated representative for the Planning Board for the purpose of this subsection.

- (b) Whenever in the opinion of the Construction Code Official there is a reasonable probability that any use or occupancy violates the regulations of this chapter, he is hereby empowered to employ a qualified technician or technicians to perform investigations, measurements and analyses to determine whether or not the regulations of this chapter are being violated. In the event that a violation is found to exist, the violator shall be liable for the reasonable fees of the technicians employed to perform such investigations, measurements and analyses.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IX,
Administration / § 345-76. Certificates and permits.**

§ 345-76. Certificates and permits.

- A. Zoning permits. Zoning permits, where required, shall be secured from the Zoning Officer prior to the issuance of a building permit for the construction or alteration of any structure or part of a structure or upon a change in the use of the land or a structure. Such permits shall be valid for not more than one year from the date of issuance. [Amended 7-25-2000 by Ord. No. 27-00]
- B. Conditional use permits.
 - (1) Applications for conditional use permits for conditional uses provided for under this chapter shall be made to the Planning Board through the Secretary of the Planning Board upon the forms supplied by him.
 - (2) All applications shall be filed not less than 31 days prior to the meeting at which the initial consideration of the application is requested.

- (3) No application for a conditional use permit shall be acted upon unless and until it is determined to be complete in every respect, pursuant to N.J.S.A. 40:55D-10.3, including but not limited to necessary supporting data, papers, certificates, plans and fees, and all other items set forth in the Long Branch development application checklist dated February 1, 2006, incorporated herein by reference.^{EN(47)} Any applicant for development shall be given a copy of the aforesaid checklist upon request for a development application. He may seek waiver of any of the aforesaid provisions pursuant to the aforesaid statute. [Amended 4-11-2006 by Ord. No. 9-06]
- (4) Upon receipt of the application, the Secretary of the Planning Board shall transmit copies of the plans and information to those persons or agencies referred to in § 345-14 for action as required therein.
- (5) Application details.
 - (a) The application for a conditional use permit shall be made, in quadruplicate, accompanied by a detailed statement of what is intended and setting forth the need and purpose of the proposed construction.
 - (b) The plans and information accompanying an application for a conditional use permit shall also include the following:
 - [1] The location, use, design, specification, floor plan, dimensions and height of each proposed building or structure.
 - [2] Existing property lines, streets and buildings within 500 feet of the property.
 - [3] The location and arrangement of vehicular accessways and the location, size and capacity of all areas to be used for off-street parking, loading and unloading.
 - [4] The location and dimensions of sidewalks, walkways and all other areas to be devoted to pedestrian use.
 - [5] The design and treatment of buffer areas and screening devices to be maintained, including dimensions of all areas devoted to planting, lawns, trees or other landscaping devices.
 - [6] Sufficient data to indicate the effects of the proposed use development in producing traffic congestion and safety hazards and sufficient additional data to enable the Planning Board to determine compliance with the design requirements set forth in this and other pertinent sections of this chapter.
- (6) The Planning Board shall hear the matter in accordance with the requirements of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and Chapter 69, Land

Use Procedures. All provisions therein (including but not limited to publication of notice, serving of notices, certification of payment of taxes, hearing and appeal procedures) shall apply.

- (7) If the Planning Board determines that the application is incomplete, it shall advise the applicant to that effect through its Secretary within 45 days of the date of submission of the application to the Secretary and shall specify the nature of the incompleteness; and it shall either require the applicant to submit amended or revised applications to the Secretary or to supply additional specific data or documents to the Board.
 - (8) If the Planning Board determines the application is complete, it shall schedule the matter for hearing and advise the applicant of the date of the hearing.
 - (9) Conditional uses shall be granted by the Planning Board on the basis of the requirements and standards for these uses set forth in the regulations for the particular zone of this chapter where they are allowed. A conditional use shall be granted or denied within 95 days from the date the application is determined to be complete or within such further time as may be consented to by the applicant. Otherwise the Planning Board shall be deemed to have granted final approval, and a certificate of the Secretary as to the failure of the Planning Board to act shall be issued on request of the applicant.
 - (10) The Planning Board shall have the power to review and approve or deny conditional uses and site plans simultaneously without the applicant being required to make further application to the Board or the Planning Board being required to hold further hearings. The longer time period for action by the Planning Board, whether it be for site plan or conditional use, shall apply. Whenever approval of a conditional use is requested by the applicant under this subsection, notice of the hearing on the site plan shall include a reference to the request for such conditional use.
 - (11) The Planning Board may impose any modifications and conditions it deems necessary to carry out the intent of this chapter or to protect the health, safety and welfare of the community. If the application is granted, the Zoning Officer shall be empowered to issue a permit upon request of the applicant in accordance with the terms and conditions of the Board's approval.
- C. Temporary use permits. It is recognized that it may be in accordance with the purpose of this chapter to permit temporary activities for a limited period of time, whether such activity may or may not be permitted by other provisions of this chapter. The Planning Board and Zoning Board of Adjustment are hereby empowered to grant temporary use permits. This chapter does not require an application for such activities as circuses, fairs, religious events, special sales and similar activities which must be approved by the City Council. The Planning Board shall have jurisdiction, however, to grant temporary use permits for any use permitted in a

particular zone. All other applications for temporary use permits shall be subject to the jurisdiction of the Zoning Board of Adjustment. The appropriate Board shall determine that such uses are of such a nature and are so located that at the time of petition they will in no way exert a detrimental effect upon the uses of land and the activities normally permitted in the zone, but rather contribute materially to the general welfare of the City, particularly in a state of emergency, under conditions peculiar to the time and place involved. Upon such determination, the appropriate Board shall direct the Construction Code Official to issue a certificate of occupancy for a period not to exceed six months.

- D. Building permits. No building or structure shall be erected, added to or structurally altered until a permit has been issued by the Construction Code Official. All applications for such permits shall be in accordance with the requirement of the building code.^{EN(48)}
- E. Certificates of occupancy. Certificates of occupancy shall be issued by the Construction Code Official in the manner prescribed in the Building Code. On the serving of notice by the Zoning Officer to the owner of any violation of any of the provisions or requirements with respect to any building or use thereof or of land, as specified in this chapter, the certificate of occupancy for such use shall be deemed to be in violation of this chapter and subject to penalty. A new certificate of occupancy shall be required for any further use of such land or building. No fee shall be charged for an original certificate of occupancy as required herein; but for each copy of an original certificate, there shall be a charge of \$1, which shall be remitted to the City Treasurer by the issuing officer in accordance with the manner of reporting and payment as is generally provided.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IX,
Administration / § 345-77. Records.**

§ 345-77. Records.

It shall be the duty of the Zoning Officer to keep a record of all applications for zoning permits, a record of all permits issued and a record of all certificates of occupancy, which he countersigns, together with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for the use of the officials of the City. The Zoning Officer shall prepare a monthly report for the City Council, summarizing for the period since his last report all zoning permits and certificates countersigned by him and all complaints of violations and the action taken by him and consequent thereon. A copy of each report shall be filed with the City Tax Assessor at the same time it is filed with the City Council.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IX,
Administration / § 345-78. Fees.**

§ 345-78. Fees.

The City Council shall fix the fees for permits and designate the official authorized to issue the same.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IX,
Administration / § 345-79. Violations and penalties.**

§ 345-79. Violations and penalties.

- A. This chapter may be enforced by the Zoning Officer, Supervisor of the Building Department, administrative head of City Planning, Construction Code Official or police officer of the City of Long Branch, all of whom are empowered to cause any building, structure, plans or premises to be inspected and examined and to order the remedying of any condition found to exist therein or thereafter in violation of any provision of this chapter. The owner or agent of a building or premises where a violation of any provision of this chapter shall have been committed or shall exist or the lessee or tenant of any part of the building or premises in which such violation shall have been committed or shall exist or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which any violation of this chapter shall exist shall, for each and every violation, upon conviction, be punishable as provided in Chapter 1, General Provisions, Article I. Each day that a violation is permitted to exist shall constitute a separate offense.^{EN(49)}
- B. In addition to the powers given to the Zoning Officer, as aforesaid, the owner of any property in the City of Long Branch may make a complaint for any violation of this chapter or any provision or section thereof and, upon conviction in such case, the penalties hereinbefore provided shall be imposed.
- C. In addition to the remedy or remedies hereinbefore provided, any person, persons, company or corporation violating this chapter or any provision or section thereof may be proceeded against by the City of Long Branch or by the Zoning Officer of the City of Long Branch or by the owner of any property in the City of Long Branch by appropriate action or proceeding in equity or otherwise to prevent and enjoin any threatened violations or any existing violation

of this chapter or any provision or section thereof.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IX,
Administration / § 345-80. Interpretation and applicability.**

§ 345-80. Interpretation and applicability.

In the application and interpretation of this chapter, all provisions hereof shall be held to be minimum standards or requirements adopted for the promotion of the public health, safety, convenience and general welfare of the City. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the highest standards, shall govern.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE IX,
Administration / § 345-81. Conflict with other laws.**

§ 345-81. Conflict with other laws.

- A. All ordinances and parts of ordinances inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistencies. All plans submitted to appropriate municipal authorities for approval and to obtain the issuance of building permits for a use permitted under this chapter, which use is, subsequent to filing of the plans, prohibited by an amendment to this chapter, may continue to be processed by the municipal authorities, provided that no building permits shall be issued under this section later than one year after such an amendment has been made prohibiting a use under this chapter.
- B. This chapter shall be read in para materia with Chapter 69, Land Use Procedures; provided, however, that if there is any conflict between the provisions of this chapter and the provisions of Chapter 69, Land Use Procedures, the provisions of that ordinance shall govern.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96]**

ARTICLE X, Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96]

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-82. Adoption of
plan.**

§ 345-82. Adoption of plan.

- A. The Redevelopment Plan, entitled "City of Long Branch, New Jersey Oceanfront-Broadway Redevelopment Plan," dated April 1996, as attached hereto, is hereby adopted.
- B. It is hereby found that the above-referenced Redevelopment Plan meets the criteria for adoption of a redevelopment plan as set forth in N.J.S.A. 40A:12A-7, and as further specified in the plan itself.
- C. It is hereby found and determined that the above-referenced Redevelopment Plan is consistent with the Master Plan of the City of Long Branch.
- D. The above-referenced Redevelopment Plan shall constitute an overlay zone for the area contained in the plan. The Zoning Map of the City of Long Branch, Chapter 345, Zoning, § 345-5, is hereby amended to designate the area set forth in this plan as the "Oceanfront-Broadway Redevelopment Zone."
- E. Uses in the redevelopment area shall be limited to those permitted in the Redevelopment Plan. Further, the requirements set forth in the Redevelopment Plan shall supersede Chapter 345, Zoning, Chapter 300, Subdivision of Land, and Chapter 69, Land Use Procedures, of the City of Long Branch in the redevelopment area covered by the plan, as provided in the § 345-100, entitled "Miscellaneous," in the Redevelopment Plan and to the extent anything set forth in those chapters is inconsistent with the provisions of the Redevelopment Plan. In the case of any inconsistency between this article and any prior ordinance with respect to a Redevelopment Plan adopted by the City of Long Branch, the provisions of this article, and the plan referenced herein, shall prevail, except as to lots or parcels of land on which redevelopment has actually taken place and structures or improvements built or installed under such prior ordinance and Redevelopment Plan.^{EN(50)}

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-83. Glossary.**

§ 345-83. Glossary.

