

Ordinance # 199-77

An Ordinance of the Borough of Ocean Gate in the County of Ocean and State of New Jersey controlling the Development and use of land within the Borough; Establishing Regulations, Limitations, requirements, procedures and standards governing such development and usage; providing penalties for the violation of the terms and provisions thereof and repealing all prior ordinances inconsistent therewith be it ordained by the Mayor and Borough Council of the Borough of Ocean Gate, in the County of Ocean and State of New Jersey that:

Article I – Short Title

This Ordinance shall be known as “The Development Ordinance of the Borough of Ocean Gate”.

Article II – Purposes

The Purposes of this Ordinance shall be identical, where appropriate, with those of the “Municipal Land Use Law” of the state of New Jersey, known as N.J.S.A. 40:55D-1, et seq., and specifically N.J.S.A. 40:55 D-2.

Article III – Definitions

The words and phrases utilized in this Ordinance are used as defined in N.J.S.A. 40:55 D-3, 4, 5, 6 and 7, known as the Municipal Land Use Law.

Article IV – Zoning

Section 1: Schedule of Zones:

Zone No.1 – Business District

Zone No.2 – Residential District

Section 2: Establishment of Zones; The Borough of Ocean Gate is hereby divided into zones or districts the extent of each as hereafter described:

(a) DISTRICT No. 1 – BUSINESS DISTRICT shall include all lots either facing or adjoining Ocean Gate Avenue.

(b) DISTRICT No. 2 – RESIDENTIAL DISTRICT shall include all of the remainder of the Borough not included in the Business District set forth above.

Section 3: General Regulations: The following general provisions relative to zoning shall be and are hereby put into full force and effect:

- A. In the residential zone, no building shall be erected nearer than 15 feet of the line of the street on which it fronts or nearer than 23 feet of the line of the curb on which said lot fronts, or nearer than 6 feet of either side lines or rear line of the lot.
- B. Ordinary porches, bay windows or steps shall not be nearer than three feet of either side line or rear line of the lot.
- C. Any and all secondary buildings for dwelling purposes are prohibited in the residential zone of this Municipality.
- D. Where there are presently two buildings on a lot in the residential zone and each of said buildings has living quarters for human habitation, neither of said buildings shall be enlarged by constructing an additional apartment or apartments or the making of additional housekeeping units of either of said buildings.

- E. A garage apartment shall be permitted in any and all secondary buildings situate on any lots in the Business Zone of this Municipality; provided, however, that said garage apartment shall contain a minimum of 864 square feet of floor space and does not exceed 15 percent of the area of the lot. If the garage apartment is the only building on the lot, it must conform with the 864 square feet minimum area.
- F. Apartment houses shall be prohibited in this Municipality by "Apartment house" in this Ordinance, it is meant a building made up of individual dwelling units consisting of a room or set of rooms fitted especially with housekeeping facilities and used as a dwelling, which said building shall contain three or more such individual dwelling units.
- G. No property of 16,000 square feet or greater may be subdivided to building lots of less than 8,000 square feet. Properties of not less than 12,000 square feet may be subdivided into two building lots of approximately equal size.
- H. All dwellings in both zones shall contain a minimum of 864 square feet of floor space on the first floor. The area of the main dwelling building shall in no case exceed 40 percent of the area of the lot. The area of the building or buildings accessory to the main building shall in no case exceed 15 percent of the area of the lot, with the exception of lots facing on the municipal boardwalk or lots in the Business Zone.
- I. No trailer shall be permitted anywhere in this Municipality for residential or business purposes.
- J. All gasoline service stations are prohibited in this Municipality.
- K. No commercial laundry shall be permitted anywhere within the limits of this Municipality.
- L. No building shall have more than 50 percent of its floor area devoted to the storage of goods except that used in connection with the business located in the same building.
- M. No manufacturing trade or industry shall be carried on in any building of structure or on any premises, which is injurious obnoxious or offensive by reason of noise, odor, smoke, gas, dust, excess sewage or other objectionable features to human beings.
- N. Any building now non-conforming shall not be bound by this Ordinance; but no non-conforming use shall, if once changed into a conforming use, be changed back again into a non-conforming use.
- O. No tents for commercial or business purposes, or for human habitation shall be permitted anywhere in this Municipality.
- P. No building lot in this Municipality shall be less than 60 feet by 100 feet or 6,000 square feet.
- Q. No Multiple dwelling of two or more units shall be erected, nor shall any existing dwellings be converted to contain two or more dwelling units on less than 10,000 square feet of a building lot in this Municipality.
- R. No hospital, nursing home, rehabilitation center or clinic rest home or sanitarium shall be allowed or permitted in any zone of this Municipality.
- S. In the residential zone, a dwelling for one or two families or for one or two housekeeping units only shall be permitted on each lot. Nothing herein shall prevent the taking of boarders or the leasing of rooms or the display of a small sign on the premises advertising for boarders or the leasing of rooms.
- T. No building in the residential zone shall be more than 2 ½ stories high above ground level.

