**§ 348-10. ARTICLE X: Zoning District Regulations.**

**§ 348-10.1. List of zones.**

For the purpose of this chapter, the Township of Toms River is divided into the following zoning districts:

R/C-3 Conservation Residential Zone

R-800 Residential Zone

Rural Residential Zone

R-400 Residential Zone

R-400C Conservation Residential Zone

R-200 Residential Zone

R-150 Residential Zone

R-120 Residential Zone

R-100 Residential Zone

R-90 Residential Zone

R-75 Residential Zone

R-50 Residential Zone

R-40A Residential Zone

R-40B Residential Zone

R-40E Residential Zone

R-40W Residential Zone

R-B-1 Barrier Island Residential Zone 1

R-B-2 Barrier Island Residential Zone 2

R-B-3 Barrier Island Residential Zone 3

R-B-4 Barrier Island Residential Zone 4

R-B-5 Barrier Island Residential Zone 5

R-B-6 Barrier Island Residential Zone 6

R-B-7 Barrier Island Residential Zone 7

SMF – Shore Multfamily

MF-6 Multifamily Zone

MF-10-AH Multifamily Affordable Housing Zone

MF-4 Multifamily Zone

MF-12-AH Multifamily Affordable Housing Zone

MF-16 Multifamily Zone

MF-8 Multifamily Zone

MF-10 Multifamily Zone

EMF-10 Existing Multifamily Zone

EMF-18 Existing Multifamily Zone

O-10C Office Zone

O-10 Office Zone

O-15 Office Zone

VO Village Office Zone

VB Village Business Zone

VS Village Seaport Zone

DS Downtown Service Zone

RC Regional Commercial Zone

HB Highway Business Zone

RHB Rural Highway Business Zone

RHB-AH9 Rural Highway Business – Affordable Housing Rt 9

RHB-AH37 Rural Highway Business – Affordable Housing Rt 37

GB General Business Zone

GB-MF General Business Multifamily Zone

LI Light Industrial Zone

I Industrial Zone

HMS Hospital-Medical Service Zone

PRC Planned Retirement Community Zone

PRC-3 Planned Retirement Community Zone

PRC-4 Planned Retirement Community Zone

MHP Mobile Home Parks Zone

SC-AH-1 Senior Citizen Affordable Housing - 1 Zone

SC-AH-2 Senior Citizen Affordable Housing - 2 Zone

**§ 348-10.2. Zoning Map.** [Amended \_\_\_\_\_\_\_-2017 by Ord. No. \_\_\_\_\_\_\_\_\_\_\_\_\_]

The boundaries of all zoning districts set forth in this chapter are shown in a map entitled "Zoning Map, Township of Toms River, Ocean County, New Jersey," dated \_\_\_\_\_\_\_\_\_\_,2017, which map is hereby made a part of this chapter and attached hereto.

**§ 348-10.15. R-40A Residential Zone.**

[Paragraphs A through D remain unchanged]

E. Area, yard and building requirements.

(1) Minimum lot area: 4,000 square feet.

(2) Minimum lot width: 40 feet.

(3) Minimum lot frontage:

(a) Interior lot: 40 feet.

(b) Corner lot: 90 feet on both streets.

(4) Minimum lot depth: 100 feet.

(5) Front yard setbacks.

(a) Minimum front setback: 20 feet or 20% of lot depth, or the prevailing front setback, whichever is less.

(b) (Reserved)

(6) Minimum rear yard setback:

(a) Principal buildings: 20 feet or 20% of lot depth, whichever is less, except that for lots having a depth of 70 feet or less, then the minimum rear setback shall be 20 feet or 20% of lot depth or the average rear setback of all principal buildings fronting on the same street and within the same block, whichever is less.

(b) Accessory buildings: eight feet.

(c) Private swimming pools: eight feet.

(d) Decks: Decks greater than 36 inches in height are subject to the following requirements:

[1] May extend into the rear yard area no more than 10 feet or 10% of lot depth, whichever is less; and

[2] May not be located less than three feet from the rear lot line.

(7) Minimum side yard setback:

(a) Principal buildings: four feet with two combined side yards not less than12 feet.

(b) Accessory buildings: four feet.

(c) Private swimming pools: four feet.

(d) Decks: decks greater than 36 inches in height, four feet with two combined side yards not less than 12 feet.

(7.1) Maximum building coverage:

**Lot Area Coverage**

**(square feet) (percentage)**

Up to 2,000 47 1/2%

Over 2,000 950 square feet plus 25% of the lot area over 2,000 square feet

(8) Maximum building height: 35 feet subject to the provisions of § 348-5.12. In any event, the building shall not contain more than three usable floor levels counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.

(9) (Reserved)

(10) In this zone, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on a parcel existing at the date of adoption of this chapter, which parcel shall have a width of not less than 40 feet, a depth not less than 70 feet and an area not less than 4,000 square feet, provided that:

(a) Such parcel shall consist of a single lot which is not contiguous to other lots in the same ownership; or

(b) Such parcel shall consist of all the contiguous lots that are in the same ownership; or

(c) If such parcel consists of a single lot contiguous to another lot or lots in the same ownership, the lot comprising the parcel shall have been created by a subdivision previously granted approval by the Toms River Township Planning Board; and

(d) The yard dimensions and other requirements not involving area, depth or width shall conform to the regulations for the R-40A Residential Zone, except that corner lots may have a reduced lot frontage on one street of not less than 40 feet.

(11) Maximum impervious coverage: two times permitted building coverage, not to exceed 90%.