As used in the Redevelopment Plan, the following terms shall have the meanings indicated:

BUSINESS IMPROVEMENT DISTRICT (BID) -- The generic term that includes New Jersey's Special Improvement Districts (SID's) under the District Management Act of 1984. A legally defined method by which properties can be assessed for specified purposes, typically services, and under some conditions physical improvements. New Jersey law allows District Management Corporations to borrow for no more than 180 days.

CONCEPT PLAN -- Plans that may precede Master Plan in which desired improvements are illustrated and suggestions made regarding land uses and other elements.

DENSITY -- The relationship of a unit of geography (e.g., acres, miles) to the number of housing units or to some demographic data (e.g., persons per square mile) or economic statistics (e.g., purchasing power or stores or sales per square mile, etc).

ECO-TOURISM -- A branch of the tourism industry that specializes in travel and other arrangements that enable people to enjoy rare natural areas, e.g., safaris, climbing in the Rockies, undersea diving, etc. Two areas in New Jersey offering this possibility include the Brigantine Wildlife Refuge and fall birdwatching at Cape May.

ENTERPRISE ZONE -- State-approved area within designated municipalities in which tax incentives are available to encourage investment and, in selected instances, sales taxes (on selected items) are reduced by 50% and the receipts placed in a fund for state-approved projects. A state-mandated local Board makes recommendations for funding to the City Council and the State Enterprise Board.

FINDING OF NEED FOR REDEVELOPMENT -- The step precedent to the adoption of a Redevelopment Plan is the process defined in the housing and redevelopment statutes by which an area is declared in need of redevelopment. To warrant the finding, a study must show evidence of meeting at least one of seven statutory tests. Recommended by the Planning Board and adopted by the governing body.

MASTER PLAN -- Term used in State Municipal Land Use Law to indicate an adopted general plan for a municipality to guide zoning, public investments and related matters. Required elements include land use, housing, circulation, etc. Should be reviewed every six years and updated as necessary.

REDEVELOPMENT AREA -- Area found in need of redevelopment for which a Redevelopment Plan has been adopted.

REDEVELOPMENT PLAN -- A step in the process mandated by state housing and redevelopment statutes and the Constitution whereby localities can condemn properties for private redevelopment and can award tax incentives to encourage redevelopment. Plan provides

guidance for land use and meets various statutory tests. Plan is prepared for the Planning Board and adopted or modified by the governing body.

REVITALIZATION -- A popular word referring to the process of improving an area, usually commercial, economically visually or otherwise. Not a legally defined term.

TAX INCREMENT FINANCING (TIF) -- A method by which the added increment of taxes anticipated to be realized from a real estate project (above the existing revenue level) can be used as the basis to bond for acquisition of land, infrastructure or other purposes defined in each state law. New Jersey does not now have such legislation.

ZONE -- An area of a City in which specific land use requirements regarding what can and what cannot be built are included in the adopted Zoning Code.^{EN(51)}

ZONING -- Adopted codes that implement the Master Plan's directions regarding land use.^{EN(52)}

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-84. Intent;
objectives.**

§ 345-84. Intent; objectives.

- A. This Redevelopment Plan was adopted by the City of Long Branch, New Jersey, in order to achieve redevelopment of an underdeveloped segment of the oceanfront and an underutilized commercial area west, north and south of the intersection of Broadway and Ocean Boulevard. The overall goal is to bring about a compact and integrated ensemble of public and private places that support year-round uses related to living, working and recreation and visitation. All of the area covered by the plan has been found to be in need of redevelopment.
- B. The Oceanfront district includes five sectors or "Zones of Character" which are identified as:
 - (1) Beachfront South: Residential.
 - (2) Pier/Village Center: Mixed Commercial, Entertainment, Residential.
 - (3) Hotel Campus: Office, Hotel.
 - (4) Beachfront North: Residential, Entertainment.
 - (5) Broadway-Gateway: Mixed Commercial.

- C. These five sectors will be made available for redevelopment under development/design requirements described in this plan. Further specificity will be added during the developer selection process. Density of development is a major factor in this plan. It is reflected in building bulk and height, realized in specific building types and expressed in commercial FAR (floor area ratio) or residential dwelling units per acre (du/acre).
- D. The plan sets out the City's objectives for redevelopment, describes how redevelopment rights will be awarded to private redevelopers, specifies relocation policies and states how tax incentives may be applied to achieve needed improvements.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-85. Boundaries
and area descriptions.**

§ 345-85. Boundaries and area descriptions.

- A. The area included in this Redevelopment Plan (Map 1^{EN(53)}) is described as follows:

Starting at a point at the intersection of North Bath Avenue and Ocean Boulevard, move northward along Ocean Boulevard to the intersection of Ocean Boulevard and Chelsea Avenue. Then move westward along Chelsea Avenue to the intersection of Chelsea Avenue and Second Avenue. Then move northward along Second Avenue to the intersection of Second Avenue and Broadway. Continue across Broadway in a northerly direction along Union Avenue until Union Avenue makes a 90 degree turn westward. At this point, continue in a northerly direction until meeting the southerly property line of the abandoned Conrail Railroad right of way. At this point, follow the southerly side of the R.O.W. eastward to Long Branch Avenue. Continue in a northerly direction along Long Branch Avenue until the northerly property line of the Conrail R.O.W. is reached. From this point, follow the northerly side of the Conrail R.O.W. westward to a point which intersects the westerly fence line of the NJNG facility. Continue in a northerly direction along fence line past the foot of Brook Street (C.P. Williams Way). Continue to follow fence in northern and eastern directions along the property line, which divides NJNG/JCP&L property from City of Long Branch Housing Authority property, to Central Avenue. Continue in an easterly direction to the Open Brook. Follow the Open Brook in a northerly direction to the point of intersection with the northerly property line of the former Jerry Morgan Park. Follow this property line in an easterly and southerly direction until Long Branch Avenue is met. Continue in a southerly direction along Long Branch Avenue

Long Branch Avenue is met. Continue in a southerly direction along Long Branch Avenue to the intersection of Long Branch Avenue and Cooper Avenue. Continue easterly along Cooper Avenue until the intersection of Cooper Avenue and Witmer Place. Continue northward along Witmer Place until the intersection of Witmer Place and Sea View Avenue. Follow Sea View Avenue eastward until meeting the mean high water mark of the Atlantic Ocean. Follow mean high water line inclusive of existing Pier riparian lands southward until reaching a point created by the intersection of the mean high water line and a line projected from the right of way for north Bath Avenue. Then turn westward along this line and North Bath Avenue to the point of origin, which is the intersection of Ocean Boulevard and North Bath Avenue.

- B. Virtually all of the area in the plan is also within the state-designated Urban Enterprise Zone (Map 2^{EN(54)}) which offers a variety of financial incentives to qualifying private investors.
- C. Map 3^{EN(55)} illustrates the five sectors or Zones of Character listed above. Boundary descriptions follow:
 - (1) Beachfront South. This sector lies between Ocean Boulevard and Ocean Avenue and is bounded on the south by Bath Avenue North. It includes some residential development. Estimated size: 17.25 acres.
 - (2) Pier/Village Center. This sector fronts on Ocean Boulevard. It includes the former amusement pier and land and buildings formerly part of an amusement complex, along with some residential units and a large amount of publicly held property. On the east edge, Ocean Avenue is a lightly used north-south street with some commercial buildings built over the beach. Little commercial activity remains here except for a small motel. Estimated size: 25.5 acres.
 - (3) Hotel Campus. This sector includes the 250-room Ocean Place Hilton hotel, restaurant and spa, parking, a block of residential buildings, another restaurant and a former day-care center. It is bounded by the Promenade and beach, Ocean Boulevard, Laird Street and Madison Avenue. Estimated size: 16.75 acres.
 - (4) Beachfront North. This sector lies south of Monmouth County's Seven Presidents Park, west of the Ocean Place Promenade, east of Ocean Boulevard and north of Madison Avenue. This area contains the former State Armory, expected to become a private recreation facility; a significant amount of vacant land; and a number of residential properties whose conditions range from well-maintained to poorly maintained. Estimated size: 27.5 acres.
 - (5) Broadway-Gateway. This sector includes approximately 3/4 of a mile of frontage on

Ocean Boulevard, an industrial area, the "Broadway Triangle" commercial area, and some residential properties in the northern and southern edges. Estimated size: 48.5 acres.

- D. An additional sector may be created in the Broadway corridor, west of Second Avenue, extending to the railroad right-of-way, when it appears that use of redevelopment powers will be useful.
- E. The Long Branch beaches are scheduled to be replenished in 1996 by the Army Corps of Engineers. The sand will extend approximately 250 feet eastward from the bulkhead.

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PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-86. General
redemption objectives.**

§ 345-86. General redemption objectives.

General redemption objectives shall be as follows:

- A. Reestablish the identity of Long Branch as a multifaceted community for residence, work and leisure, in a framework of both historic legacy and citizen consensus.
- B. Create value in land and enterprise for public and private interests through high-yield projects that exploit ocean views from residential and commercial development and public spaces.
- C. Strengthen retail trade and City revenues by increasing year-round population by creating housing types that will attract a diversified market, primarily of small households.
- D. Ensure public access to the restored beachfront, augmented with recreational amenities and civic purpose, and designed as a vital safe zone with year-round night/day uses.
- E. Increase employment opportunities for residents, stabilize taxes and increase maintenance and amenities as part of a better quality of life.
- F. Improve public facilities in commercial areas, at the beachfront and along various City streets, and facilitate pedestrian movement among residences, commercial areas and the beachfront.
- G. Improve the City's image by replacing vacant lots and poorly maintained buildings with new, carefully designed buildings, both commercial and residential.
- H. Attract more retail and service enterprises which will provide more commercial choices for

residents and visitors.

- I. Achieve shared parking where needed to facilitate use by residents, employees and visitors at different times, saving land and development costs.
- J. Achieve state and local environmental objectives by restricting impervious surfaces on a sector basis, thereby eliminating the waste often associated with project-by-project attempts to meet these and similar standards, such as parking.
- K. Conserve sound, well-maintained single-family housing to the extent possible, and encourage residential development through infill.
- L. Encourage mixed use development which includes both commercial and residential uses.

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Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-87. Specific
objectives: key principles.**

§ 345-87. Specific objectives: key principles.

A. Density and use.

- (1) A concentration of building density is encouraged in order to create a walkable environment and an enlarged base population to sustain a lively, year-round retail and residential core on Long Branch's Oceanfront.
- (2) Compared to the existing density of about 0.25 FAR, the objective should be to achieve FAR's between 0.5 and 0.75. While such concentrated development is usually constrained by parking area requirements, a four-pronged parking approach is envisioned to support this increased density by taking less land for unproductive vehicular uses. This approach is expected to include:
 - (a) Optimizing the use of dedicated parking sites by sharing across complementary uses.
 - (b) Reevaluating parking requirements based upon actual demand at different times of the day and night.
 - (c) Creating incentives to use public transit and shared ridership.
 - (d) Realizing on-street parking, on a regular and "surge" basis.

