

Zoning Application Packet

The following pages comprise the zoning application packet. It contains the zoning office's forms necessary to obtain a zoning permit. Not all forms will be required for all requests. It is the responsibility of the property owner, applicant, or agent to submit a completed application and provide all fees, applicable information, and documentation needed to process the application. Instructions and definitions are included to assist you in completing the application. Incomplete applications will not be approved, and the property owner will be notified.

If after reading the instructions, you require information that was not included please feel free to contact the zoning office at 732-244-7400 extension 1507 or via e-mail at zoning@berkeleystownship.org for further assistance.

35-131.2 Zoning Permits and Procedures.

- a. No construction, alteration or excavation for any building or other structure nor any use of building or land shall be begun without the issuance of a permit by the Zoning Officer indicating the proposal is in compliance with the provisions and requirements of this chapter.
- b. All applications for permit shall be made on forms provided by the Zoning Officer. Each such application shall be accompanied by a plan drawn to such scale as required to show exact dimensions and locations of all buildings, yards, lot lines, off-street parking and such other appropriate details and information as may be necessary to provide for the administration of this chapter. All dimensions shown on these plans relating to the lot to be used or built upon shall be based on actual survey, deed description or an approved subdivision plat. Should the application for zoning permit involve the construction, addition or enlargement of a building or structure regulated by maximum height provisions of this chapter, or where a two-dimensional drawing is insufficient for determining compliance with certain provisions of this chapter, the Zoning Officer may require building elevation drawings and cross sections be submitted prior to the issuance of a zoning permit. Where the approval of a site plan is required, submittals shall meet the requirements of the provisions of this chapter which deal with site plans. One (1) copy of the approved site plan shall be returned to the applicant, together with the permit issued by the Zoning Officer and with such conditions as may have been attached thereto by an official body of the Township of Berkeley acting under this chapter. In those instances where permits are not granted, the applicant shall be advised in writing as to the specific reasons involved.
- c. Before a certificate of occupancy is issued for any new construction, including residential, industrial or commercial, a certified location survey must be submitted to the Zoning Officer showing that the location of the completed structure complies with all setback, side yard and back yard provisions of this chapter.
- d. *Permission or Denial.*
 1. In reviewing an application for a zoning permit, the Zoning Officer may, in his discretion, permit or deny the issuance of a zoning permit in those instances where the following circumstances occur in a residential zone:
 - (a) Where the existing front or rear setback does not conform to the present zoning and the proposed repair or addition to the front or rear of the structure will not increase the degree of nonconformity, or where the repair or addition is made to a structure on an undersized lot, same may be permitted if the repair or addition does not violate any present setback requirements; and
 - (b) Where the proposed addition or repair will not tend to violate the purposes and intent of the chapter, which include but are not limited to safety, health, aesthetics, light, air and ventilation or otherwise tend to cause any health problems.
 2. In any event, should the Zoning Officer have any doubt whatsoever as to the effect of the application upon any of the foregoing zoning criteria, he shall deny the application for a zoning permit.
(Ord. No. 94-29 § 118-19.1; Ord. No. 09-15-OA §8)

Answers to frequently asked questions:

- A setback is the distance the proposed structure will be from a property line.
- Corner lots have two front setbacks, 1 rear setback and one side setback. The rear line is opposite the narrower front line.
- A structure that abuts the principal structure is considered attached and shall comply with principal structure setbacks.
- Any detached structure over 120sf shall comply with accessory setback requirements.
- Accessory structures or uses cannot exceed the principal structure or use in size or scope.
- Detached structures shall not be placed nearer to any street than the principal structure.
- Lot Coverage % is the square footage (LxW) of all buildings divided by the square footage of the lot.
- Impervious coverage includes buildings, driveways, patios, and other similar surfaces.

627 Pinewald-Keswick Road
P.O. Box B
Bayville, NJ, 08721

Zoning Department
(732)-244-7400
Extension 1254

BERKELEY TOWNSHIP ZONING PERMIT APPLICATION

TO AVOID UNNECESSARY DELAYS, PLEASE PROVIDE ALL DOCUMENTS & FEES AS LISTED ON THE REVERSE SIDE AND THE INFORMATION REQUESTED BELOW. DEFINITIONS AND NOTES ARE LISTED ON THE REVERSE SIDE. APPLICATIONS ARE PROCESSED WITHIN TEN BUSINESS DAYS.