(12) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection. Relief from this provision is a design waiver not a variance.

(13) Maximum floor area ratio: two times permitted building coverage, not to exceed 0.8.

**§ 348-10.16. R-40B Residential Zone.**

[Paragraphs A through D remain unchanged]

E. Area, yard and building requirements.

(1) Minimum lot area:

(a) Single-family dwellings: 4,000 square feet.

(b) Two-family dwellings: 6,000 square feet.

(2) Minimum lot width:   
 (a) Single-family dwellings: 40 feet.

(b) Two-family dwellings: 60 feet.

(3) Minimum lot frontage:

(a) Interior lot: 40 feet.

(b) Corner lot: 90 feet on both streets.

(4) Minimum lot depth: 100 feet.

(5) Front yard setbacks.

(a) Minimum front setback: 20 feet or 20% of lot depth, or the prevailing front setback, whichever is less, but in any event the front setback shall be a minimum of two feet.

(b) (Reserved)

(6) Minimum rear yard setback.

(a) Principal buildings: 20 feet or 20% of lot depth, whichever is less, except that for lots having a depth of 70 feet or less, then the minimum rear setback shall be 20 feet or 20% of lot depth or the average rear setback of all principal buildings fronting on the same street and within the same block, whichever is less.

(b) Accessory buildings: eight feet.

(c) Private swimming pools: eight feet

(d) Decks: decks greater than 36 inches in height are subject to the following requirements:

[1] May extend into the rear yard area no more than 10 feet or 10% of lot depth, whichever is less; and

[2] May not be located less than three feet from the rear lot line.

(7) Minimum side yard setback:

(a) Principal buildings: four feet with two combined yards not less than 12 feet

(b) Accessory buildings: four feet.

(c) Private swimming pools: four feet, but not less than six feet from a fence per § 348-8.21 (I-1).

(d) Decks: decks greater than 36 inches in height, four feet with two combined side yards not less than 12 feet.

(7.1) Maximum building coverage:

**Lot Area Coverage**

**(square feet) (percentage)**

Up to 2,000 47 1/2%

Over 2,000 950 square feet plus 25% of the lot area over 2,000 square feet

(8) Maximum building height: 35 feet subject to the provisions of § 348-5.12. In any event, the building shall not contain more than three usable floor levels counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.

(9) (Reserved)

(10) Maximum impervious coverage: two times permitted building coverage, not to exceed 90%.

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection. Relief from this provision is a design waiver not a variance. (12) Maximum floor area ratio: two times permitted building coverage, not to exceed 0.8.

**§ 348-10.15.1. R-B-1 Barrier Island Residential Zone**

A. Permitted uses.

(1) Single-family dwellings.

(2) Federal, state, county and municipal buildings and grounds, including schools, parks and playgrounds, but not workshops, warehouses, garages and storage yards.

(3) Essential services.

B. Required accessory uses.

(1) Off-street parking subject to the provisions of § 348-8.20.

C. Permitted accessory uses.

(1) Fences subject to the provisions of § 348-8.13.

(2) Private Swimming pools subject to the provisions of 348-8.21.

(3) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

D. Conditional uses.

(1) Public Utilities (348-9.6)

(2) Quasi-public and private club recreation areas (348-9.18)E. Area, yard and building requirements.

(1) Minimum lot area: 1,500 square feet, except that ocean front lots shall be a minimum of 3,000 square feet.

(2) Minimum lot width: 40 feet

(3) Minimum lot frontage:

(a) Interior lots: 40’

(b) Corner lots: 82’ combined minimum lot frontage(4) Minimum lot depth: n/a

(5) Minimum front yard setback:

(a) 2 feet.

(b) On lots fronting the east side of Sea View Road, no portion of a building shall extend further from Sea View Road than 37 feet.

(c) On lots fronting the west side of Sea View Road, all buildings shall be two feet from the any street, except that no portion of a building shall extend more than 34 feet from Sea View Road.

(6) Minimum rear yard setback:

(a) Principal buildings Minimum front setback: 20 feet or 20% of lot depth, or the prevailing front setback, whichever is less, but in any event the front setback shall be a minimum of two feet.

(b) Accessory buildings: 10% of lot depth

(c) Private swimming pools: 8’

(d) Decks: decks greater than 36 inches in height are subject to the following requirements:

[1] 10% of lot depth; and

[2] May not be located less than two feet from the rear lot line.

(7) Minimum side yard setback:

(a) Principle Building: Two feet

(b) Combined Principle Building Side Yard Setback: 22.

(c) Accessory buildings: Two feet.

(d) Private swimming pools: Four feet from lot line; six feet from any fence.

(e) Decks: Two feet minimum; 22 feet combined setback

(8) Maximum lot coverage by buildings:

(a) Lots up to 2,000 square feet: 47½%

(b) Lots over 2,000 square feet: 950 square feet plus 25% of the lot area over 2,000 square feet.

(9) Maximum building height: 20 feet subject to the provisions of § 348-5.12. In any event, the building shall not contain more than one usable floor level counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.

(10) Maximum impervious coverage: 90%.

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection. Relief from this provision is a design waiver not a variance.

(12) Maximum floor area ratio: 0.8

F. Other requirements.

(1) All applications for construction permits and zoning permits shall include proof of notice to the Ocean Beach and Bay Club for the area known as Ocean Beach Unit III.

