

ORDINANCE 2023-13

ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING TITLE 16 WHICH PERTAINS TO THE LAND USE DEVELOPMENT CODE, CHAPTER 16.60 WHICH PERTAINS TO GENERAL EXCEPTIONS AND MODIFICATIONS, AND CHAPTER 16.08 WHICH PERTAINS TO DEFINITIONS AND DESCRIPTIONS, AND AMENDING TITLE 9 WHICH PERTAINS TO PUBLIC PEACE, MORALS, AND WELFARE, AND CHAPTER 9.16 WHICH PERTAINS TO PROPERTY OFFENSES

THE MAYOR AND COUNCIL OF THE BOROUGH OF SHIP BOTTOM DOES ORDAIN:

STATEMENT OF PURPOSE

The purpose of this Ordinance is to amend the land use and zoning regulations in Chapter 16.60 regarding setback requirements for pavers, chimneys, and mechanical systems, the regulations relating to stairs and landings and the design flood elevation requirements, and the fence height measurement requirements, to amend Chapter 16.08 to add definitions, and to amend Chapter 9.16 to add regulations relating to temporary storage containers.

SECTION I

§16.60.010F is repealed and replaced with the following.

- F. Pavers and hardscaping. Pavers shall be setback a minimum of 18 inches from any lot line in all zones, except the aforesaid setback is not required for driveways with a minimum 6-inch-high curb line along the side of a driveway.

SECTION II

§16.60.010K and L are hereby added as follows.

- K. Permitted Encroachments into Setbacks.
1. Chimneys extending or protruding no more than 24 inches from the building and no more than 6 feet in width along the building shall be permitted to encroach into the front, side, and rear yard setbacks of the applicable zone. The base of the chimney within the front yard setback shall be a minimum of 8 feet above the grade and the top of the chimney shall not exceed the maximum overall building height. All chimney encroachments shall not be considered within the lot coverage calculations.
 - A. No chimney shall be permitted to reduce the width or dimension of a driveway.
 2. Construction of landings and stairs providing entry in connection with a house being raised so that the first-floor level is above design flood elevation (DFE) level may have 70 square feet projecting no more than 8 feet from the face of the building for reconfigured entries, of which there can be no more than 2. Each of the 2 allowable entries may have an additional 70 square feet, and these entries which do not exceed 70 square feet shall not be considered lot coverage.
 3. The following mechanical systems may encroach into the side and rear yard setbacks, provided they otherwise comply with the accessory setback requirements, as follows: air conditioner compressor platforms not to exceed in total 32 square feet; pool equipment platforms not to exceed in total 32 square feet; and emergency generator platforms not to exceed in total 32 square feet. Ductless air conditioner units may encroach into the side and rear yard setbacks a maximum of 18 inches if installed on brackets.

- L. Fence Height Measurements. All fences on properties with a raised grade shall be measured from grade, not the crown of the road.

SECTION III

§9.16.050 is hereby added as follows.