Date Submitted _____ Block _____ Lots _____ Zone _____

Site Address _____

Property Owner Information

Name _____ Phone _____

Mailing Address _____

Email Address _____

Applicant/Contractor Information

Name _____ Phone _____

Mailing Address _____

Email Address _____

If Planning Board or Board of Adjustment approval was received, please enter Board and Application Number _____ and submit the board resolution, letter of compliance and approved plot plans.

Describe the proposed activity of your project. Please include the type of building/structure being proposed and the dimensions if not noted on the required survey or plot plan.

Signature of Owner or Applicant

This section is only to be used by the zoning department. Please disregard.

Plot Plan/Survey/Diagram/Drawing _____ Grading Exception _____ HOA Approval Letter _____

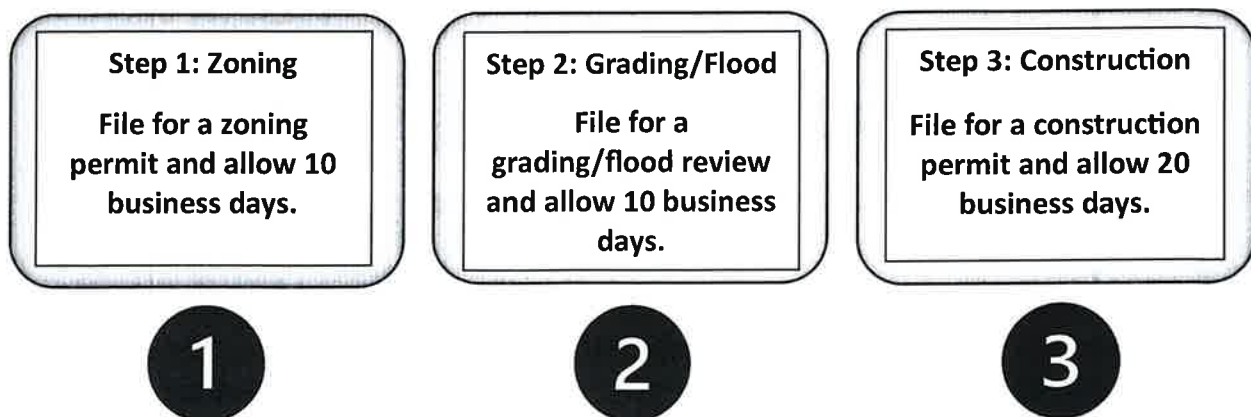
Flood Zone _____ Zoning Control Number _____ Resolution Number _____

Required Documents/Fees For Zoning Review

- A copy of a completed zoning permit application form.
- A residential fee of \$30 or a commercial fee of \$60. This fee is payable by cash or check only, and the check can be written out to Berkeley Township.
- A homeowners association approval letter if the project is in a Planned Residential Retirement Community (PRRC) zone.
- A copy of the resolution and letter of compliance if the project was approved by the Planning Board or Board of Adjustment.
- A plot plan or survey of the property showing location, setbacks, floor area, elevation and height of proposed structure, all impervious surfaces, and lot coverage percentage.
 - For fences, or sheds less than 100 sq ft, a diagram drawn by the property owner or applicant, and subject to approval by the Zoning Officer, may be acceptable. The street and all existing and proposed structures showing setbacks shall be included in the diagram. The diagram shall be notarized certifying its accuracy at the time the application is submitted.
 - For signs, a diagram showing the dimensions and placement of the proposed sign is required.
- A grading plan is required for most projects. The following are different types of grading plans that can be used depending on the project.
 - A grading exception is allowed for accessory structures under 144 sq ft, or any type of ground covering.
 - A grading waiver can be used for additions or accessory structures, and two copies of a plot plan or survey if the total impervious coverage percentage does not exceed maximum lot coverage percentage and all other zone requirements are met. The plot plan or survey must show all existing and proposed structures and all impervious coverage.
 - Two sealed copies of a grading plan and a sealed copy of the engineer's certification (blue sheet) are required for all other proposals.