B. Urban form. This plan requires a close relationship between built and open areas by maximizing street-fronting uses, controlling street scales, encouraging zero-lot line

development and minimizing marginal utilization of land given to driveways, unusable setback easements, stand-alone development, and underutilized parking lots. Building design guidelines and a set of performance and prescriptive codes will be provided during the developer selection process in order to control the quality, scale and compatibility of future development proposals in the redevelopment area.

- C. Circulation. A hierarchy of streets, ranging from arterial roads to neighborhood streets and pedestrianways, will be created in order to sustain safe and coherent access to regional, local and neighborhood uses.
- D. Public beach access. Beach access will be enhanced by connecting existing highways and transit facilities to beachfront destinations and uses with pedestrian promenades, bikeways, trolleyways and vehicular streets. Proposed improvements include gateways to the beach and the inland community from Ocean Boulevard, environmental signage and graphics and the reopening of Ocean Avenue to vehicular traffic.
- E. Temporary and conditional uses. Such uses shall be allowed on a per-case basis to accommodate phased improvements and to prevent developments that underutilize resources for short-term gains.

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PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-88. Specific
objectives: uses by sector.**

§ 345-88. Specific objectives: uses by sector.

The Redevelopment Plan includes the following component areas: entrance parkway, commercial gateway, beachfront with Boardwalk, a Village Center and Pier, flanked by two residential neighborhoods, one low-rise and one mid-rise. Within these zones, the objective is to establish individual places of character, where old blends into new, where people arrive, congregate, do business and pursue pleasure in the community's everyday life. Each new proposed development project will be expected to support and realize these objectives. Further detail and enumeration of the specific objectives outlined hereunder will be included in the Design Guidelines Handbook being prepared by the City.^{EN(56)} By sector and by use, the objectives are the following:

A. Beachfront South: Mid-Rise Residential.

- (1) Residential development in this area is to continue the mid-rise residential pattern of four- to eight-story structures that maximize views to the Atlantic. This community is to

achieve a friendly pedestrian environment unified by landscaping: lawns, hedges and walls, seating areas and buffered parking areas and good access on foot to the Boardwalk and beaches.

(2) Development/design requirements for this sector include:

- (a) Create a cohesive mid-rise residential district, built upon the existing type of residential development.
- (b) Densities at a minimum of 15 and a maximum of 30 dwelling units/acre.
- (c) Institute strict setback and coverage requirements:
 - [1] Ten feet on Ocean Avenue.
 - [2] Thirty feet on side streets.
 - [3] Fifty feet landscaped buffer on Ocean Boulevard.
 - [4] Fifty feet or height of building, between buildings. (The setback between buildings must be reviewed on a per case basis, to encourage usable areas, rather than unused "view" corridors.)
 - [5] Permitted ground coverage: 50%.
- (d) Give incentives for building types that provide terraces and balconies, stepping towards the ocean, or that provide publicly accessible amenities on the Boardwalk.
- (e) Require mid-block "pedestrian greens," buffering parking areas and connecting adjacent sites.
- (f) Combine entrances to parking lots to minimize the curb cuts on Ocean Boulevard by extending a driving lane between adjacent parking lots in a block, entered from side streets.
- (g) Close and landscape unnecessary side streets off Ocean Boulevard.
- (h) Allow permitted (short-term) visitor parking on Ocean Avenue and side streets. Restrict new curb cuts and access to all new projects from Ocean Boulevard.
- (i) Create a friendly pedestrian environment through uniform landscaping: evergreen trees and hedges on Ocean Boulevard side; lawns, hedges and stone footwalls on the Ocean Avenue side; combined "gateways" and address markers on side streets, for the entire block; low pedestrian lights from parking to building entrances.

- (j) Create sidewalks, crosswalks and pedestrian-operated lights at intersections.
- (k) Require multistory residential developments to provide benches and trash cans on Ocean Avenue side.
- (l) Encourage resident facilities and amenities (pools, clubs, community halls, inns, etc.) on ground floors and in existing historic structures that face Ocean Avenue and the boardwalk.
- (m) Restrict nonconforming/ancillary uses to 5% of each proposed development.
- (n) Create landscape buffers between residential and other nonconforming uses.
- (o) Create combined access to beaches from the boardwalk.
- (p) Build small neighborhood shelters, handstands, shuttle stops and gazebos on the Ocean Avenue side.

B. Pier/Village Center: Commercial and Entertainment, Residential.

- (1) A Village Center concept is to govern redevelopment of this area. A concentration of street-level retail and recreation-related development is anticipated, allowing second and third floors to be developed for restaurants, small office or residential uses. Current low-density patterns are to be increased to an FAR of at least 0.5 to 0.75 based upon the complementarity of existing and proposed uses, in optimizing parking demand and supply. The now derelict Pier is intended to become a public place restored by public action. The southerly half of this district is to feature a two- and three-story residential pattern, made more cohesive with infill on individual lots and some larger low-rise development of medium density (15 dwelling units/acre). No ground level residential uses shall be permitted on Ocean Avenue between Morris Avenue and Seaview Avenue, in the redevelopment area. Bed-and-breakfast conversions will be allowed as part of the permitted conversion of single-family homes to two and three units. The commercial and entertainment uses in this sector consist of two areas: Laird Street, and Ocean Avenue, between Morris Avenue and Laird Street.
- (2) Development/design requirements for the Commercial and Entertainment area on Ocean Avenue include:
 - (a) Retail/restaurant/small inns/entertainment/ convenience, etc., catering to residential, worker and visitor populations.
 - (b) Reparcel Ocean Avenue frontage into small lots (150 feet by 50 feet to 75 feet wide) where feasible.

- (c) Require a continuous street frontage with transparent display windows and frequent store entrances (zero lot line development).
- (d) Allow small scale incremental development:
 - [1] Floor area ratio: 1.0 maximum.
 - [2] Permissible ground coverage: 75%.
 - [3] Maximum height: 60 feet.
- (e) Improve public and private amenities through joint land development where feasible.
- (f) Widen Ocean Avenue right-of-way to 115 feet between Morris Avenue and Laird Street.
- (g) Provide easy access to front doors along "Main Street." Increase short-term on-street parking. Create a tree-lined median with diagonal parking and curbside parallel parking on Ocean Avenue.
- (h) No on-site parking requirements for Ocean Avenue commercial buildings.
- (i) Phase in parking as required and reserve land for a municipal parking lot at rear (validated for customers) to share with hotel/office users. (Additional parking management specifics to be included in the City's parking plan.)
- (j) Buffer adjoining residential neighborhoods from commercial activity.
- (k) Widen wooden boardwalk to 25 feet and create paved crosswalks and dropoffs.
- (3) Development/design requirements for the Commercial and Entertainment area on Laird Street include:
 - (a) Extend the retail "Main Street" on Ocean Avenue to connect with the Commercial Gateway and the upper Broadway retail street.
 - (b) Continue small lot commercial development on the south side of Ocean Avenue.
 - (c) Wrap retail/commercial uses around the existing hotel garage. Move the garage's parking entrance, currently at the northeast corner, to the northwest corner of the garage near the hotel entrance.
 - (d) Create a distinctive "corner" that faces Ocean Avenue/Laird Street/Pier intersection. An anchor restaurant should be open day and night, all year around.
 - (e) Set the new building frontage to yield a sixty-foot right-of-way with a ten-foot

planted median on Laird Street.

- (f) Establish continuous street frontage (zero lot-line development) on either side of Laird Street.
 - (g) Small scale incremental retail development with a maximum FAR of 1:0 may be considered. Permissible ground coverage: 75%. Maximum height: 60 feet.
 - (h) Redo Laird Street intersection at Ocean Boulevard.
 - (i) No residential uses are permitted on the ground level on Ocean Avenue in this sector.
 - (j) Motel/hotel uses on Ocean Avenue are encouraged.
- (4) Development/design requirements for the residential area include:
- (a) Close the entrances to all neighborhood streets (Franklin, Melrose and Chelsea East) at Ocean Boulevard, to deter through traffic.
 - (b) Extend alleys connecting these streets at mid-block.
 - (c) Require access such that neighborhood "gateways" occur on Ocean Avenue and Morris Avenue.
 - (d) Create a landscaped buffer at the perimeter of the residential neighborhood.
 - (e) Make "Pier Gateway" at the Laird/Garfield intersection with Ocean Boulevard.
 - (f) Develop a cohesive low-rise, medium-density (15 dwelling units/acre) residential neighborhood compatible with existing neighborhood fabric, similar to that described for Beachfront North. Development proposals will be reviewed on a per case basis until design guidelines are drawn up for the area.^{EN(57)}
 - (g) Only residential uses are permitted in this section of the Pier/Village Center area, with the exception of bed-and-breakfast and motel accommodations.
 - (h) Allow bed-and-breakfast conversions per new City ordinance.

C. Hotel Campus: Hotel, Commercial.

- (1) The objective is to develop a distinctive Hotel "Campus" ensemble as a gateway to the City and to the oceanfront.
- (2) Development/design requirements for this area include:
 - (a) Mixed commercial development at an urban scale on the key corners.

- (b) Change the context of the hotel on its isolated parking-based site.
- (c) Introduce real urban streets into the campus to encourage a firm edge, movement through the site and activity of vehicles and pedestrians.
- (d) Floor area ratio permissible to 2.0.
- (e) Make edge streets with prominent ground level uses and frequent entrances.
- (f) An office building of at least 100,000 square feet which is to be complementary to existing hotel.
- (g) Develop parking facilities shared by hotel and office, and at least partially available to the public during off-hours and on weekends. Create short term on-street parking.
- (h) Develop South Broadway as a frontage street.
- (i) Create a pedestrian-friendly landscaped frontage street/square on the South Broadway extension to the hotel, connecting to modified Laird Street and Madison Avenue.
- (j) A small convention facility or business hotel/inn facility should be built on the northwest corner of the hotel block.
- (k) Create a landmark restaurant on the Laird Street corner of the hotel site, wrapped around the existing garage on the Pier side.

D. Beachfront North: Low-Rise Medium-Density Residential.

- (1) Beachfront North is a sector composed of a Waterfront Recreation Zone (sites fronting the Promenade/Ocean Avenue) and a Beachside Residential Village. Building types that are "street based" and "street dependent" shall be required in the entire sector. A neighborhood character is to be established, emphasized by controlled street traffic, bike and walking paths, on-street resident parking and through-block alleys for garages and secondary parking.
- (2) Development/design requirements for Beachside Village include:
 - (a) Create a transition between public and private spaces by introducing a hierarchy of accessways which move from regional to local to residential scale and which are marked by identifiable "neighborhood gateways."
 - (b) Create a single cohesive neighborhood by connecting each existing east-west street with an extended Grant Street (north-south) as the primary "spine." Close North Broadway, Madison Avenue and Ocean Terrace at Ocean Boulevard. Direct traffic

away from Seaview Avenue, Cooper Avenue, and South Broadway.