(2) Applications to the Zoning Board of Adjustment and/or Planning Board of the Township of Toms River shall include proof of notice to the Ocean Beach and Bay Club for the area known as Ocean Beach Unit III.

**§ 348-10.15.2. R-B-2 Barrier Island Residential Zone 2**

A. Permitted uses.

(1) Single-family dwellings.

(2) Federal, state, county and municipal buildings and grounds, including schools, parks and playgrounds, but not workshops, warehouses, garages and storage yards.

(3) Essential services.

B. Required accessory uses.

(1) Off-street parking subject to the provisions of § 348-8.20.

C. Permitted accessory uses.

(1) Fences subject to the provisions of § 348-8.13, (2) Private swimming pools subject to the provisions of § 348-8.21.

(3) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

D. Conditional uses:

(1) Public Utilities (348-9.6)

(2) Quasi-public and private club recreation areas (348-9.18)

E. Area, yard and building requirements.

(1) Minimum lot area: 3,500 square feet.

(2) Minimum lot width: 50 feet

(3) Minimum lot frontage:

(a) Interior lots: 40’

(b) Corner lots: 130’ combined minimum lot frontage

(4) Minimum lot depth: 70’

(5) Minimum front yard setback:

(a) Twenty feet.

(6) Minimum rear yard setback:

(a) Principle building: 10 feet

(b) Accessory buildings: 10% of lot depth

(c) Private swimming pools: 8’

(d) Decks: decks greater than 36 inches in height are subject to the following requirements:

[1] 10% of lot depth; and

[2] May not be located less than three feet from the rear lot line.

(7) Minimum side yard setback:

(a) Principle building: 10 feet

(b) Combined Principle Building Side Yard Setback: 12.

(c) Accessory buildings: Two feet.

(d) Private swimming pools: Four feet from lot line; six feet from any fence.

(e) Decks: Two feet minimum; 12 feet combined setback

(8) Maximum lot coverage by buildings:

(a) Lots up to 2,000 square feet: 47½%

(b) Lots over 2,000 square feet: 950 square feet plus 25% of the lot area over 2,000 square feet.

(9) Maximum building height: 20 feet subject to the provisions of § 348-5.12. In any event, the building shall not contain more than one usable floor level counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.

(10) Maximum impervious coverage: 90%.

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection. Relief from this provision is a design waiver not a variance.

(12) Maximum floor area ratio: 0.8

F. Other requirements.

(1) All applications for construction permits and zoning permits shall include proof of notice to the Ocean Beach and Bay Club.

(2) Applications to the Zoning Board of Adjustment and/or Planning Board of the Township of Toms River shall include proof of notice to the Ocean Beach and Bay Club.

**§ 348-10.15.3. R-B-3 Barrier Island Residential Zone 3**

A. Permitted uses.

(1) Single-family dwellings.

(2) Federal, state, county and municipal buildings and grounds, including schools, parks and playgrounds, but not workshops, warehouses, garages and storage yards.

(3) Essential services.

B. Required accessory uses.

(1) Off-street parking subject to the provisions of § 348-8.20.

C. Permitted accessory uses.

(1) Fences subject to the provisions of § 348-8.13.

(2) Private swimming pools subject to the provisions of § 348-8.21. (3) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

D. Conditional uses.

(1) Public Utilities (348-9.6)

(2) Quasi-public and private club recreation areas (348-9.18)E. Area, yard and building requirements.

(1) Minimum lot area: 4,000 square feet.

(2) Minimum lot width: 40 feet

(3) Minimum lot frontage:

(a) Interior lots: 40’

(b) Corner lots: 130’ combined minimum lot frontage

(4) Minimum lot depth: 70’(5) Minimum front yard setback: 20 feet. The front setback may be less than 20 feet but it shall not be less than 15 feet, and the reduction shall be based on the average setback of all principal buildings fronting on the same side of the street and within 200 feet.

(6) Minimum rear yard setback:

(a) Principle building: 10 feet

(b) Accessory buildings: 10% of lot depth

(c) Private swimming pools: 8’

(d) Decks: decks greater than 36 inches in height are subject to the following requirements:

[1] 10% of lot depth; and

[2] May not be located less than three feet from the rear lot line. (7) Minimum side yard setback: 5 feet.

(a) Principle building: 5 feet

(b) Combined principle building: 10 feet

(b) Accessory buildings: five feet.

(d) Private swimming pools: Four feet from lot line; six feet from any fence.

(e) Decks: Five feet minimum; 10 feet combined setback

(8) Maximum lot coverage by buildings:

(a) Lots up to 2,000 square feet: 47½%

(b) Lots over 2,000 square feet: 950 square feet plus 25% of the lot area over 2,000 square feet.

(9) Maximum building height: 28 feet, except ocean front properties shall be permitted 35 feet, subject to the provisions of § 348-5.12. In any event, the building shall not contain more than two usable floor levels counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building. (10) Maximum impervious coverage: 90%.

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection. Relief from this provision is a design waiver not a variance.

(12) Maximum floor area ratio: 0.70.

F. Other requirements.

(1) All applications for construction permits and zoning permits shall include proof of notice to the Seacrest Homeowners Association.

(2) Applications to the Zoning Board of Adjustment and/or Planning Board of the Township of Toms River shall include proof of notice to the Seacrest Homeowners Association.

**§ 348-10.15.4. R-B-4 Barrier Island Residential Zone 4**

A. Permitted uses.

(1) Single-family dwellings.

(2) Federal, state, county and municipal buildings and grounds, including schools, parks and playgrounds, but not workshops, warehouses, garages and storage yards.

