

ORDINANCE NO. 2021-04-OA<sup>B</sup>

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXXV OF THE REVISED GENERAL ORDINANCES OF BERKELEY TOWNSHIP, ENTITLED "LAND DEVELOPMENT", TO REFLECT CORRECTIONS RESULTING FROM RECENT ORDINANCE AMENDMENTS

January 26, 2021

**BE IT ORDAINED** by the Mayor and Township Council of the Township of Berkeley, County of Ocean, 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 §35-96.1A, entitled "Conservation Zone", which shall read as follows:

**35-96.1A Conservation/Residential Zone**

a. Permitted Uses.

1. Detached single-family dwellings for residential purposes, together with its accessory structures.
2. Public buildings of a governmental nature, public parks, playgrounds, and municipal golf courses.
3. Essential services.
4. Fish and wildlife management.
5. Public service infrastructure.
6. Community residences for the developmentally disabled.
7. Boatyards and marinas.
8. Campgrounds pursuant to the requirements of §35-128.

b. Conditional Uses.

1. Public utilities.
2. Cellular telecommunication towers and facilities.
3. Home occupations.
4. Schools.
5. Places of assembly.

c. Area, Yard and Bulk Regulations. Area, yard and bulk regulations shall be as follows:

1. The minimum lot area shall be three (3) acres (130,680 square feet).
2. The minimum lot frontage shall be 200 feet.
3. The minimum lot depth shall be 200 feet.
4. The minimum front yard shall be 75 feet.
5. The minimum rear yard shall be 50 feet.
6. The minimum side yard shall be 25 feet; 50 feet combined.
7. The maximum building height shall be 35 feet.
8. The maximum lot coverage by buildings shall be ten (10%) percent.

d. Supplemental Regulations. To more effectively preserve sensitive features of the area, reduce residential sprawl, preserve large expanses of open space, and encourage less

internal roadway infrastructure and less vegetative clearing, a cluster option that maintains a one (1) dwelling unit per three (3) acre residential gross tract density shall be permitted subject to the following:

1. Minimum tract size—thirty (30) acres.
2. The area, yard and bulk requirements for cluster lots shall be as set forth in subsection 35-96.2 for the R-200 Zone, except that the maximum gross impervious tract coverage shall not exceed ten (10%) percent.
3. Tracts that employ the cluster option shall preserve sixty (60%) percent of the gross tract area as open space. The Township shall be given the right of first refusal to take title to open space lands. If the Township decides not to take title to the open space lands, a homeowners association shall be established.
4. Density should be shifted to areas that can best support the installation of site features, including dwellings; utilities; and associated site improvements. Principal and accessory buildings should be located in such a way as to minimize lot disturbance. Driveways should follow existing tree lines, lanes or hedge rows.
5. All clustered units must be connected to a sanitary sewer and potable water system.
6. New Jersey Department of Environmental Protection (NJDEP) delineated wetlands and upland buffers shall be protected by conservation easements.
7. Linkages to on-tract and off-tract adjacent open space and environmental features, such as stream corridors, shall be provided through lots via easements or dedicated rights-of-way.

**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 §35-96.1B, entitled “Public Preservation/Conservation Zone”, which shall read as follows:

**§35-96.1B Public Preservation/Conservation Zone**

a. Permitted Uses.

1. Detached single-family dwellings for residential purposes, together with its accessory structures.
2. Public buildings of a governmental nature, public parks, playgrounds, and nature preserves.
3. Essential services.
4. Fish and wildlife management.
5. Public service infrastructure.
6. Community residences for the developmentally disabled.
7. Boatyards and marinas.

b. Conditional Uses.

1. Public utilities.
2. Cellular telecommunication towers and facilities.
3. Home occupations.
4. Schools.

c. Area, Yard and Bulk Regulations. Area, yard and bulk regulations shall be as follows:



1. The minimum lot area shall be three (3) acres (130,680 square feet), provided sanitary sewer facilities are available. In the event that sanitary sewers are not available, the minimum lot area shall be five (5) acres (217,800 square feet).
2. The minimum lot frontage shall be 200 feet.
3. The minimum lot depth shall be 200 feet.
4. The minimum front yard shall be 100 feet.
5. The minimum rear yard shall be 50 feet.
6. The minimum side yard shall be 50 feet; 100 feet combined.
7. The maximum building height shall be 35 feet.
8. The maximum lot coverage by buildings shall be ten (10%) percent.

**SECTION 3.** After introduction of this ordinance, the Township Clerk shall send a copy of this ordinance to the Township Planning Board for its review and comment. The Township Clerk shall also send a copy of the ordinance to the Ocean County Planning Board pursuant to N.J.S.A. 40:55D-16.

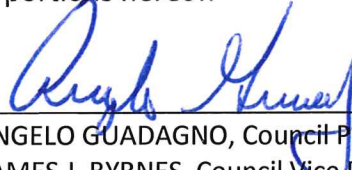
**SECTION 4.** This ordinance shall take effect after second reading and publication as required by law and the filing of the adopted ordinance with the Ocean County Planning Board.

**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.



CARMEN F. AMATO, JR., Mayor



ANGELO GUADAGNO, Council President  
JAMES J. BYRNES, 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 January 26, 2021 and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 23<sup>rd</sup> day of February, 2021 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.



BEVERLY M. CARLE, RMC  
Township Clerk, Township of Berkeley