- (c) Create a block structure that replaces individual front driveways with shared mid-block alleys linked to garages. A forty-five-foot right-of-way is required for residential streets and twenty-foot deeded right-of-way for rear alleys. Existing sixty-foot rights-of-way may accommodate diagonal (permit) parking.
- (d) Create deeded pedestrian ways to the beach. Twenty-foot easements for pedestrian pathways required at locations to be specified during the developer selection process. Any existing or assembled sites that contain these paths are required to create and maintain such public pedestrian accessways.
- (e) Create a Residential Parking Permit District. New development is to be restricted to providing no more than one on-site parking space per unit. Additional on-street parking space may be lease/purchased from the Parking Permit District.
- (f) Building Design Guidelines^{EN(58)} to be prepared by the City to ensure that new developments do not conflict with desired residential scale and character.
- (g) Permitted density to be at a consistent range between 12 dwelling units/acre and 15 dwelling units/acre (relative to site area).
- (h) Maximum height: 40 feet.
- (i) Zero lot development (no side setback).
- (j) Minimum ground coverage: 40%.
- (k) Maximum ground coverage: 75%.
- (l) Balconies/terraces should be encouraged for buildings over two stories high.
- (m) Townhouse or alley based clustered development are building types which meet the broad criteria listed above.
- (n) Bed-and-breakfast use to be permitted.
- (o) Create a landscaped buffer surrounding the area. All nonconforming uses required to create an on-site buffer separation to minimize impact on residential neighborhoods. (Setbacks and treatment to be delineated in Design Guidelines Handbook.^{EN(59)})
- (p) All uses, other than residential, are restricted and conditional in this area, subject to their impact on the residential neighborhood.
- (q) No commercial (strip) development is permitted on Ocean Boulevard fronting sites.

No new curb cuts or accessways are allowed off Ocean Boulevard, unless specified in the sector plans.

(3) Development/design requirements for Beachfront North area which is part of Waterfront Recreation Zone include:

- (a) All projects must address the Promenade/Ocean Avenue as delineated in the Design Guidelines Handbook.^{EN(60)}
- (b) Maximum permissible FAR: 0.25.
- (c) Maximum height: 40 feet.
- (d) A landscaped thirty-foot setback required on west edge of site. Setback on Ocean Avenue to be reviewed on a per-case basis.
- (e) Parking requirements must be satisfied by shared public on-site or off-site parking. Public (beach) parking is a permitted use on all sites in this zone.
- (f) One tree shall be planted for every five parking spaces provided.
- (g) Twenty-foot easement for public pedestrian ways required at locations to be indicated in sector plans in the Design Guidelines Handbook.^{EN(61)}
- (h) No residential uses permitted on all oceanfront sites between Hilton Hotel and Seven Presidents Park.
- (i) Neighborhood retail and restaurants are permitted uses.
- (j) All uses in the Waterfront Recreation Zone must adequately mitigate disturbance to the adjoining residential uses.

(4) Armory site.

(a) Development design requirements for the Armory Site include:

- [1] Maximum permissible FAR: 1.0. (Structured parking required for FAR over 0.3.)
- [2] Maximum height: 40 feet.
- [3] A landscaped thirty-foot setback on all sides is required on the Armory site (treatment to follow Design Guidelines Manual.^{EN(62)})
- [4] The parking requirements for this site must be satisfied by a combination of dedicated on-site parking and shared (public) off-site parking.

- (b) Uses permitted are those reflected in the deed from the State of New Jersey, dated February 27, 1996. The reopened Ocean Avenue will suffice as primary access to the site. Cooper Avenue will be a neighborhood through-street with residential development only.
- (c) However, if the recreational use at the Armory has the high intensity of a regional destination, as measured by standard transportation analysis of traffic and destination patterns, Cooper Avenue will become a mixed use frontage street. Sites abutting Cooper Avenue up to 150 feet from the edge of right-of-way will be subject to the following development criteria, and to Design Guidelines^{EN(63)} to be formulated by the City:
 - [1] Maximum permissible FAR: 1.0. (Structured parking required for FAR over 0.3.)
 - [2] Maximum height: 40 feet.
 - [3] Mandatory setback on Cooper Avenue (for diagonal parking and pedestrian path easement): 25 feet.
 - [4] Parking to be integrated with street right-of-way, and Cooper Avenue access plan as described in the sector plans in the Design Guidelines Handbook.^{EN(64)}
 - [5] Seventy-five percent of approved FAR for each site must be built within 100 feet of property line at Cooper Avenue, leaving buffered rear for long-term parking.
 - [6] Twenty-foot mandatory landscaped buffer with alley facing residential development.
 - [7] No more than 25% of proposed built uses may be approved commercial/retail uses.
 - [8] Parking structures appropriately buffered may be a permissible nonconforming use on these sites, if not intruding on residential uses, and provided that they are in conformity with the City's shared parking requirements. Details per Design Guidelines^{EN(65)} and Parking Plan.
 - [9] Parking requirements for mixed commercial/residential development: two on-site spaces per dwelling unit; five spaces per 1,000 square feet of commercial space.
- (d) Temporary conditional use. The Cooper Avenue sites, described above, may be occupied by temporary surface parking lots for a period approved by the City (not to

exceed three years), at the end of which the developer is to be required to develop designated sites per criteria described above. The City shall set specific terms when developers are designated or approved for these sites.

E. Broadway-Gateway: Mixed Commercial.

- (1) Commercial and retail uses with larger square footage requirements are encouraged for this area on the west side of Ocean Boulevard.
- (2) Development/design requirements include:
 - (a) Close North Broadway from Second Avenue to Ocean Boulevard, and make South Broadway the gateway to downtown.
 - (b) Create a four-building gateway complex that attracts daily commuters, shoppers and residents.
 - (c) Maximum permissible FAR: 2.0. (Structured parking required for developments with FAR greater than 0.7. This shall be detailed in the shared parking plan to be developed by the City.)
 - (d) Lots abutting South Broadway are required to build 80% of gross (permitted) building area within 80 feet of South Broadway lot line.
 - (e) Landscape, signage and access management of projects in this sector to be built as detailed in the Design Guidelines Handbook.^{EN(66)}
 - (f) Buildings required to be built up to lot line on South Broadway, to create a street wall, with at least one major pedestrian entrance on South Broadway.
 - (g) No building entrances or curb cuts permitted on Ocean Boulevard, unless specified in sector plans.
 - (h) Extend Garfield Avenue to Ocean Boulevard as a new connection from the City to the beach aligned with Laird Street.
 - (i) Use infill sites around the existing church for multifamily residential fronting on Second Avenue. Land shall be reserved close to Ocean Boulevard for buffered parking.
 - (j) Add new curb cut for Supermarket/Big Box store to facilitate homeside access.
 - (k) Twenty-four-hour public-oriented mixed uses are encouraged.

**PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-89.
Relationship of Redevelopment Plan to local objectives.**

§ 345-89. Relationship of Redevelopment Plan to local objectives.

All of the objectives listed in §§ 345-87 and 345-88 above are considered by the Long Branch Planning Board and City Council to be local objectives with which this Redevelopment Plan is consistent. Prior to approving this Redevelopment Plan, both bodies found that the area addressed in this Plan was an "area in need of redevelopment." Both bodies subsequently found that this Redevelopment Plan's objectives are consistent with and appropriate to the objective of furthering redevelopment within the specified area.

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PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-90. Land use
regulations.**

§ 345-90. Land use regulations.

This subject is discussed earlier in the Plan, in §§ 345-87 and 345-88, i.e., Specific Objectives: Key principles and Specific objectives: uses by sector. More detailed requirements will be provided as a separate document accompanying the Design Guidelines Handbook.^{EN(67)}

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PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-91. Acquisition
plan.**

§ 345-91. Acquisition plan.

- A. It is the City's intention that property acquisition necessary to implement this plan will be carried out by designated private redevelopers negotiating with property owners.
- B. The City reserves the right to condemn property if private negotiations fail and the property or properties in question are judged essential to achieve objectives intended by the Plan. In cases where the designated redeveloper and a private property owner cannot agree on the terms of purchase, and as a last resort after other means have been exhausted, the developer may request that the City use its power of eminent domain, specifying the means that have

been applied to purchase the property. If the City agrees to acquire by condemnation, the developer will pay all costs of acquisition/condemnation, including legal and appraisal costs. The City may require a refundable cash deposit accompanying this request.

- C. To the extent that properties may be subject to title problems, the City may relieve the properties of these problems through use of eminent domain.

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PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-92. Relocation.**

§ 345-92. Relocation.

- A. The amount of relocation required to implement the Redevelopment Plan is expected to be moderate at most, given the policy encouraging infill. In accordance with the requirements of State law, all persons (including families, business concerns and others displaced by project activities) will be assisted in finding other locations and facilities. Persons displaced from their homes will be assisted in finding housing which is decent, safe, sanitary and within their financial means in reasonably convergent locations and otherwise suitable to their needs.
- B. Where relocation of any resident or business becomes necessary to improve and revitalize the Redevelopment Area, the City and/or any developer that enters into a developer agreement with the City or any party for the development of any portion of the Redevelopment Area, shall conform to and meet all the requirements of applicable state and federal relocation laws.
- C. All costs associated with relocation shall be the responsibility of designated developers.

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PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-93. Tax
incentives.**

§ 345-93. Tax incentives.

The City Council has adopted the following policies regarding possible use of tax incentives which may be applied to Redevelopment Area projects seeking such financial assistance:

- A. There is no presumption of need for tax abatement within the Redevelopment Area. The City Council will consider any application for tax abatement on its merits, depending upon the degree to which the project needs such an incentive in order to achieve City objectives, listed

below as "projects of special community benefit."

- B. Projects of special community benefit include, but are not limited to:
- (1) Construction or substantial rehabilitation for office use.
 - (2) Construction of residential or hotel projects five or more stories in height.
 - (3) Construction of new retail space or substantial rehabilitation of existing space for retail use.
 - (4) Multilevel parking structures with provision for shared parking.
 - (5) Significant public amenities beyond the minimum state or local requirements, such as beach access, parks, public art, pedestrian lighting, etc., in accordance with this plan.
 - (6) Conversion of nonresidential space to residential or to mixed use.
 - (7) New buildings that combine residential and commercial uses.
 - (8) Redevelopment of areas requiring environmental cleanup for any approved use.
- C. It is assumed that nonelevator residential structures will not require tax incentives.

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PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-94. Developer
selection.**

§ 345-94. Developer selection.

- A. It is the policy of the City of Long Branch that selection of developers to implement redevelopment plans be accomplished through an open and competitive process. The City, however, reserves the right to waive this policy, by resolution of the governing body, if it judges that specific circumstances justify doing so. If the City determines that a competitive process is to be pursued for redevelopment of a sector or subsectors, the competitive developer selection process will include these steps:
- (1) Preparation of developer qualifications, guidelines to selection and phasing of solicitations.
 - (2) Preparation and approval of developer solicitation materials (request for qualifications).
 - (3) Advertisements and direct solicitation of developers.

- (4) Review of developer qualifications. Selected developers invited to submit proposals (request for proposals).
 - (5) Review of developer proposals, including conceptual site plans, leading to selection of developers.
 - (6) Negotiations with selected developers, leading to developer agreements.
 - (7) City Council designation of developers, based on agreements between developers and City.
- B. If negotiation with a selected developer is unsatisfactory, the City will terminate the negotiation and begin again with another developer until a satisfactory agreement is reached. The City may also restart the developer solicitation process. It is the City's intention to continue this process until agreements have been reached with developers regarding all five sectors.
- C. Developer agreements will include such issues as developer responsibilities for public facilities, relocation responsibilities, local employee recruitment policies, adherence to design guides, approval of all firms which become members of the development team, timely inception of construction, phasing and other considerations. The City reserves the right to change developers in the event of failure to perform in accordance with the agreement. Developers will make a nonrefundable payment of \$50,000 to the City at the time agreements are signed. These funds will be applied to economic development programs, including incentives for facade and sign improvements and other business attraction projects.