(3) Essential services.

B. Required accessory uses.

(1) Off-street parking subject to the provisions of § 348-8.20.

C. Permitted accessory uses.

(1) Fences subject to the provisions of § 348-8.13, subject to a fence height limit of 36 inches and a minimum of 50% open.

(2) Private swimming pools subject to the provisions of § 348-8.21

(3) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

D. Conditional uses.

(1) Public Utilities (348-9.6)

(2) Quasi-public and private club recreation areas (348-9.18)

E. Area, yard and building requirements.

(1) Minimum lot area: 1,500 square feet, except that ocean front lots shall be a minimum of 3,000 square feet.

(2) Minimum lot width: 38 feet

(3) Minimum lot frontage:

(a) Interior lots:38’

(b) Corner lots: 80’ combined minimum lot frontage

(4) Minimum lot depth: n/a

(5) Minimum front yard setback:

(a) Two feet, except for ocean front lots where 20 feet is required

(6) Minimum rear yard setback:

(a) Principle building: 6 feet, but no closer than 35 feet to the easterly side of an ocean front lot.

(b) Accessory buildings: 10% of lot depth

(c) Private swimming pools: 8’.

(d) Decks: decks greater than 36 inches in height are subject to the following requirements:

[1] 10% of lot depth; and

[2] May not be located less than three feet from the rear lot line (7) Minimum side yard setback:

(a) Principle building: 2 feet

(b) Combined principle building: 22 feet, except ocean front lots which are permitted a minimum of 12’

(c) Accessory buildings: 2 feet.

(d) Private swimming pools: Four feet from lot line; six feet from any fence.

(e) Decks: decks greater than 36 inches in height are subject to the following requirements:

[1] 2 feet minimum; 10 feet combined setback (8) Maximum lot coverage by buildings:

(a) Lots up to 2,000 square feet: 47½%

(b) Lots over 2,000 square feet: 950 square feet plus 25% of the lot area over 2,000 square feet.

(9) Maximum building height: 28 feet, except ocean front properties shall be permitted 35 feet, subject to the provisions of § 348-5.12. In any event, the building shall not contain more than two usable floor levels counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.

(10) Maximum impervious coverage: 90%.

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection. Relief from this provision is a design waiver not a variance.

(12) Maximum floor area ratio: 0.8

F. Other requirements.

(1) All applications for construction permits and zoning permits shall include proof of notice to the Ocean Beach and Yacht Club for the area known as Ocean Beach Unit II.

(2) Applications to the Zoning Board of Adjustment and/or Planning Board of the Township of Toms River shall include proof of notice to the Ocean Beach and Yacht Club for the area known as Ocean Beach Unit II.

**§ 348-10.15.7. R-B-5 Barrier Island Residential Zone 5**

A. Permitted uses.

(1) Single-family dwellings.

(2) Federal, state, county and municipal buildings and grounds, including schools, parks and playgrounds, but not workshops, warehouses, garages and storage yards.

(3) Essential services.

B. Required accessory uses.

(1) Off-street parking subject to the provisions of § 348-8.20.

C. Permitted accessory uses.

(1) Fences subject to the provisions of § 348-8.13.

(2) Private swimming pools subject to the provisions of § 348-8.21(3) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

D. Conditional uses.

(1) Public Utilities (348-9.6)

(2) Quasi-public and private club recreation areas (348-9.18)

E. Area, yard and building requirements.

(1) Minimum lot area: 3,950square feet.

(2) Minimum lot width: 40 feet

(3) Minimum lot frontage:

(a) Interior lots: 40’

(b) Corner lots: 129’ combined minimum lot frontage

(4) Minimum lot depth: n/a(5) Minimum front yard setback: 20 feet. (6) Minimum rear yard setback: 20 feet.

(a) Principle building: 20 feet, but ocean front lots shall provide a setback of at least 25 feet on the easterly side of the lot.

(b) Accessory buildings: 10% of lot depth

(c) Private swimming pools: 8’.

(d) Decks: decks greater than 36 inches in height are subject to the following requirements:

[1] 10% of lot depth; and

[2] May not be located less than three feet from the rear lot line

(7) Minimum side yard setback: 4 feet on one side and 8 feet on the other, and provide a minimum of 12 feet between buildings on adjoining lots. Ocean front lots shall provide a minimum side yard setback of 8 feet on both sides.

(a) Principle building: 4 feet, 8 feet for ocean front lots

(b) Combined principle building: 12 feet, except ocean front lots which are permitted a minimum of 16’

(b) Accessory buildings: 4 feet, 8 feet for ocean front lots.

(d) Private swimming pools: Four feet from lot line; six feet from any fence.

(e) Decks: decks greater than 36 inches in height are subject to the following requirements:

[1] 4 feet minimum; 12 feet combined setback, except ocean front lots 8 feet side setback with combined 16 feet.

(8) Maximum lot coverage by buildings:

(a) Lots up to 2,000 square feet: 47½%

(b) Lots over 2,000 square feet: 950 square feet plus 25% of the lot area over 2,000 square feet.

(9) Maximum building height: 20 feet, subject to the provisions of § 348-5.12. In any event, the building shall not contain more than one usable floor level counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.

(10) Maximum impervious coverage: 90%.

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection. Relief from this provision is a design waiver not a variance.

(12) Maximum floor area ratio: 0.8

F. Other requirements.

(1) All applications for construction permits and zoning permits shall include proof of notice to the Ocean Beach Shores Club.