The above are general requirements and information. Additional documents and information may be required in some cases. Please address any concerns or questions prior to the submission of your application.

Zoning/Construction Step-By-Step Guide



LAND USE

35 Attachment 5

SCHEDULE 1—SCHEDULE OF REQUIREMENTS
TOWNSHIP OF BERKELEY

[Ord. No. 99-36-OAB § 3; Ord. No. 04-24-OAB; Ord. No. 08-15-OA; Ord. No. 08-16-OAB; Ord. No. 10-26-OA § 2; Ord. No. 2013-20-OAB (provisions expire August 1, 2015); Ord. No. 2015-13-OAB § 1, 2; Ord. No. 2015-22-OAB § 4, 5; Ord. No. 2016-28-OAB; Ord. No. 2017-48-OAB; amended 12-16-2019 by Ord. No. 19-44-OAB; 10-26-2020 by Ord. No. 20-37-OAB]

Setbacks ^{11, 12}												
Zone	Minimum Lot Area (square feet)	Minimum Frontage (feet)	Minimum			Minimum Accessory ¹⁰			Minimum Floor Area (square feet)	Maximum Lot Coverage (%)	Maximum Building and Structure Height ¹³ (feet)	
			Front ⁷ (feet)	Rear (feet)	Side (feet)	Both Sides (feet)	Rear (feet)	Side (feet)				
R-MF	200,000	200	50	50	50	100	25	25	See Note 1	25	35	
R-31.5	3,150 ⁷	45	20	10	5	15	5	5	720	35	35	
R-50	5,000 ⁷	50	35 ⁹	20	5	15	5	5	720	35	35	
R-60	6,000 ⁷	60	35 ⁹	20	7	18	5	5	864	30	35	
R-64	6,400 ⁷	80	25	20	7	18	5	5	864	30	35	
R-90	9,000 ⁸	75	30	25	7	20	5	5	See Note 3	30	35	
R-100	10,000	100	35	30	10	30	10	10	See Note 3	25	35	
R-125	12,500	100	35	30	10	25	7	7	See Note 3	25	35	
R-150	15,000	100	35	30	10	25	7	7	See Note 3	25	35	
R-200	20,000	125	40	30	15	35	15	15	See Note 3	20	35	
R-400	40,000	200	40	40	25	50	15	15	See Note 3	20	35	
R-400PRRC5	40,000	200	40	40	25	50	15	15	See Note 2	20	35	
Conservation/ Residential Zone			See standards in Subsection 35-96.1A									
Public Preservation/ Conservation Zone			See standards in Subsection 35-96.1B									
NB	5,000	50	25	20	— ¹²	— ¹²	5	5	400	60	25	
HB	15,000	150	50	40	15	40	10	10	700	50	35	
LI	43,560	200	50	40	40	80	40	40	5,000	30	35	
GI	200,000	200	50	40	40	80	40	40	5,000	30		
R-4F			See standards in Subsection 35-96.9									

BERKELEY CODE

Setbacks ^{11, 12}												
Zone	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum			Both Sides (feet)	Minimum Accessory ¹⁰			Minimum Floor Area (square feet)	Maximum Lot Coverage (%)	Maximum Building and Structure Height ¹³
			Front ⁷ (feet)	Rear (feet)			Side (feet)	Rear (feet)	Side (feet)			
R-TH	See standards in Subsection 35-96.7											
R-LR	See standards in Subsection 35-96.8											
RC	See standards in Subsection 35-106.4											
BR	See standards in Subsection 35-96.9											

Notes to Schedule 1, § 35-95.