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PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-95. Developer
designation process.**

§ 345-95. Developer designation process.

- A. When the City determines that a competitive process is to be pursued for redevelopment of a sector or subsectors, the developer designation process will include the following steps:
- (1) Prepare and adopt a land use and parking and access management plan for affected sectors.
 - (2) Begin developer solicitation process by releasing requests for qualifications (RFQ) for one or more of the five sectors.

- (3) Review responses to RFQ for:
 - (a) Team qualifications.
 - (b) Experience.
 - (c) Financial capacity.
- (4) Select developers to respond to request for proposals (RFP) for one or more sectors or a part of one sector.
- (5) Evaluate RFP responses on the basis of:
 - (a) Project concept, program and phasing.
 - (b) Conceptual site plan.
 - (c) Parking plan.
 - (d) Acquisition plan.
 - (e) Relocation plan.
 - (f) Infrastructure cost responsibility plan
 - (g) Necessity for tax abatement.
- (6) Award developer(s) exclusive right to negotiate with City.
- (7) Negotiate developer agreements.
- (8) Award "designated developer" rights by sector or subsector.
- (9) Begin development process leading to application to Planning Board for Preliminary and Final Site Plan approval.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-96. Non-RFP
development proposals.**

§ 345-96. Non-RFP development proposals.

- A. Before the Design Guidelines Handbook^{EN(68)} for each sector is approved by the City, any developer or landowner must, prior to applying for preliminary or final development

approval, obtain the approval of the City Council regarding the consistency of the proposed development with the design goals and objectives of this Redevelopment Plan. The Council shall act within 45 days, after submission of an application for such a consistency determination on such forms as the City shall require.

- B. The City Council shall, prior to taking action, obtain advice from the Design Review Committee appointed by the Mayor with the advice and consent of the City Council.

CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X, Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-97. Provisions necessary to meet state and local requirements.

§ 345-97. Provisions necessary to meet state and local requirements.

- A. The proposals of this plan are consistent with the general plan for the municipality. Local planning objectives having direct bearing on this project, and which have been planned as integral parts of the total planning for the City, are as follows:
- (1) The effectuation of the Redevelopment Plan will carry out major proposals of the Master Plan for the City and will comply with local objectives of the City as to appropriate land uses, improved street systems, and overall improvement of the area.
 - (2) The effectuation of the Redevelopment Plan will improve the total living and working conditions of the City through improvement of a blighted area, removal of structures in poor condition and the provision of land for new commercial and residential development.
- B. The various elements of this Redevelopment Plan set forth above are in compliance with the requirements of State and local law.

CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X, Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-98. Procedures for changing Redevelopment Plan.

§ 345-98. Procedures for changing Redevelopment Plan.

- A. The Redevelopment Plan may be amended from time to time by the City Council of the City of Long Branch, provided that, if amended after the disposition of any land in the

Redevelopment Area, the modification must be consented to in writing by designated developers. Any amendments to the Redevelopment Plan shall be reviewed by the Planning Board of the City of Long Branch. After such review, the Planning Board shall make recommendations to the City Council, which may adopt the changes by ordinance. Such ordinance shall specify the relationship of the proposed changes or amendments to the City Master Plan and the goals and objectives of the Redevelopment Plan.

- B. The Redevelopment Plan, as it may be amended from time to time, shall be in effect from the date of its adoption by the City Council on second reading and publication.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-99. Maps. EN**

§ 345-99. Maps. EN(69)

This plan shall constitute an overlay zone on the Zoning Map for the areas covered by this plan.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-100.
Miscellaneous.**

§ 345-100. Miscellaneous.

Uses in the redevelopment area shall be limited to those permitted in this plan. In addition, the provisions of this plan shall be the exclusive basis for regulation of all development within the redevelopment area with respect to subjects covered by this plan. Any other development regulations otherwise applicable in the redevelopment area shall remain in effect unless inconsistent with the provisions of this plan, provided that the Planning Board may grant waivers or variances from such regulations in order to carry out the intent and purposes of this plan.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE X,
Redevelopment Plan [Added 5-14-1996 by Ord. No. 15-96] / § 345-101.
Redevelopment design standards. [Added 7-22-1997 by Ord. No. 23-97]**

§ 345-101. Redevelopment design standards. [Added 7-22-1997 by Ord. No. 23-97]

- A. This section shall be known as the Redevelopment Design Standards Ordinance of the City of Long Branch.
- B. The redevelopment guidelines set forth in the attached sections entitled "General Design Guidelines," "Village Center at Pier," "Broadway Gateway," "Beachfront North," "Hotel Campus and Beachfront South,"^{EN(70)} are hereby adopted as the standards for land use, density and intensity of development, bulk requirements, parking and design for redevelopment in the City of Long Branch within the areas each covered by the applicable set of design guidelines and by the general guidelines. Notwithstanding the use of the term "guidelines" in this section or the attached sections, which are incorporated herein by reference, the provisions as attached shall be enforced as standards governing redevelopment in the City of Long Branch. It is the intent of the City Council that the attached development requirements be the sole and exclusive standards governing development in the portions of the Redevelopment Area affected by them except as to standards of general applicability which are clearly not covered or clearly have been intentionally omitted from the attached sections.
- C. No variances of the kind set forth in N.J.S.A. 40:55D-70d may be granted by the Zoning Board of Adjustment of the City of Long Branch from the requirements of this section. All applications for development in the Redevelopment Area shall be heard by the Planning Board of the City of Long Branch in accordance with N.J.S.A. 40A:12A-13.
- D. In addition to the review provided in Subsection C above, any developer seeking any development approval within the redevelopment area must in addition provide 10 copies of the application and plans submitted to the Planning Board to the City Clerk for distribution to the Mayor and Council of the City of Long Branch. Approval of such plans by the City Council of the City of Long Branch shall be a condition of any approval granted by the Planning Board. Such Council approval shall be obtained no later than the time at which an application for development receives final development approval from the Planning Board of the City of Long Branch.
- E. The City Clerk shall, upon receipt of copies of the development applications and plans, provide sufficient copies to the Design Review Committee so as to enable it to carry out its functions under this section. In reviewing applications for development in the Redevelopment Area, the City Council shall take into account the advice of the Design Review committee previously established by the Council of the City of Long Branch. The Council shall approve it if the proposed development conforms to the requirements of the design guidelines and the terms of any applicable Redeveloper's Agreement, and will contribute to the revitalization and use of the Redevelopment Area in accordance with the goals of the guidelines and the Redevelopment Plan Ordinance.^{EN(71)}
- F. For any portions of the redevelopment area not covered by the design guidelines as attached

hereto and incorporated herein, the development standards as either set forth or incorporated in the Redevelopment Plan ordinance adopted May 14, 1996, shall continue in full force and effect.

- G. All ordinances or provisions of ordinances inconsistent with the within section are hereby repealed. However, the May 14, 1996, Redevelopment Plan Ordinance and April 1996 Redevelopment Plan shall remain in full force and effect and be read in pari materia with this section except that the development standards set forth in Sections 4 and 5 of the Redevelopment Plan^{EN(72)} are superseded by this section whose provisions shall be controlling.
- H. This section may be enforced by the Planning Board, Zoning Officer and other officials of the City of Long Branch as in the same manner as is Chapter 300, Subdivision of Land, of the Code of the City of Long Branch.
- I. If any paragraph, section, clause or application of this section, or of the provisions referenced and incorporated herein, shall be found to be unconstitutional or otherwise invalid, such findings shall not affect any remaining section, clause, paragraph or application, which shall be severable and shall continue in full force and effect notwithstanding such a finding of invalidity.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules
of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended
6-22-1993 by Ord. No. 19-93]**

**ARTICLE XI, Schedules of Lot, Yard and Bulk Requirements for the City of Long
Branch [Amended 6-22-1993 by Ord. No. 19-93]**

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules
of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended
6-22-1993 by Ord. No. 19-93] / § 345-102. R-1 One-Family Residential Zone
District.**

§ 345-102. R-1 One-Family Residential Zone District.

See § 345-20.

Permitted uses	One-family residential
Conditional uses	Beach club, community residence, church
Minimum lot area (square feet)	17,500
Minimum lot frontage (feet)	100
Minimum lot depth (feet)	175
Maximum lot coverage of all structures	35%
Front yard setback (feet)	70
Side yard setback (feet)	Neither less than 10 feet, with sum width of both no less than 30% of lot width
Rear yard setback (feet)	50
Maximum building height, principal building	2 1/2 stories or 30 feet
Maximum building height, accessory building	1 1/2 stories or 15 feet
Minimum gross habitable floor area [Amended 8-10-1999 by Ord. No. 33-99]	1 story: 1,600 square feet 1 1/2 stories: 2,200 square feet, with not less than 1,400 square feet on first floor 2 stories: 2,800 square feet, with not less than 1,400 square feet on first floor
Other requirements and supplementary notes	Side yard requirements as indicated, except where the side yard is adjacent to a public street, in which case such side yard shall meet the front yard requirements of the zone in which it is located
Accessory structures and uses [Amended 4-10-2007 by Ord. No. 16-07]	1 1/2 stories and/or fifteen-foot maximum, minimum setback 10 feet. See § 345-11P for other requirements. See § 312 for tennis court requirements.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules
of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended
6-22-1993 by Ord. No. 19-93] / § 345-103. R-2 One-Family Residential Zone
District.**

§ 345-103. R-2 One-Family Residential Zone District.

See § 345-21.

Permitted uses	One-family residential
Conditional uses	Community residence, church, public/private school
Minimum lot area (square feet)	12,500
Minimum lot frontage (feet)	100
Minimum lot depth (feet)	125
Maximum lot coverage of all structures	35%
Front yard setback (feet)	35
Side yard setback (feet)	Neither less than 10 feet, with sum width of both not less than 30% of lot width
Rear yard setback (feet)	35
Maximum building height, principal building	2 1/2 stories or 30 feet
Maximum building height, accessory building	1 1/2 stories or 15 feet
Minimum gross habitable floor area	1 story: 1,400 square feet 1 1/2 stories: 2,000 square feet, with not less than 1,200 square feet on first floor

2 stories: 2,000 square feet, with not less than 1,000 square feet on first floor

Other requirements and supplementary notes

Side yard requirements as indicated, except where the side yard is adjacent to a public street, in which case such side yard shall meet the front yard requirements of the zone in which it is located

Accessory structures and uses [Amended 4-10-2007 by Ord. No. 16-07]

1 1/2 stories and/or fifteen-foot maximum, minimum setback 10 feet. See § 345-11P for other requirements. See § 312 for tennis court requirements.

CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended 6-22-1993 by Ord. No. 19-93] / § 345-104. R-3 One-Family Residential Zone District.

§ 345-104. R-3 One-Family Residential Zone District.

See § 345-22.