(2) Applications to the Zoning Board of Adjustment and/or Planning Board of the Township of Toms River shall include proof of notice to the Ocean Beach Shores Club.

**§ 348-10.15.8. R-B-6 Barrier Island Residential Zone 6**

A. Permitted uses.

(1) Single-family dwellings.

(2) Federal, state, county and municipal buildings and grounds, including schools, parks and playgrounds, but not workshops, warehouses, garages and storage yards.

(3) Essential services.

B. Required accessory uses.

(1) Off-street parking subject to the provisions of § 348-8.20.

C. Permitted accessory uses.

(1) Fences subject to the provisions of § 348-8.13.

(2) Private swimming pools subject to the provisions of § 348-8.21.

(3) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

D. Conditional uses. None.

(1) Public Utilities (348-9.6)

(2) Quasi-public and private club recreation areas (348-9.18)

E. Area, yard and building requirements.

(1) Minimum lot area: 1,500 square feet.

(2) Minimum lot width: 50 feet, except that ocean front lots shall be a minimum of 35 feet in width.

(3) Minimum lot frontage:

(a) Interior lots: 40’

(b) Corner lots: 80’combined minimum lot frontage

(4) Minimum lot depth: 30’

(5) Minimum front yard setback:

(a) 2 feet.

(b) 25 feet to the easterly side of an ocean front lot, and 20 feet to the street line. At the option of the owner, these setbacks may be reduced but shall not be less than the average setback of all principal buildings on the same side of the street and within 200 feet.

(6) Minimum rear yard setback:

(a) Principle building: 2 feet, but ocean front lots shall provide a setback of at least 20 feet on the easterly side of the lot.

(b) Accessory buildings: 10% of lot depth

(c) Private swimming pools: 2 feet, six feet from any fence.

(d) Decks: decks greater than 36 inches in height are subject to the following requirements:

[1] 10% of lot depth; and

[2] May not be located less than two feet from the rear lot line

(7) Minimum side yard setback: Four feet with two combined side yards not less than 12 feet.

(a) Principle building: 4 feet

(b) Combined principle building: 12 feet

(c) Accessory buildings: 4 feet.

(d) Private swimming pools: Four feet from lot line; six feet from any fence.

(e) Decks: decks greater than 36 inches in height are subject to the following requirements:

[1] 4 feet minimum; 12 feet combined setback.

(8) Maximum lot coverage by buildings:

(a) Lots up to 2,000 square feet: 47½%

(b) Lots over 2,000 square feet: 950 square feet plus 25% of the lot area over 2,000 square feet.

(9) Maximum building height: 35 feet subject to the provisions of § 348-5.12. In any event, the building shall not contain more than two usable floor levels counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.

(10) Maximum impervious coverage: 90%.

(11) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection. Relief from this provision is a design waiver not a variance.(12) Maximum floor area ratio: 0.8

**§ 348-10.15.9. R-B-7 Barrier Island Residential Zone 7**

A. Permitted uses.

(1) Single-family dwellings.

(2) Federal, state, county and municipal buildings and grounds, including schools, parks and playgrounds, but not workshops, warehouses, garages and storage yards.

(3) Essential services.

B. Required accessory uses.

(1) Off-street parking subject to the provisions of § 348-8.20.

C. Permitted accessory uses.

(1) Fences subject to the provisions of § 348-8.13, subject to a fence height limit of 24 inches along the side and rear property lines. Stockade fences or other solid fences up to 6 feet in height are allowed on property lines that abut the communities of Lavallette, Rutherford Association and Brightwater Beach.

(2) Private swimming pools subject to the provisions of § 348-8.21.

(3) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

D. Conditional uses.

(1) Public Utilities (348-9.6)

(2) Quasi-public and private club recreation areas (348-9.18)

E. Area, yard and building requirements.

(1) Minimum lot area: 1,250 square feet.

(2) Minimum lot width: 50 feet, except that ocean front lots shall be a minimum of 32 feet in width.

(3) Minimum lot frontage:

(a) Interior lots: 40’

(b) Corner lots: 75’combined minimum lot frontage

(4) Minimum front yard setback:

(a) 2 feet.

(5) Minimum rear yard setback:

(a) Principle building: 3 feet, except that ocean front lots shall be a minimum of 35’ to the easterly side property line.

(b) Accessory buildings: 10% of lot depth

(c) Private swimming pools: 2 feet, six feet from any fence.

(d) Decks: decks greater than 36 inches in height are subject to the following requirements:

[1] 10% of lot depth; and

[2] May not be located less than two feet from the rear lot line

(6) Minimum side yard setback:

(a) Principle building: 2 feet, except ocean front lots which shall require 10 feet.

(b) Combined principle building: 22 feet, except ocean front lots which require 20 feet.

(c) Accessory buildings: 2 feet, except ocean front lots which require 10’.

(d) Private swimming pools: 2 feet from lot line; six feet from any fence.

(e) Decks: decks greater than 36 inches in height are subject to the following requirements:

[1] 2 feet minimum; 22 feet combined setback, except for ocean front lots where 10 feet minimum and 20 feet combined setbacks are required.

(7) Maximum lot coverage by buildings:

(a) Lots up to 2,000 square feet: 47½%

(b) Lots over 2,000 square feet: 950 square feet plus 25% of the lot area over 2,000 square feet.

(8) Maximum building height: 35 feet subject to the provisions of § 348-5.12. In any event, the building shall not contain more than two usable floor levels counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.