- U. Any parcel of land or building in the Business Zone may be used for residential purposes, but no property in the Residential Zone shall be used for business purposes or for any purpose other than for residences for members of the human race.

#### Article V – Site Plan Review and Approval

Section 1: Site Plan approval by the approving authority shall not be required for purposed development, except in instances where the proposed development does not conform to the provisions of Section 3 of Article IV above. In no instance shall site plan approval be required for single family or two family dwellings.

Section 2: The procedure for determining the applicability of site plan review requirements shall be as follows:

- A. A plot plan for all proposed development, other than single and two family dwellings, shall be submitted to the Building Official and shall contain as a minimum the following data: lot and block designation; property boundaries; proposed building dimensions; height and area of proposed structures; lot dimensions and area; proposed set backs from streets and property lines.
- B. The Building Official shall determine if the proposed development conforms to the requirements of Section 3, Article IV above. If the Building Official determines that the proposed development does not conform to these requirements, site plan approval by the approving authority will be required, and procedures and requirements specified elsewhere herein and in other Borough Ordinances shall be met.

#### Article VI – Subdivision Approval

Section 1: No subdivision approval by the approving authority shall be required, unless the proposed lots to be created do not meet the minimum requirements specified in Section 3 of Article IV of this Ordinance.

An applicant may, for the purposes of facilitating the filing of a subdivision with the County Recording Officer, request formal “exemption” from subdivision approval requirements. In such event a subdivision plat meeting the minimum data requirements of VIA below may be submitted to the Planning Board Secretary, with a written request for “exemption”. The plat and deed shall be stamped “exempt” and signed by the Planning Board Chairman and Secretary.

Section 2: The procedure for determining the applicability of subdivision requirements shall be as follows:

- A. Subdivision plat shall be submitted to the Building Official and shall contain as a minimum the following data: lot and block designations; existing and proposed lot dimensions and areas; plat must clearly indicate proposed subdivision lines; existing and proposed structures; existing and proposed setbacks from streets and property lines.
- B. The Building Official shall determine if the proposed subdivision conforms to requirements of Section 3 of Article IV of this Ordinance. If the Building Official determines that the proposed development does not conform to these requirements, subdivision approval by the approving authority will be required and procedures and requirements specified elsewhere herein and in other Borough Ordinances shall be met.