Permitted uses	One-family residential
Conditional uses	Community residence, church, public/private school
Minimum lot area (square feet)	9,000
Minimum lot frontage (feet)	75
Minimum lot depth (feet)	120
Maximum lot coverage of all structures	35%

Front yard setback (feet)	35
Side yard setback (feet)	Neither less than 10 feet, with sum width of both not less than 30% of lot width
Rear yard setback (feet)	35
Maximum building height, principal building	2 1/2 stories or 30 feet
Maximum building height, accessory building	1 1/2 stories or 15 feet
Minimum gross habitable floor area	1 story: 1,200 square feet 1 1/2 stories: 1,600 square feet, with not less than 1,000 square feet on first floor 2 stories: 1,600 square feet, with not less than 800 square feet on first floor
Other requirements and supplementary notes	Side yard requirements as indicated, except where the side yard is adjacent to a public street, in which case such side yard shall meet the front yard requirements of the zone in which it is located
Accessory structures and uses [Amended 4-10-2007 by Ord. No. 16-07]	1 1/2 stories and/or fifteen-foot maximum, minimum setback 10 feet. See § 345-11P for other requirements. See § 312 for tennis court requirements.

CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended 6-22-1993 by Ord. No. 19-93] / § 345-105. R-4 One-Family Residential Zone District.

§ 345-105. R-4 One-Family Residential Zone District.

See § 345-23.

Permitted uses	One-family residential
Conditional uses	Community residence, church, public/private school, philanthropic/eleemosynary
Minimum lot area (square feet)	5,760
Minimum lot frontage (feet)	50
Minimum lot depth (feet)	115
Maximum lot coverage of all structures	40%
Front yard setback (feet)	25
Side yard setback (feet)	Neither less than 10 feet, with sum width of both no less than 20 feet
Rear yard setback (feet)	35
Maximum building height, principal building	2 1/2 stories or 30 feet
Maximum building height, accessory building	1 1/2 stories or 15 feet
Minimum gross habitable floor area	1 story: 1,200 square feet 1 1/2 stories: 1,600 square feet, with not less than 1,000 square feet on first floor 2 stories: 1,600 square feet, with not less than 800 square feet on first floor
Other requirements and supplementary notes	Side yard requirement as indicated, except where the side yard is adjacent to a public street, in which case such side yard shall meet the front yard requirements of the zone in which it is located

Accessory structures and uses [Amended 4-10-2007 by Ord. No. 16-07]

1 1/2 stories and/or fifteen-foot maximum, minimum setback 10 feet. See § 345-11P for other requirements. See § 312 for tennis court requirements.

CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended 6-22-1993 by Ord. No. 19-93] / § 345-106. R-5 One- to Four-Family Residential Zone District. [Amended 9-24-1996 by Ord. No. 31-96; 2-23-1999 by Ord. No. 6-99]

§ 345-106. R-5 One- to Four-Family Residential Zone District. [Amended 9-24-1996 by Ord. No. 31-96; 2-23-1999 by Ord. No. 6-99]

See § 345-24.

Permitted uses	One- to four-family residential; two- to four-family residential, see § 345-49; townhouses (12), see § 345-53; scattered site residential, see § 345-56
Conditional uses	Community residence, church, public/private school, garden apartments
Minimum lot area (square feet)	9,000 (one-family only, same requirements as R-4 Zone)
Minimum lot frontage (square feet)	75 (one-family only, same requirements as R-4 Zone)
Minimum lot depth (feet)	120 (one-family only, same requirements as R-4 Zone)
Maximum lot coverage of all structures	35% (40% for scattered site as defined in § 345-56)

Front yard setback (feet)	35; townhouses, see § 345-53; scattered site residential, see § 345-56
Side yard setback (feet)	Neither less than 10 feet, with sum width of both not less than 30% of lot width; townhouses, see § 345-53; scattered site residential, see § 345-56
Rear yard setback (feet)	35; townhouses, see § 345-53; scattered site residential, see § 345-56
Maximum building height, principal building	2 1/2 stories or 30 feet; townhouses, see § 345-53; scattered site residential, see § 345-56
Maximum building height, accessory building	1 1/2 stories or 15 feet; townhouses, see § 345-53
Minimum gross habitable floor area	One- to four-family, 1 story, 1,200 square feet; 1 1/2 stories, 1,600 square feet, with not less than 1,000 square feet on first floor; 2 story, 1,600 square feet, with not less than 800 square feet on first floor; townhouses, see § 345-53; scattered site residential, see § 345-56
Other requirements and supplementary notes	Side yard requirements as indicated, except where the side yard is adjacent to a public street, in which case such side yard shall meet the front yard requirements of the zone in which it is located; townhouses, see § 345-53; two- to four-family, see § 345-49; scattered site residential, see § 345-56
Accessory structures and uses [Amended 4-10-2007 by Ord. No. 16-07]	1 1/2 stories and/or fifteen-foot maximum, minimum setback 10 feet. See § 345-11P for other requirements. See § 312 for tennis court requirements.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules
of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended
6-22-1993 by Ord. No. 19-93] / § 345-107. R-6 Townhouse/Professional Office
Zone District. [Amended 6-11-1996 by Ord. No. 19-96]**

**§ 345-107. R-6 Townhouse/Professional Office Zone District. [Amended 6-11-1996 by Ord.
No. 19-96]**

See § 345-25.

Permitted uses [Amended 8-24-1999 by Ord. No. 38-99]	One- to four-family residential, townhouses (10), professional office
Conditional uses	Community residence, philanthropic/eleemosynary, senior citizen housing
Minimum lot area (square feet)	9,000
Minimum lot frontage (feet)	75
Minimum lot depth (feet)	120
Maximum lot coverage of all structures	35%
Front yard setback (feet)	35; townhouses, see § 345-53
Side yard setback (feet)	Neither less than 10 feet, with sum width of both not less than 30% of lot width; townhouses, see § 345-53
Rear yard setback (feet)	35; townhouses, see § 345-53
Maximum building height, principal building	One- to four-family: 2 1/2 stories or 30 feet; townhouses, see § 345-53; professional office: 35 feet

Maximum building height, accessory building	1 1/2 stories or 15 feet; townhouses, see § 345-53
Minimum gross habitable	1 story: 1,200 square feet; floor area townhouses, see § 345-53 1 1/2 stories: 1,600 square feet, with not less than 1,000 square feet on first floor; townhouses, see § 345-53 2 stories: 1,600 square feet, with not less than 800 square feet on first floor; townhouses, see § 345-53
Other requirements and supplementary notes	Side yard requirements as indicated, except where the side yard is adjacent to a public street, in which case such side yard shall meet the front yard requirements of the zone in which it is located; townhouses, see § 345-53; two- to four- family see § 345-49
Accessory structures and uses [Amended 4-10-2007 by Ord. No. 16-07]	1 1/2 stories and/or fifteen-foot maximum, minimum setback 10 feet. See § 345-11P for other requirements. See § 312 for tennis court requirements.

CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended 6-22-1993 by Ord. No. 19-93] / § 345-108. R-7 Riverfront Mixed Zone District. [Amended 2-27-1996 by Ord. No. 5-96; 6-11-1996 by Ord. No. 19-96]

§ 345-108. R-7 Riverfront Mixed Zone District. [Amended 2-27-1996 by Ord. No. 5-96; 6-11-1996 by Ord. No. 19-96]

See § 345-26.

Permitted uses	One-family residential, townhouses (6)
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Conditional uses	Community residence, church, marina
Minimum lot area (square feet)	9,000
Minimum lot frontage (feet)	75
Minimum lot depth (feet)	120
Maximum lot coverage of all structures	35%
Front yard setback (feet)	35
Side yard setback (feet)	Neither less than 10 feet, with sum width of both not less than 30% of lot width
Rear yard setback (feet)	35; townhouses, see § 345-53
Maximum building height, principal building	2 1/2 stories or 30 feet; townhouses, see § 345-53
Maximum building height, accessory building	1 1/2 stories or 15 feet; townhouses, see § 345-53
Minimum gross habitable floor area	1 story: 1,200 square feet 1 1/2 stories: 1,600 square feet, with not less than 1,000 square feet on first floor 2 stories: 1,600 square feet, with not less than 800 square feet on first floor Townhouses, see § 345-53
Other requirements and supplementary notes	Side yard requirements as indicated, except where the side yard is adjacent to a public street, in which case such side yard shall meet the front yard requirements of the zone in which it is located Townhouses, see § 345-53

Accessory structures and uses [Amended
4-10-2007 by Ord. No. 16-07]

1 1/2 stories and/or fifteen-foot maximum,
minimum setback 10 feet. See § 345-11P for
other requirements. See § 312 for tennis court
requirements.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules
of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended
6-22-1993 by Ord. No. 19-93] / § 345-109. R-8 Boulevard Mixed Zone District.
[Amended 10-24-2000 by Ord. No. 44-00; 5-8-2001 by Ord. No. 17-01]**

**§ 345-109. R-8 Boulevard Mixed Zone District. [Amended 10-24-2000 by Ord. No. 44-00;
5-8-2001 by Ord. No. 17-01]**

See § 345-27.

Permitted uses	Townhouses (6), professional office, one-family, two- to four-family, see § 345-99
Conditional uses	Senior citizen housing
Minimum lot area (square feet)	40,000; one-family: 5,760
Minimum lot frontage (feet)	200; one-family: 50
Minimum lot depth (feet)	200; one-family: 115
Maximum lot coverage of all structures	40%
Front yard setback (feet)	40; townhouses, see § 345-53; one-family: 25
Side yard setback (feet)	30; townhouses, see § 345-53; one-family: 10 minimum
Rear yard setback (feet)	40; townhouses, see § 345-53; one-family: 35

Maximum building height, principal building	3 stories or 35 feet; townhouses, see § 345-53; one-family: 2 1/2 stories or 30 feet
Maximum building height, accessory building	15 feet; townhouses, see § 345-53
Minimum gross habitable office floor area	Townhouses, see § 345-53; one-family, see § 345-105
Other requirements and supplementary notes	Townhouses, see § 345-53; one-family, see § 345-305
Accessory structures and uses [Amended 4-10-2007 by Ord. No. 16-07]	1 1/2 stories and/or fifteen-foot maximum, minimum setback 10 feet. See § 345-11P for other requirements. See § 312 for tennis court requirements.

CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended 6-22-1993 by Ord. No. 19-93] / § 345-110. RC-1 Beachfront Mixed Zone District. [Amended 8-10-1999 by Ord. No. 30-99; 10-24-2000 by Ord. No. 41-00; 3-14-2006 by Ord. No. 6-06]

§ 345-110. RC-1 Beachfront Mixed Zone District. [Amended 8-10-1999 by Ord. No. 30-99; 10-24-2000 by Ord. No. 41-00; 3-14-2006 by Ord. No. 6-06]

See § 345-28.