(9) Maximum impervious coverage: 90%.

(10) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection. Relief from this provision is a design waiver not a variance.

(11) Maximum floor area ratio: 0.8

F. Other requirements.

(1) All applications for construction permits and zoning permits shall include proof of notice to the Ocean Beach Surf Club.

(2) Applications to the Zoning Board of Adjustment and/or Planning Board of the Township of Toms River shall include proof of notice to the Ocean Beach Surf Club.

**§ 348-10.15.9. SMF Shore Multifamily**

A. Permitted uses.

(1) Single Family dwelling

(2) Single Family Manufactured Housing

(3) Off Site Parking Area for Manufactured Housing

B. Required accessory uses.

(1) Off-street parking subject to the provisions of § 348-8.20.

C. Permitted accessory uses.

(1) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

(2) Private swimming pools subject to the provisions of § 348-8.21.

(3) Other customary accessory uses and buildings which are clearly incidental to the principal use and building. D. Conditional uses.

(1) Public Utilities (348-9.6)

(2) Quasi-public and private club recreation areas (348-9.18)

E. Area, yard and building requirements.

(1) Minimum tract size: 1 acre.

(2) Minimum tract setbacks: 15 feet adjacent to Route 35, 2 feet on all other sides.

(3) Maximum Density: 23 dwelling units per acre.

(4) Minimum dwelling unit setback between units: 8 feet

(5) Minimum distance to private drive: 2 feet

(5) Maximum building height: 20’ feet subject to the provisions of § 348-5.12. In any event, the building shall not contain more than one usable floor level counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.F. Other requirements.

(1) All applications for construction permits and zoning permits shall include proof of notice to the West Brighton Association, Bay Villa Condo Association, Rutherford Homeowners Association, or the Brightwater Cottage and Trailer Association.

(2) Applications to the Zoning Board of Adjustment and/or Planning Board of the Township of Toms River shall include proof of notice to the West Brighton Association, Bay Villa Condo Association, Rutherford Homeowners Association, or the Brightwater Cottage and Trailer Association.

**§ 348-10.38. R-40E Residential Zone.**

A. Permitted uses.

(1) Single-family dwellings.

(2) Federal, state, county and municipal buildings and grounds, including schools, parks and playgrounds, but not workshops, warehouses, garages and storage yards

(3) Private and parochial schools not operated for profit.

(4) Essential services.

(5) Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries and adult family care homes for elderly persons and physically disabled adults.

B. Required accessory uses.

(1) Off-street parking subject to the provisions of § 348-8.20, except that the provisions of § 348-8.20 (I,6) shall also apply in the R-40E zone.

C. Permitted accessory uses.

(1) Fences subject to the provisions of § 348-8.13.

(2) Private swimming pools subject to the provisions of § 348-8.21.

(3) Signs subject to the provisions of § 348-8.26.

(4) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

D. Conditional uses subject to the provisions of Article IX of this chapter or as otherwise specified herein:

(1) Two-family dwellings, subject to the following conditions:

(a) Minimum Lot Area: 6,000 square feet

(b) Minimum Lot Width: 60 feet

(c) Minimum Lot Frontage: 60 feet

(d) Minimum Side Yard Setback: 6 feet with two combined side yards of 18 feet

(e) On-site parking in accordance with § 348-8.20.

(2) Churches and places of worship (§ 348-9.5).

(3) Public utilities (§ 348-9.6).

(4) Home professional offices (§ 348-9.11).

(5) Boardinghouses and rooming houses (§ 348-9.13).

(6) Quasi-public and private club recreation areas (§ 348-9.18).

E. Area, yard and building requirements.

(1) Minimum lot area: 4,000 square feet.

(2) Minimum lot width: 40 feet

(3) Minimum lot frontage:

(a) Interior lot: 40 feet

(b) Corner lot: 90 feet on both streets

(4) Front yard setbacks.

(a) Minimum front setback: 20 feet or 20% of lot depth, or the prevailing front setback, whichever is less, but in any event the front setback shall be a minimum of two feet.

(5) Minimum rear yard setback.

(a) Principal buildings: 20 feet or 20% of lot depth, whichever is less, except that for lots having a depth of 70 feet or less, then the minimum rear setback shall be 20 feet or 20% of lot depth or the average rear setback of all principal buildings fronting on the same street and within the same block, whichever is less.

(b) Accessory buildings: eight feet.

(c) Private swimming pools: eight feet

(d) Decks: decks greater than 36 inches in height are subject to the following requirements:

[1] May extend into the rear yard area no more than 10 feet or 10% of lot depth, whichever is less; and

[2] May not be located less than three feet from the rear lot line.

(6) Minimum side yard setback:

(a) Principal buildings: four feet with two combined yards not less than 12 feet (b) Accessory buildings: four feet.

(c) Private swimming pools: four feet.

(d) Decks: decks greater than 36 inches in height, four feet with two combined side yards not less than 12 feet,

(7) Maximum building coverage:

**Lot Area Coverage**

**(square feet) (percentage)**

Up to 2,000 47 1/2%

Over 2,000 950 square feet plus 25% of the lot area over 2,000 square feet

(8) Maximum building height: 35 feet subject to the provisions of § 348-5.12. In any event, the building shall not contain more than three usable floor levels counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.

(9) Maximum impervious coverage: two times permitted building coverage, not to exceed 90%.

(10) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection. Relief from this provision is a design waiver not a variance.(11) Maximum floor area ratio: two times permitted building coverage, not to exceed 0.8.

