

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXXV, ENTITLED "LAND DEVELOPMENT" SO AS TO AMEND VARIOUS SECTIONS**

November 17, 2025

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Berkeley, County of Ocean and State of New Jersey, as follows:

**SECTION 1.** Chapter 35 of the Township Code of the Township of Berkeley, entitled "Land Development," is hereby amended and supplemented so as to amend Attachment 5, as follows:

Chapter 35 Attachment 5

**SCHEDULE 1—SCHEDULE OF REQUIREMENTS TOWNSHIP OF BERKELEY**

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Delete note 10 and add the following:

10. Sheds of 120 square feet and less may be constructed and placed not less than three feet from the rear property line and three feet from any side line in any zone of the Township, except that in all circumstances where the rear property line of a building lot is a bulkheaded lagoon area, the aforesaid shed shall not be less than 15 feet from any such bulkhead. In addition, where the rear lot line is a bulkheaded lagoon area, inground pools and associated aprons and coping are permitted to be within the 15 feet setback from the bulkhead. All other components of an inground pool are to be setback a minimum of 15 feet from the bulkhead.

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13. Provision for Height Requirements.

Height requirements in a Flood Zone:

Building Height in a flood zone shall mean the vertical distance from the Base Flood Elevation (BFE) to the highest point of the roof for flat roofs, or to the deckline of a mansard roof or to the mean height between the eaves and ridge for a gable or hipped roof. The Base Flood Elevation (BFE) will be the Best Available Data as indicated in the Floodplain Prevention Ordinance. ~~The vertical distance shall have a have a maximum structure height of BFE + 35 feet.~~

All new structures that propose a garage in a flood zone area shall maintain a garage floor elevation that is a minimum 1.5 feet above the adjacent road centerline elevation.

**SECTION 2.** Chapter 35 of the Township Code of the Township of Berkeley, entitled "Land Development," is hereby amended and supplemented so as to amend Section 35-54, entitled "Driveways" so as to add subsection "d", which shall read as follows:

**§ 35-54. DRIVEWAYS.**

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d. All driveways, in conjunction with a garage in a flood zone area, shall be designed to maintain a garage floor elevation that is a minimum 1.5 feet above the adjacent road centerline elevation.

**SECTION 3.** Chapter 35 of the Township Code of the Township of Berkeley, entitled "Land Development," is hereby amended and supplemented so as to amend Section 35-96.3, entitled "R-64, R-60, R-50, R-31.5 Zones," to amend subsection "2", which shall read as follows:

**35-96.3. R-64, R-60, R-50, R-31.5 Zones.**

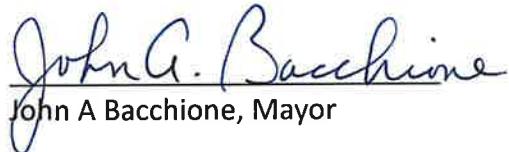
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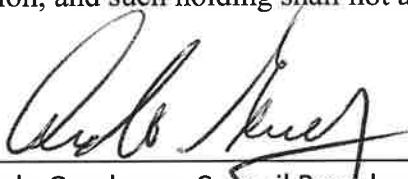
2. In the [R-64, R-50, R-31.5 and in the] R-60 Zone District on a nonoceanfront site with existing or proposed shore protection structures (bulkheads), the single-family home or duplex and/or accessory structures shall be set back at least 15 feet from existing or proposed shore protection structures (bulkheads).

**SECTION 4.** Chapter 35 of the Township Code of the Township of Berkeley, entitled "Land Development," is hereby amended and supplemented so as to delete Article XX, entitled "Voluntary TDR Program" in its entirety.

**SECTION 5.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

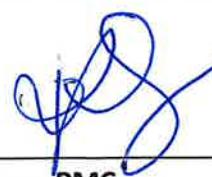
**SECTION 6.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

  
John A Bacchione, Mayor

  
Angelo Guadagno, Council President  
Michael Signorile, Council Vice President

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on November 17, 2025 and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 15<sup>th</sup> day of December at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

  
Karen Stallings, RMC  
Township Clerk, Township of Berkeley