1. See Subsection 35-96.7.
2. PRRC: one bedroom, 800 square feet; two bedroom, 900 square feet; three bedroom, 1,000 square feet.
3. One bedroom, 950 square feet; two bedroom, 1,100 square feet; three bedroom and larger, 1,250 square feet.
4. See Section 35-103 requirements.
5. See Section 35-101 requirements.
6. Reserved.
7. See Subsection 35-89.5.
8. Corner lots require 12,500 square feet.
9. Front setback requirements in the R-50 and R-60 Residential Zones may be reduced to 25 feet, provided that the lot in question is served by a municipal or public water and sewer system and that the setback distance for any new structure will not be less than the average setback of the existing structures within the same block face.
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.
11. The following shall be exceptions to the setback requirements under this chapter:
 - (a) Roof eaves may project not more than three feet into the required yard area.
 - (b) Architectural features. Windowsills, belt courses and similar architectural features, rain leaders and chimneys may project not more than two feet into the required yard area.
 - (c) Exterior stairways and fire escapes. Exterior stairways going to a second story, smokeproof towers, balconies, fire escapes or other required elements of a means of egress may not project more than four feet beyond the face of the wall. This exception shall apply only to rear and side yards and to those structures which presently comply with the minimum side yard requirements under this chapter.
 - (d) Entrance stoops and stairways are excepted as long as same are not more than six feet in height above the average finished grade within 10 feet of their perimeters and are no less than 12 feet from the property line when same are located in the front yard and no more than six feet from the structure and not less than one foot from the property line when located in a side yard or rear yard.
12. Grandfathering Provision for Undersized Lots for Lot Area.

LAND USE

- (a) The Township of Berkeley, hereinafter referred to as the “Township,” has taken into consideration the devastation that many of the property owners of the Township of Berkeley have experienced due to damage to their principal residential structures during Super Storm Sandy, which occurred on October 29, 2012.
The Township is aware that due to the storm and the many days of aftermath flooding, surges, fires, wind, snow and other weather-related conditions many property owners were victims of structural damage that resulted in or will result in the complete or substantial demolition, renovations and/or rebuild of their principal residential structure.
 - (b) The Township has agreed to permit a grandfathering of the requirement of the Municipal Land Use Law, hereinafter referred to as the “MLUL,” to apply for the reconstruction of demolished structures as a result of Sandy. This grandfathering applies to only principal residential structures. The grandfathering does not apply to nonpermitted uses, conditional uses, preexisting nonconforming uses or secondary structures on the property.
 - (c) This grandfathering will be available to property owners until August 1, 2018. Any property owner wishing to benefit from this grandfathering must have acquired all permits by August 1, 2018, unless an extension of time is granted by the Township Zoning Board of Adjustment.
 - (d) Any preexisting principal residential dwelling that is located on a substandard lot that must be demolished and rebuilt would be entitled to a grandfathering, but must comply with all setback and coverage requirements for the zone and provide off-street parking. If the property owner is requesting a grandfathering of the undersized lot variances, it is required that the location and size of the house is adjusted to eliminate all preexisting setback and coverage variances.
 - (e) The maximum area of encroachment for the construction of access to the principal residential structure is into the setbacks a total of 200 square feet.
13. Provision for Height Requirements.
- (a) The Township has agreed to permit a grandfathering of the requirement of the Municipal Land Use Law, hereinafter referred to as the “MLUL,” to apply for the raising of structures as a result of Sandy. This grandfathering applies to only principal residential structures. The grandfathering does not apply to nonpermitted uses, conditional uses, preexisting nonconforming uses or secondary structures on the property.
 - (b) This grandfathering will be available to property owners until August 1, 2018. Any property owner wishing to benefit from this grandfathering must have all permits by August 1, 2018, unless an extension of time is granted by the Township Zoning Board of Adjustment.
 - (c) Any property owner proposing the raising of the existing principal residential structure, located within a flood hazard area as identified within the Township Code Chapter 29 would be entitled to an adjustment for height requirements. The height of the home in these areas shall be measured from the base flood elevation or advisory base flood elevation (as applicable). The raised house must not include any changes to the number of usable floor levels, building area or rooflines, unless all bulk requirements are complied with. The only permitted increase of area and further setback violation allowed would be the addition of stairs to access the raised dwelling.
 - (d) Any property owner raising an existing principal residential structure to comply with flood requirements is permitted to construct access to the residence into the setbacks at a maximum total square footage of 200 square feet.
 - (e) Any property owner raising his/her structure in conformance with this section is required to provide a flood elevation certificate and a building height certificate to the Building Department.
 - (f) Any resident that is granted approval by the Planning or Zoning Board or grandfathered under this section will hold harmless the Township should they choose to voluntarily reconstruct and fail to comply with the flood elevations as provided by FEMA.