**§ 348-10.39. R-40W Residential Zone.**

A. Permitted uses.

(1) Single-family dwellings.

(2) Federal, state, county and municipal buildings and grounds, including schools, parks and playgrounds, but not workshops, warehouses, garages and storage yards

(3) Private and parochial schools not operated for profit.

(4) Essential services.

(5) Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries and adult family care homes for elderly persons and physically disabled adults.

B. Required accessory uses.

(1) Off-street parking subject to the provisions of § 348-8.20, except that the provisions of

§ 348-8.20 (I,6) shall also apply in the R-40W zone.

C. Permitted accessory uses.

(1) Fences subject to the provisions of § 348-8.13.

(2) Private swimming pools subject to the provisions of § 348-8.21.

(3) Signs subject to the provisions of § 348-8.26.

(4) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

D. Conditional uses subject to the provisions of Article IX of this chapter or as otherwise specified herein:

(1) Churches and places of worship (§ 348-9.5).

(2) Public utilities (§ 348-9.6).

(3) Home professional offices (§ 348-9.11).

(4) Boardinghouses and rooming houses (§ 348-9.13).

(5) Quasi-public and private club recreation areas (§ 348-9.18).

E. Area, yard and building requirements.

(1) Minimum lot area: 4,000 square feet.

(2) Minimum lot width: 40 feet

(3) Minimum lot frontage:

(a) Interior lot: 40 feet

(b) Corner lot: 90 feet on both streets

(4) Front yard setbacks.

(a) Minimum front setback: 20 feet or 20% of lot depth, or the prevailing front setback, whichever is less, but in any event the front setback shall be a minimum of two feet.

(5) Minimum rear yard setback.

(a) Principal buildings: 20 feet or 20% of lot depth, whichever is less, except that for lots having a depth of 70 feet or less, then the minimum rear setback shall be 20 feet or 20% of lot depth or the average rear setback of all principal buildings fronting on the same street and within the same block, whichever is less.

(b) Accessory buildings: eight feet.

(c) Private swimming pools: eight feet

(d) Decks: decks greater than 36 inches in height are subject to the following requirements:

[1] May extend into the rear yard area no more than 10 feet or 10% of lot depth, whichever is less; and

[2] May not be located less than three feet from the rear lot line.

(6) Minimum side yard setback:

(a) Principal buildings: four feet with two combined yards not less than 12 feet.

(b) Accessory buildings: four feet.

(c) Private swimming pools: four feet.

(d) Decks: decks greater than 36 inches in height, four feet with two combined side yards not less than 12 feet.

(7) Maximum building coverage:

**Lot Area Coverage**

(square feet) (percentage)

Up to 2,000 47 1/2%

Over 2,000 950 square feet plus 25% of the lot area over 2,000 square feet

(8) Maximum building height: 35 feet subject to the provisions of § 348-5.12. In any event, the building shall not contain more than three usable floor levels counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.

(9) Maximum impervious coverage: two times permitted building coverage, not to exceed 90%.

(10) A minimum of two feet of pervious surface shall be provided along the side and rear lot lines, or in other similar locations subject to the approval of the Township Engineer. Exceptions can be made if the applicant's professionals can prove that the stormwater runoff will be maintained on site and handled using the best management practices as set forth by the New Jersey Department of Environmental Protection. Relief from this provision is a design waiver not a variance.

(11) Maximum floor area ratio: two times permitted building coverage, not to exceed 0.8.

**§ 348-10.22. VB Village Business Zone.**

A. Permitted uses.

SUPPLEMENT TO ADD:

(11) Theaters and related performing arts venues.

(17) Brew-pubs – Microbreweries associated with a restaurant.

(18) Nano Brewery – Microbrewery in a space of 1,000 square feet or less.

(19) Artisan distilleries - Craft distillery licensed establishment in spaces of 1,000 square feet or less. (20) Art galleries and museums.

(21) Antique and curio shops.

E. Area, yard and building requirements:

(9) Maximum building height: 50’ subject to the provision of 348.512. In any event, the building shall not contain more than four usable floor levels counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building. A maximum height of 55’ is permitted, with five usable floors, if the first floor is utilized for retail, restaurants, theaters, galleries, nano-breweries and other similar non-office uses only. Minimum required setback for five story buildings: fourth and fifth floors shall be setback 10’ from the edges of the maximum building footprint of the first three floors to maintain a pedestrian scale.

SUPPLEMENT **§** 348TO ADD NEW DISTRICT:

**§ 348-10.22.1 VOB Village Office-Business Zone.**

A. Permitted uses.

(1) All uses permitted in the Village Office Zone and the Village Business Zone, as well as the following uses:

(a) Brew-pubs – Microbreweries associated with a restaurant

(b) Nano Brewery – Microbrewery in spaces of 1,000 square feet or less.

(c) Artisan distilleries - Craft Distillery Licensed establishment in spaces of 1,000 square feet or less.

(d) Art galleries and museums.

(e) Antique and curio shops.

(f) Bed and breakfast establishments subject to the following limitations:

1. The maximum size of a building used to house guests shall be 5,000 square feet

2. One parking space shall be provided for each guest room.

3. No more than two adults and two children may be accommodated as guests in any single guest room.

4. Individual cooking facilities for guest rooms are prohibited.

5. The maximum length of stay shall be 14 consecutive nights.

B. Required accessory uses.

(1) Off-street parking subject to the provisions of § 348-8.20, except that parking requirements shall be modified as follows:

(a) A new use that occupies an existing building or portion thereof shall not be required to provide parking, provided that the building is not being expanded to accommodate the new use, and provided that any existing parking previously dedicated to the building or portion thereof remains so dedicated following occupancy by the new use.