Permitted uses	Waterfront mixed residential (10-30), townhouses (6), professional office, beachfront commercial, one-family dwellings (R-1)
Conditional uses	Community residence
Minimum lot area (square feet)	40,000; waterfront mixed: 2 acres; townhouses, see § 345-53

Minimum lot frontage (feet)	200
Minimum lot depth (feet)	200
Maximum lot coverage of all structures	35%
Front yard setback (feet)	30; waterfront mixed and townhouses, see Article VI
Side yard setback (feet)	30; waterfront mixed and townhouses, see Article VI
Rear yard setback (feet)	30; waterfront mixed and townhouses, see Article VI
Maximum building height, principal building	Waterfront mixed: 4 stories, 5 with parking Beachfront commercial and professional office: 3 stories or 35 feet Townhouses, see § 345-53
Maximum building height, accessory building	15 feet; townhouses, see § 345-53
Minimum gross habitable floor area	Townhouses, see § 345-53
Other requirements and supplementary notes	See § 345-30E Townhouses, see § 345-50 Waterfront mixed, see § 345-55
Accessory structures and uses [Amended 4-10-2007 by Ord. No. 16-07]	1 1/2 stories and/or fifteen-foot maximum, minimum setback 10 feet. See § 345-11P for other requirements. See § 312 for tennis court requirements.

of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended 6-22-1993 by Ord. No. 19-93] / § 345-111. RC-2 Riverfront Residential/Commercial Zone District.

§ 345-111. RC-2 Riverfront Residential/Commercial Zone District.

See § 345-29.

Permitted uses	Neighborhood commercial, waterfront mixed residential
Conditional uses	Senior citizen, motor vehicle station, public utilities, marina
Minimum lot area (square feet)	Neighborhood commercial: none Waterfront mixed: 2 acres
Minimum lot frontage (feet)	Neighborhood commercial: none Waterfront mixed: 200
Minimum lot depth (feet)	Neighborhood commercial: none Waterfront mixed: 200
Maximum lot coverage of all structures	Neighborhood commercial: none Waterfront mixed: 35%
Front yard setback (feet)	Neighborhood commercial: as determined by average setback of existing commercial buildings in the same block front Waterfront mixed, see § 345-55
Side yard setback (feet)	Neighborhood commercial: as determined by average setback of existing commercial buildings in the same block front Waterfront mixed see § 345-55

Rear yard setback (feet)	Neighborhood commercial: as determined by average setback of existing commercial buildings in the same block front Waterfront mixed see § 345-55
Maximum building height, principal building	Neighborhood commercial: 2 1/2 stories or 30 feet Waterfront mixed: 4 stories, 5 with parking
Maximum building height, accessory building	15 feet
Minimum gross habitable floor area	Neighborhood commercial: N/A Waterfront mixed see § 345-55
Other requirements and supplementary notes	Neighborhood commercial: see § 345-30E Waterfront mixed see § 345-55
Accessory structures and uses [Amended 4-10-2007 by Ord. No. 16-07]	1 1/2 stories and/or fifteen-foot maximum, minimum setback 10 feet. See § 345-11P for other requirements. See § 312 for tennis court requirements.EN(73)

CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended 6-22-1993 by Ord. No. 19-93] / § 345-112. C-1 Central Commercial Zone District.

§ 345-112. C-1 Central Commercial Zone District.

See § 345-30.

Permitted uses	Commercial
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Conditional uses	Senior citizen, motor vehicle station, public utilities
Minimum lot area (square feet)	None
Minimum lot frontage (feet)	None
Minimum lot depth (feet)	None
Maximum lot coverage of all structures Front yard setback (feet)	None As determined by average setback of existing commercial buildings in the same block front
Side yard setback (feet)	None
Rear yard setback (feet)	None
Maximum building height, principal building	None
Maximum building height, accessory building	15 feet
Minimum gross habitable floor area	N/A
Other requirements and supplementary notes	See § 345-30E.
Permitted accessory uses	See § 345-30.

CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended 6-22-1993 by Ord. No. 19-93] / § 345-113. C-2 Professional Office/Related Services Zone District.

§ 345-113. C-2 Professional Office/Related Services Zone District.

See § 345-31.

Permitted uses	One-family residential, professional office, related services
Conditional uses	Community residence, church
Minimum lot area (square feet)	10,000
Minimum lot frontage (feet)	100
Minimum lot depth (feet)	100
Maximum lot coverage of all structures Front yard setback (feet)	50% 40
Side yard setback (feet)	20 feet each
Rear yard setback (feet)	None
Maximum building height, principal building	3 stories or 40 feet
Maximum building height, accessory building	15 feet
Minimum gross habitable floor area	N/A
Other requirements and supplementary notes	Side yard requirements as indicated, except where the side yard is adjacent to a public street, in which case such side yard shall meet the front yard requirements of the zone in which it is located See § 345-30E. Rear yard herein defined as Branchport Creek
Accessory structures and uses [Amended 4-10-2007 by Ord. No. 16-07]	1 1/2 stories and/or fifteen-foot maximum, minimum setback 10 feet. See § 345-11P for other requirements. See § 312 for tennis court requirements. See § 345-31.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules
of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended
6-22-1993 by Ord. No. 19-93] / § 345-114. C-3 Neighborhood Commercial Zone
District.**

§ 345-114. C-3 Neighborhood Commercial Zone District.

See § 345-32.

Permitted uses	Commercial
Conditional uses	Senior citizen, motor vehicle station, public utilities
Minimum lot area (square feet)	None
Minimum lot frontage (feet)	None
Minimum lot depth (feet)	None
Maximum lot coverage of all structures	None
Front yard setback (feet)	As determined by average setback of existing commercial buildings in the same block front
Side yard setback (feet)	None
Rear yard setback (feet)	None
Maximum building height, principal building	2 1/2 stories or 30 feet
Maximum building height, accessory building	15 feet
Minimum gross habitable floor area	N/A
Other requirements and supplementary notes	See § 345-30E.
Permitted accessory uses	See § 345-32.

**CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 /
PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules
of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended
6-22-1993 by Ord. No. 19-93] / § 345-115. C-4 Resort Commercial Zone District.
[Amended 2-14-1995 by Ord. No. 8-95; 1-9-1996 by Ord. No. 50-95]**

**§ 345-115. C-4 Resort Commercial Zone District. [Amended 2-14-1995 by Ord. No. 8-95;
1-9-1996 by Ord. No. 50-95]**

See § 345-33.

Permitted uses [Amended 8-10-1999 by Ord. No. 31-99]	One-family residential, townhouses (6), motels, waterfront mix residents (10-30)
Conditional uses	Beach club, community residence, church
Minimum lot area (square feet)	Residential: 10,000; others: 2 acres
Minimum lot frontage (feet)	Residential: 100; others: 200
Minimum lot depth (feet)	Residential: 100; others: 200
Maximum lot coverage of all structures	35% (60% waterfront mix residential)
Front yard setback (feet)	30; townhouses, motels, waterfront mix residential (see Article VI)
Side yard setback (feet)	10 feet each; townhouses, motels, waterfront mix residential (see Article VI)
Rear yard setback (feet)	30; townhouses, motels, waterfront mix residential (see Article VI)
Maximum building height, principal building	Residential: 2 1/2 stories or 30 feet; motel and townhouses: 3 stories or 35 feet; waterfront mix residential (see Article VI)
Maximum building height, accessory building	15 feet

Minimum gross habitable floor area	One-family: 1 story or 1,600 square feet 1 1/2 stories: 2,200 square feet, with not less than 1,400 square feet on first floor 2 stories: 2,800 square feet, with not less than 1,400 square feet on first floor Motels: 300 square feet per unit Townhouses: see § 345-53 Waterfront mix residential: see § 345-55
Other requirements and supplementary notes	See yard requirements as indicated, except where the side yard is adjacent to a public street, in which case such side yard shall meet the front yard requirements of the zone in which it is located See § 345-30E. Townhouses, motels, waterfront mix residential: see Article VI
Accessory structures and uses [Amended 4-10-2007 by Ord. No. 16-07]	1 1/2 stories and/or fifteen-foot maximum, minimum setback 10 feet. See § 345-11P for other requirements. See § 312 for tennis court requirements. ^{EN(74)}

CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended 6-22-1993 by Ord. No. 19-93] / § 345-116. Industrial Zone District.

§ 345-116. Industrial Zone District.

See § 345-34.

Permitted uses	Industrial, manufacturing
Conditional uses [Amended 8-22-2000 by Ord. No. 35-00]	Public utilities; public, parochial and private schools
Minimum lot area (square feet)	15,000
Minimum lot frontage (feet)	100
Minimum lot depth (feet)	150
Maximum lot coverage of all structures	40%
Front yard setback (feet)	50
Side yard setback (feet)	20 each
Rear yard setback (feet)	30
Maximum building height, principal building	3 stories or 40 feet
Maximum building height, accessory building	15 feet
Minimum gross habitable floor area	N/A
Other requirements and supplementary notes	Side yard requirements as indicated, except where the side yard is adjacent to a public street, in which case such side yard shall meet the front yard requirements of the zone in which it is located
Permitted accessory uses	See § 345-34.

CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended 6-22-1993 by Ord. No. 19-93] / § 345-117. HTLI High Technology Light Industrial Zone District.

§ 345-117. HTLI High Technology Light Industrial Zone District.

See § 345-35.

Permitted uses	High technology, light industrial
Conditional uses	Public utilities
Minimum lot area (square feet)	40,000
Minimum lot frontage (feet)	200
Minimum lot depth (feet)	200
Maximum lot coverage of all structures	40%
Front yard setback (feet)	40
Side yard setback (feet)	20
Rear yard setback (feet)	20
Maximum building height, principal building	Unlimited
Maximum building height, accessory building	40 feet
Minimum gross habitable floor area	N/A
Other requirements and supplementary notes	See § 345-33.
Permitted accessory uses	See § 345-35.

CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended 6-22-1993 by Ord. No. 19-93] / § 345-118. MB Manufacturing Business Zone District.

§ 345-118. MB Manufacturing Business Zone District.

See § 345-36.

Permitted uses	Industrial, manufacturing, commercial
Conditional uses	Public utilities
Minimum lot area (square feet)	15,000
Minimum lot frontage (feet)	100
Minimum lot depth (feet)	150
Maximum lot coverage of all structures	40%
Front yard setback (feet)	50
Side yard setback (feet)	20 each
Rear yard setback (feet)	30
Maximum building height, principal building	3 stories
Maximum building height, accessory building	40 feet
Minimum gross habitable floor area	N/A
Other requirements and supplementary notes	See § 345-33E.
Permitted accessory uses	See § 345-30 and § 345-36.

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PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules
of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended
6-22-1993 by Ord. No. 19-93] / § 345-119. S-1 Professional Office Zone District.**

§ 345-119. S-1 Professional Office Zone District.

See § 345-37.

Permitted uses	One-family residential, professional office
Conditional uses	Community residence
Minimum lot area (square feet)	7,500
Minimum lot frontage (feet)	50
Minimum lot depth (feet)	120
Maximum lot coverage of all structures	35%
Front yard setback (feet)	25
Side yard setback (feet)	10 each (also see § 345-11G)
Rear yard setback (feet)	10
Maximum building height, principal building	2 1/2 stories or 30 feet
Maximum building height, accessory building	1 1/2 stories or 15 feet
Minimum gross habitable floor area	One-family: 1 story or 1,200 square feet 1 1/2 stories: 1,600 square feet, with not less than 1,000 square feet on first floor 2 stories: 1,600 square feet, with not less than 800 square feet on first floor Other permitted uses: N/A

Other requirements and supplementary notes	Side yard requirements as indicated, except where the side yard is adjacent to a public street, in which case such side yard shall meet the front yard requirements of the zone in which it is located
Accessory structures and uses [Amended 4-10-2007 by Ord. No. 16-07]	1 1/2 stories and/or fifteen-foot maximum, minimum setback 10 feet. See § 345-11P for other requirements. See § 312 for tennis court requirements. See § 345-37

CODE OF THE CITY OF LONG BRANCH NEW JERSEY, v30 Updated 06-15-2007 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended 6-22-1993 by Ord. No. 19-93] / § 345-120. S-2 Oceanfront Zone District.