Article VII – Fees

The developer shall, at the time of filing a submission pay the following non-refundable fee to the Borough of Ocean Gate by certified check or bank money order. Proposals involving more than one type submission shall pay a fee equal to the sum of the fees for each element:

Section 1: Subdivision:

Sketch Plat - \$25.00 per lot

Preliminary Plat - \$20.00 per lot

Final Plat – ½ preliminary plat fees

Section 2: Site Plan:

\$30.00 per 1,000 square feet or part thereof of gross floor area

Section 3: Variances:

- |                             |         |
|-----------------------------|---------|
| (a) Hear and decide appeals | \$25.00 |
| (b) Hardship variances      | 50.00   |
| (c) Use variance            | 100.00  |

Article VIII – Violations

Any person, partnership, firm or corporation violating any of the provisions of this Ordinance shall upon conviction, suffer a penalty of a fine not exceeding FIVE HUNDRED DOLLARS (\$500.00) or imprisonment in the common jail of the County of Ocean not exceeding ninety (90) days, or both at the discretion of the magistrate before whom such conviction is had.

Article IX – Separability Clause

If any section, paragraph subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Article X – Repealer Clause

Any ordinance of this Municipality inconsistent herewith is hereby repealed, to the extent of such inconsistency.

Article XI – Effective Date

This Ordinance shall take effect immediately upon its final passage, publication and approval as required by Law; provided, however, a certified copy is duly filed by the Borough Clerk with the Ocean County Planning Board immediately upon its adoption.

Ordinance #221

AN ORDINANCE OF THE BOROUGH OF OCEAN GATE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "AN ORDINANCE OF THE BOROUGH OF OCEAN GATE, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY CONTROLLING THE DEVELOPMENT AND USE OF LAND WITHIN THE BOROUGH; ESTABLISHING REGULATIONS; LIMITATIONS; REQUIREMENTS; PROCEDURES AND STANDARDS GOVERNING SUCH DEVELOPMENT AND USAGE; PROVIDING PENALTIES FOR THE VIOLATION OF THE TERMS AND PROVISIONS THEREOF, AND REPEALING ALL PRIOR ORDINANCES INCONSISTENT THEREWITH"

BE IT ORDAINED by the MAYOR and BOROUGH COUNCIL of the BOROUGH OF OCEAN GATE, in the County of Ocean and State of New Jersey, that the Zoning Ordinance of this Municipality finally adopted on January 25, 1977, the title of which ordinance is quoted in the title hereof, be and the same is hereby amended in the following particulars:

Section 2 (a) under Article IV – Zoning, shall read as follows:

(a) DISTRICT NO. 1 BUSINESS DISTRICT shall include all lots wither facing or adjoining Ocean Gate Avenue south of Chelsea Avenue, to a depth of 100 feet.

Paragraph J under Section 3, General Regulations, of ARTICLE IV – Zoning, shall be amended to read as follows:

J. All gasoline service stations, massage parlors, adult book stores, game and gambling rooms, warehousing, truck repair and storage facilities, fast food restaurants, heating oil or bottled gas distributors are prohibited in this Municipality.

This Ordinance shall take effect immediately upon its final passage, publication and approval as required by Law; provided, however, a certified copy is duly filed by the Borough Clerk with the Ocean County Planning Board immediately, upon its adoption.

Approved January 23, 1979

Ordinance #259

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE OF THE BOROUGH OF OCEAN GATE, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY CONTROLLING THE DEVELOPMENT AND USE OF LAND WITHIN THE BOROUGH; ESTABLISHING REGULATIONS; LIMITATIONS; REQUIREMENTS; PROCEDURES AND STANDARDS GOVERNING SUCH DEVELOPMENT AND USAGE; PROVIDING PENALTIES FOR THE VIOLATION OF THE TERMS AND PROVISIONS THEREOF, AND REPEALING ALL PRIOR ORDINANCES INCONSISTENT THEREWITH"

BE IT ORDAINED by the MAYOR and BOROUGH COUNCIL of the BOROUGH OF OCEAN GATE, in the County of Ocean and State of New Jersey, as follows:

SECTION 1, From and after the effective date of this Ordinance, Paragraph B, Under SECTION 3, General Regulations, of Ordinance No. 199 of this Municipality, duly adopted by the Governing Body on January 25, 1977, and the title of which Ordinance is quoted in the title hereof, shall be and the same is hereby amended to read as follows:

B: Ordinary porches, bay windows or steps shall not be nearer than six (6) feet of either side line or rear line of the lot.