§9.16.050 Temporary Storage Containers

- A. Regulations. In residential zones, temporary storage containers commonly known as storage pods shall not be stored on any property, street, or public right-of-way except pursuant to the regulations set forth herein.
1. No more than 1 container may be placed on any property at any time and no more than 1 permit may be issued for any property, including any renewals of said permit, during a 6-month period, except in the discretion of the Construction Official.
 2. Shall not be larger than 130 square feet in area and no higher than 10 feet above grade, shall not be located on a property any closer to a side or rear lot line than a permitted accessory building, shall be set back no less than 10 feet from the front lot line, and shall be placed on a suitable base to assure stability.
 3. Shall only be permitted to be located on a residential lot during renovations and/or construction or for the unpacking or packing of goods and materials of the owner or occupant of the property. For renovations and/or construction, such shall be removed no more than 14 days after the issuance of a Certificate of Occupancy or Certificate of Approval. For the packing or unpacking goods and materials of the owner or occupant, such shall be authorized for a period of not more than 14 consecutive days.
 4. Shall not be stored in any manner that obstructs vehicular traffic, obstructs the view of traffic signs or vehicular traffic in sight triangles, obstructs pedestrian access to the sidewalk.
 5. Shall not be parked overnight on a public street or the public right-of-way.
 6. Shall not be used to store hazardous material or organic waste.
 7. Shall not be used for the storage of construction debris, business inventory, commercial goods, or any personal property which is not owned by the owner or occupant of the property where the unit is located.
 8. Shall not be used in connection with any business owned by the property owner or occupant of the property, except in the event the property owner or occupant is a contractor working at the property pursuant to the requirements of this section.
- B. Permit. Prior to the placement of a container on any private property, the owner of the property or the person contracting for the use of such shall apply for and receive a permit from the Borough in accordance with the following.
1. Application shall be made to the Construction Official on the form provided. The application shall require the name, address, and contact information for the owners of the container and the property with which the use is associated and the person contracting for its use (if such person is not the owner of the property at which it will be used), the size of the container, the location to be used at the property, and the dates it will be located at the property.
 2. Any permit issued shall be valid for a period of 14 days. Upon a showing of continued need (such as during the course of major construction projects or

delays not caused by the applicant), the Construction Official may renew a permit for up to two additional periods, not to exceed 14 days each.

3. Every application for a permit not related to a construction permit shall require the payment of a \$25 permit fee and every renewal request shall require an additional payment of a \$25 permit fee.
- C. Responsibility for condition. The owner of the container, the owner of the property, and the occupant of the property is located shall be jointly responsible to ensure that the container is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing, or other holes or breaks.
- D. Responsibility for compliance. The person contracting for the use of a container and the owner of the property associated with its use shall be jointly responsible for compliance with the provisions of this section, and the owner of the container shall be responsible for compliance with subsection C above.

SECTION IV

§16.08.020 is revised to add the following definition in the appropriate alphabetical order.

IMPERVIOUS SURFACE/LOT COVERAGE

Surface covering the natural earth which covering inhibits water percolation into the natural earth, thereby causing surface water to drain off the site of the surface covering rather than be absorbed into the earth constituting lot upon which the surface covering is placed.

IMPERVIOUS AREA

Shall mean the surface area of a lot covered by principal and accessory buildings and structures. Impervious area shall also include all paved parking areas, automobile access driveways and storage areas, patios, walkways, grade-level decks, swimming pools, spas, and all other impervious surfaces (except as indicated on the zoning district requirements) which do not allow for the direct percolation of rainwater and stormwater. Permeable interlocking concrete or brick pavement constructed in accordance with the Interlocking Concrete Paving Institute (ICPI) Technical Specification #18: Construction of Permeable Interlocking Concrete Pavement Systems, loose stone, gravel, and unroofed boardwalk type decks which allow for some percolation of stormwater shall be calculated as only 50% impervious, provided the subsurface beneath the permeable paver be free-draining material of a minimum thickness of 12 inches.

IMPERVIOUS SURFACE

Shall mean a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration of water.

SECTION V

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION VI

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

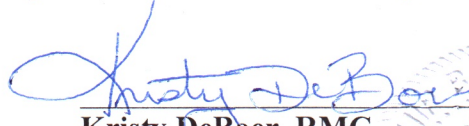
Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, June 27, 2023, at 6:30 p.m.

Further public notice is hereby given that said ordinance was tabled at a regular meeting of the Mayor and Council held on July 25, 2023. Ordinance 2023-13 was RE-INTRODUCED at a special meeting held on August 9, 2023 at 6:00 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008. There will be a public hearing and the ordinance will be voted upon for final adoption on August 22, 2023, at 6:00 p.m. at a regular meeting of the Mayor and Council at 1621 Long Beach Blvd.


Kristy DeBoer, RMC
Municipal Clerk