§ 345-120. S-2 Oceanfront Zone District.

See § 345-38.

Permitted uses	Eating and drinking establishments, parking
Conditional uses	Beach club, pier
Minimum lot area (square feet)	N/A
Minimum lot frontage (feet)	N/A
Minimum lot depth (feet)	N/A
Maximum lot coverage of all structures	N/A
Front yard setback (feet) Side yard setback (feet)	N/A N/A
Rear yard setback (feet)	N/A

Maximum building height, principal building	1 1/2 stories
Maximum building height, accessory building	15 feet
Minimum gross habitable floor area	N/A
Other requirements and supplementary notes	None
Permitted accessory uses	See § 345-38.

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PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE XI, Schedules
of Lot, Yard and Bulk Requirements for the City of Long Branch [Amended
6-22-1993 by Ord. No. 19-93] / § 345-121. M Medical Hospital Zone District.**

§ 345-121. M Medical Hospital Zone District.

See § 345-39.

Permitted uses	Garden apartments, townhouse (12), hospital, professional office
Conditional uses	Philanthropic/eleemosynary, nursing/rest home
Minimum lot area (square feet)	60,000
Minimum lot frontage (feet)	200
Minimum lot depth (feet)	200
Maximum lot coverage of all structures	Residential: 35% Others: 50%
Front yard setback (feet)	1/2 height of building or 50 feet, whichever is greater

	Garden apartments and townhouses: see Article VI
Side yard setback (feet)	1/2 height of building or 10 feet, whichever is greater Garden apartments and townhouses: see Article VI
Rear yard setback (feet)	1/2 height of building or 35 feet, whichever is greater Garden apartments and townhouses: see Article VI
Maximum building height, principal building	Residential: see Article VI Others: unlimited
Maximum building height accessory building	40 feet
Minimum gross habitable floor area	N/A Residential: see Article VI
Other requirements and supplementary notes	Townhouses: see § 345-53 Off-street parking, subject to § 345-42 Garden apartments see § 345-48
Permitted accessory uses	See § 345-39.

Endnotes

1 (Popup - Popup)

Editor's Note: See N.J.S.A. 40:55D-1 et seq.

2 (Popup - Popup)

Editor's Note: See Ch. 114, Beach Clubs.

3 (Popup - Popup)

Editor's Note: N.J.S.A. 30:4-23 was repealed by P.L. 1987, c. 116, § 30. See now N.J.S.A. 30:4-27.2.

4 (Popup - Popup)

Editor's Note: See also Ch. 262, Art. II, Adoption of BOCA Standards.

5 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

6 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

7 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

8 (Popup - Popup)

Editor's Note: See N.J.S.A. 13:19-1 et seq.

9 (Popup - Popup)

Editor's Note: See N.J.S.A. 4:24-1 et seq.

10 (Popup - Popup)

Editor's Note: See Ch. 300, Subdivision of Land.

11 (Popup - Popup)

Editor's Note: See N.J.S.A. 40:55D-40 and 40:55D-70.

12 (Popup - Popup)

Editor's Note: For related provisions, see § 345-11BB, Adult materials in retail establishments, and § 345-47, Adult entertainment uses.

13 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

14 (Popup - Popup)

Editor's Note: The Zoning Map is included in a pocket at the end of this volume.

15 (Popup - Popup)

Editor's Note: See Art. XI, § 345-102 et seq.

16 (Popup - Popup)

Editor's Note: Original Subsection 20-5.3e3(a), regarding location of a structure on a lot meeting minimum lot area requirements, which immediately preceded this subsection, was repealed 8-25-1998 by Ord. No. 28-98.

17 (Popup - Popup)

Editor's Note: For related provisions, see the definition of "video stores, retail" in § 345-3 and § 345-47, Adult entertainment uses.

18 (Popup - Popup)

Editor's Note: The application form and checklist may be found on file in the office of the City Clerk.

19 (Popup - Popup)

Editor's Note: The application form and checklist may be found on file in the office of the City Clerk.

20 (Popup - Popup)

Editor's Note: See N.J.S.A. 6:1-80 et seq.

21 (Popup - Popup)

Editor's Note: The application checklists may be found on file in the office of the City Clerk.

22 (Popup - Popup)

Editor's Note: See Ch. 147, Construction Codes, Uniform.

23 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

24 (Popup - Popup)

Editor's Note: See Ch. 177, Flood Damage Prevention.

25 (Popup - Popup)

Editor's Note: The kit is on file in the office of the City Clerk.

26 (Popup - Popup)

Editor's Note: Former Subsection D(3), Community residences for the developmentally disabled and community shelters for victims of domestic violence, which immediately followed this subsection, was repealed 11-10-1998 by Ord. No. 39-98 and 2-23-1999 by Ord. No. 15-99.

27 (Popup - Popup)

Editor's Note: Former Subsection D(3), Community residences for the developmentally disabled and community shelters for victims of domestic violence, which immediately followed this subsection, was repealed 11-10-1998 by Ord. No. 39-98 and 2-23-1999 by Ord. No. 15-99.

28 (Popup - Popup)

Editor's Note: Former Subsection D(2), Community residences for the developmentally disabled and community shelters for victims of domestic violence, was repealed 11-10-1998 by Ord. No. 39-98 and 2-23-1999 by Ord. No. 15-99.

29 (Popup - Popup)

Editor's Note: Former Subsection D(3), Community residences for the developmentally disabled and community shelters for victims of domestic violence, which immediately followed this subsection, was repealed 11-10-1998 by Ord. No. 39-98 and 2-23-1999 by Ord. No. 15-99.

30 (Popup - Popup)

Editor's Note: Original Section 20-6.11, RC-3 Waterfront Mix District, and Section 20-6.12, RC-4 Ocean Promenade Waterfront Mix, as amended 6-22-1993 by Ord. No. 19-93, which immediately followed this subsection, were repealed effective with the adoption of the Oceanfront-Broadway Redevelopment Plan on 5-14-1996 by Ord. No. 15-96.

31 (Popup - Popup)

Editor's Note: Former Subsection D(1), Community residences for the developmentally disabled

and community shelters for victims of domestic violence, was repealed 11-10-1998 by Ord. No. 39-98 and 2-23-1999 by Ord. No. 15-99.

32 (Popup - Popup)

Editor's Note: Former Subsection D(2), Community residences for the developmentally disabled and community shelters for victims of domestic violence, was repealed 11-10-1998 by Ord. No. 39-98 and 2-23-1999 by Ord. No. 15-99.

33 (Popup - Popup)

Editor's Note: Original Section 20-6.17, C-5 Commercial Recreation District, and Section 20-6.18, C-6 Boulevard Commercial, as amended by Ord. Nos. 8-95 and 19-93, which immediately followed this subsection, were repealed effective with the adoption of the Oceanfront-Broadway Redevelopment Plan on 5-14-1996 by Ord. No. 15-96.

34 (Popup - Popup)

Editor's Note: Former Subsection D, Uses requiring a conditional use permit, which immediately followed this subsection, was repealed 11-10-1998 by Ord. No. 39-98 and 2-23-1999 by Ord. No. 15-99.

35 (Popup - Popup)

Editor's Note: See Ch. 284, Signs.

36 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

37 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

38 (Popup - Popup)

Editor's Note: Original Section 20-8.6, Additional Requirements for Hotels in the RC-3 Zone District, which immediately followed this subsection, was repealed effective with the adoption of the Oceanfront-Broadway Redevelopment Plan on 5-14-1996 by Ord. No. 15-96.

39 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

40 (Popup - Popup)

Editor's Note: See Ch. 300, Subdivision of Land.

41 (Popup - Popup)

Editor's Note: See Ch. 300, Subdivision of Land.

42 (Popup - Popup)

Editor's Note: Said map is on file in the City offices.

43 (Popup - Popup)

Editor's Note: See Ch. 114, Beach Clubs.

44 (Popup - Popup)

Editor's Note: The schedules are included in Art. XI, § 345-102 et seq.

45 (Popup - Popup)

Editor's Note: Former § 345-66, Community residences for the developmentally disabled and community shelters for victims of domestic violence, was repealed 2-23-1999 by Ord. No. 13-99.

46 (Popup - Popup)

Editor's Note: See N.J.S.A. 40:55D-1 et seq.

47 (Popup - Popup)

Editor's Note: the application checklist is on file in the City offices.

48 (Popup - Popup)

Editor's Note: See Ch. 147, Construction Codes, Uniform.

49 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

50 (Popup - Popup)

Editor's Note: Original Section VIII, regarding the plan kept on file, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

51 (Popup - Popup)

Editor's Note: See Chapter 345, Zoning, of the Code of the City of Long Branch.

52 (Popup - Popup)

Editor's Note: See Chapter 345, Zoning, of the Code of the City of Long Branch.

53 (Popup - Popup)

Editor's Note: Maps are included in a pocket at the end of this volume.

54 (Popup - Popup)

Editor's Note: Maps are included in a pocket at the end of this volume.

55 (Popup - Popup)

Editor's Note: Maps are included in a pocket at the end of this volume.

56 (Popup - Popup)

Editor's Note: See § 345-101, Redevelopment design standards.

57 (Popup - Popup)

Editor's Note: See § 345-101, Redevelopment design standards.

58 (Popup - Popup)

Editor's Note: See § 345-101, Redevelopment design standards.

59 (Popup - Popup)

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Editor's Note: See § 345-101, Redevelopment design standards.

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Editor's Note: See § 345-101, Redevelopment design standards.

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Editor's Note: See § 345-101, Redevelopment design standards.

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Editor's Note: See § 345-101, Redevelopment design standards.

67 (Popup - Popup)

Editor's Note: See § 345-101, Redevelopment design standards.

68 (Popup - Popup)

Editor's Note: See § 345-101, Redevelopment design standards.

69 (Popup - Popup)

Editor's Note: Maps are included in a pocket at the end of this volume.

70 (Popup - Popup)

Editor's Note: The design guidelines are on file in the office of the City Clerk.

71 (Popup - Popup)

Editor's Note: See Ch. 345, Zoning, Art. X, Redevelopment Plan.

72 (Popup - Popup)

Editor's Note: See §§ 345-87 and 345-88.

73 (Popup - Popup)

Editor's Note: The Schedule of Lot, Yard and Bulk Requirements for the RC-3 Waterfront Mixed Zone District and the RC-4 Ocean Promenade Waterfront Mixed Zone District, which immediately followed this schedule, were repealed effective with the adoption of the Oceanfront-Broadway Redevelopment Plan on 5-14-1996 by Ord. No. 15-96.

74 (Popup - Popup)

Editor's Note: The Schedule of Lot, Yard and Bulk Requirements for the C-5 Commercial Recreation Zone District and the C-6 Boulevard Commercial Zone District, which immediately followed this schedule, were repealed effective with the adoption of the Oceanfront-Broadway

Redevelopment Plan on 5-14-1996 by Ord. No. 15-96.