SECTION 2: This Ordinance shall take effect immediately upon its final passage, publication and approval, as required by Law; provided, however, a certified copy is duly filed by the Borough Clerk with the Ocean County Planning Board immediately upon its adoption.

Approved: May 10, 1983

Ordinance #264

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "AN ORDINANCE OF THE BOROUGH OF OCEAN GATE, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY CONTROLLING THE DEVELOPMENT AND USE OF LAND WITHIN THE BOROUGH; ESTABLISHING REGULATIONS; LIMITATIONS; REQUIREMENTS; PROCEDURES AND STANDARDS GOVERNING SUCH DEVELOPMENT AND USAGE; PROVIDING PENALTIES FOR THE VIOLATION OF THE TERMS AND PROVISIONS THEREOF, AND REPEALING ALL PRIOR ORDINANCES INCONSISTENT THEREWITH"

BE IT ORDAINED by the MAYOR and BOROUGH COUNCIL of the BOROUGH OF OCEAN GATE, in the County of Ocean and State of New Jersey, that Ordinance No.199 of this Municipality, finally adopted on January 25, 1977, the title of which Ordinance is quoted in the title hereof, shall be and the same is hereby amended and supplemented in the following manner:

SECTION 1: From and after the effective date of this Ordinance, there shall be added a new paragraph to Section 3: General Regulations, ARTICLE IV – Zoning, which said new paragraph shall be designated A (1) and shall read as follows:

"A (1): No fence or other permanent structure of any nature or kind shall be erected in the Borough of Ocean Gate nearer than eight (8) feet from the curb line of any street in the Municipality.

No fence or other permanent structure, of any nature or kind, being more than four (4) feet in height, shall be erected in this Municipality unless and until approval has been obtained for the erection of same from the Borough Zoning Board of Adjustment.

No fence or other permanent structure, of any nature or kind, shall be erected in this Municipality until a permit for the erection of same has been obtained from the Building Inspector and a permit fee of \$10.00 has been paid."

SECTION 2: This Ordinance shall take effect immediately upon its final passage, publication and approval as required by Law provided, however, a certified copy of same has been duly filed by the Borough Clerk with the Ocean County Planning Board immediately upon its adoption.

Approved: June 28, 1983

DUPLICATE

ORDINANCE #281-85

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED  
“AN ORDINANCE OF THE BOROUGH OF OCEAN GATE, IN THE COUNTY OF  
OCEAN AND STATE OF NEW JERSEY CONTROLLING THE DEVELOPMENT  
AND USE OF LAND WITHIN THE BOROUGH; ESTABLISHING REGULATIONS,  
LIMITATIONS, REQUIREMENTS, PROCEDURES AND STANDARDS  
GOVERNING SUCH DEVELOPMENT AND USAGE; PROVIDING PENALTIES FOR  
THE VIOLATION OF THE TERMS AND PROVISIONS THEREOF, AND  
REPEALING ALL PRIOR ORDINANCES INCONSISTENT THEREWITH”

BE IT ORDAINED by the MAYOR and BOROUGH COUNCIL of the  
BOROUGH OF OCEAN GATE, in the County of Ocean and State of New Jersey, that  
Ordinance No. 199 of this Municipality, finally adopted on January 25, 1977, the title of  
which Ordinance is quoted in the title hereof, shall be and the same is hereby amended  
and supplemented in the following manner:

SECTION 1: From and after the effective date of this Ordinance, Paragraph Q  
under Section 3: General Regulations, ARTICLE IV-Zoning, shall read as follows:

“Q. No multiple dwelling of two or more units shall be erected nor shall  
any existing dwellings be converted to contain two or more dwelling units  
on less than 12,000 square feet of building lot.

SECTION 2: This Ordinance shall take effect immediately upon its final passage,  
publication and approval, as required by Law; provided, however, a certified copy of  
same has been duly filed by the Borough Clerk with the Ocean County Planning Board  
immediately upon its adoption.



## ORDINANCE #486-04

AN ORDINANCE OF THE BOROUGH OF OCEAN GATE, COUNTY OF OCEAN, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT ORDINANCE ENTITLED "AN ORDINANCE OF THE BOROUGH OF OCEAN GATE, COUNTY OF OCEAN AND STATE OF NEW JERSEY CONTROLLING THE DEVELOPMENT AND USE OF LAND WITHIN THE BOROUGH; ESTABLISHING REGULATIONS; LIMITATIONS; REQUIREMENTS; PROCEDURES AND STANDARDS GOVERNING SUCH DEVELOPMENT AND USAGE; PROVIDING PENALTIES FOR THE VIOLATION OF THE TERMS AND PROVISIONS THEREOF, AND REPEALING ALL PRIOR ORDINANCES INCONSISTENT THEREWITH" INCLUDING ORDINANCE #199-1977 & #264-1983

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Ocean Gate, County of Ocean, State of New Jersey, that the Zoning Ordinance of this Municipality, and amendments and supplements thereto, the title of which ordinance, amendment and supplement is quoted in the title hereof, be and the same are hereby amended and supplemented as follows:

1. Ordinance #199-1977, Article IV, Zoning, Section 3: General Regulations, Paragraph O shall read as follows: Tents and membrane structures shall not be permitted anywhere in this municipality, except for recreational uses between May 1 and October 1. Tents or membrane structures for such recreational use shall be limited to no more than 150 square feet being no more than 10 feet in height. (All tents not meeting the above description require a permit from the Zoning Officer for temporary use only (72 hours)).
2. Ordinance #199-1977, Article V, Site Plan Review and Approval, Section 2A, shall read as follows: A current plot plan (being not more than 12 months old) for all proposed development shall be submitted to the Building Official and shall contain, at a minimum, the following Block and Lot designation, property boundaries, existing and proposed setbacks from streets and property lines, and flood and zoning designations.
3. Ordinance #199-1977, Article IV, Zoning, Section 3: General Regulations, Paragraph V shall read as follows: A shed not more than 150 square feet and no more than 10 feet in height may be located not less than three (3) feet from rear and side lot line and fifteen (15) feet from any front line. Any shed over 150 square feet must comply with all set back regulations set forth in Article IV, Section 3, paragraph A. No shed shall be over 12 feet in height.
4. Ordinance #199-1977, Article IV, Zoning, Section 3: General Regulations, Paragraph W shall read as follows: No business or residential premises shall be used as a junkyard. For the purposes of this section a junkyard shall be described as an area or structure used for the collecting, storage, buying, trading or abandonment of processing structures, automobiles, trucks, other vehicles, machinery and/or boats.
5. Ordinance #199-1977, Article V, Site Plan Review, Section 2, Paragraph C shall read as follows: An "AS BUILT" survey shall be submitted for final zoning approval for all new development. The "AS BUILT" survey shall include the location of all structures, impervious ground cover and a finished floor elevation. For all new construction in a designated flood zone a flood elevation certificate shall be submitted. Additions and accessory structures on existing developed lots are exempt from this section.
6. Ordinance #264-1983, Section 1 shall read as follows: A (1) No fence or other permanent structure of any nature or kind shall be erected in the Borough of nearer than eight (8) feet from the curb line of any street in the municipality. No fence or other permanent structure of any nature or kind, being more than six (6) feet in height shall be erected in the Borough of Ocean Gate unless and until approval has been obtained for the erection of same from the Zoning Board of Adjustment. Any fence to be erected shall comply with all other requirements. No fence shall be erected within three (3) feet of any permanent structure, including structure on contiguous lots.

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