(b) A new use or building within 500 feet of a public parking facility operated by the Toms River Parking Authority or its successor agencies shall not be required to provide parking, provided that the Authority or its successor agency certifies that sufficient parking spaces are available within the parking facility to accommodate the requirements for the use.

(c) All or a portion of required parking may be satisfied through the sharing of off-street parking on a site that is within 500 feet subject to a legal instrument such as a lease or easement and provided that such parking is available during the hours of operation of the use for which it is being provided.

(2) Off-street loading subject to the provisions of § 348-8.19 in that portion of the zone west of the rear line of the properties fronting on the west side of Main Street south of Irons Street and all properties north of Irons Street zoned VB Village Business, except that a new use that occupies an existing building or portion thereof shall not be required to provide off-street loading, provided that the building is not being expanded to accommodate the new use, and provided that any existing loading area previously dedicated to the building or portion thereof remains so dedicated following occupancy by the new use.

C. Permitted accessory uses.

(1) Fences subject to the provisions of § 348-8.13.

(2) Signs subject to the provisions of § 348-8.26.

(3) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

(4) Outdoor cafes, subject to the provisions of § 348-8.41.

D. Conditional uses subject to the provisions of Article IX of this chapter.

(1) Public utilities (§ 348-9.6).

(2) Home professional offices subject to the provisions of § 348-9.11.

E. Area, yard and building requirements.

(1) Minimum lot area: 5,000 square feet.

(2) Minimum lot width: 50 feet.

(3) Minimum lot frontage:

(a) Interior lot: 50 feet.

(b) Corner lot: 75 feet on both streets.

(4) Minimum lot depth: 100 feet.

(5) Front setback:

(a) On Main Street, the required front setback shall be no greater or less than the existing prevailing front setback, plus or minus five feet. The prevailing front setback shall be established in accordance with the definition of “prevailing front setback” provided in § 348-2.3 of this chapter.

(b) On all other streets, the minimum front setback shall be five feet, and the maximum front setback shall be 10 feet.

(c) On Main Street, the area within the required front setback shall be suitably landscaped with a mixture of grass, shrubbery and flowering plants, and no more than 50% of such area shall consist of impervious surfaces. An outdoor cafe may be operated as an accessory use, subject to the requirements of § 348-8.41.

(6) Minimum rear yard setback:

(a) Principal buildings: 25 feet.

(b) Accessory buildings: 15 feet

(c) Private swimming pools: 10 feet

(7) Minimum side yard setback:

(a) Principal building: 15 feet

(b) Accessory building: 10 feet

(c) Private swimming pools: 10 feet

(8) Maximum building height: 35’ feet subject to the provisions of § 348-5.12. In any event, the building shall not contain more than two usable floor levels counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building. A maximum height of 40’ is permitted, with three usable floors, if the first floor is utilized for retail, restaurants, theaters, galleries, nano-breweries and other similar non-office uses only.

(9) Maximum building coverage: 80%.

(10) Maximum impervious coverage: 80%

F. Architectural design: All building plans for restoration of existing buildings or new development shall conform to the architectural guidelines prepared by the Site Plan Review Advisory Board and approved by the Planning Board.

H. Cross access easements: The Planning Board may require, as a condition of site plan approval, that the owner convey vehicular cross access easement(s) to adjacent properties located in the Village Office Business Zone.

**§ 348-10.23. VS Village Seaport Zone.**

A. Permitted uses.

SUPPLEMENT TO ADD:

(20) Brew-pubs – Microbreweries associated with a restaurant.

(21) Nano Brewery – Microbrewery in a space of 1,000 square feet or less.

(22) Artisan distilleries - Craft Distillery Licensed establishment in spaces of 1,000 square feet or less.

**§ 348-10.26. HB Highway Business Zone.**

1. Permitted uses. [DELETE: ~~Uses within the following categories shall be permitted uses within the Highway Business Zone unless otherwise specified in Subsection D as a use requiring a conditional use.]~~

AMEND TO DELETE “Churches and places of worship” as follows:

(21) (Reserved)

AMEND SUBSECTION “D, Conditional Uses” to add Churches and places of worship as follows:

D. Conditional uses subject to the provisions of Article IX of this chapter.

(5) Churches and places of worship.

E. Area, yard and building requirements

AMEND TO READ AS FOLLOWS:

(10) ~~Minimum unoccupied open space: 10~~% Maximum impervious coverage: 80%

F. Cross access easements: The Planning Board may require, as a condition of site plan approval, that the owner convey vehicular cross access easement(s) to adjacent properties located in the Highway Business Zone.

**§ 348-10.27. RHB Rural Highway Business Zone.**

1. Permitted uses. [DELETE: ~~Uses within the following categories shall be permitted uses within the Highway Business Zone unless otherwise specified in Subsection D as a use requiring a conditional use.]~~

AMEND TO DELETE Single Family Residential and Multifamily Residential as follows:

(27) Reserved. ~~Multifamily and townhouse dwellings in accordance with the provisions of the MF-4 Multifamily Zone established by § 348-10.17.4, except that such uses shall only be permitted under the Planned Unit Development standards established by § 348-10.27.F~~.

(28) Reserved. ~~Single-family dwellings in accordance with the provisions of the R-100 Residential Zone, except that such uses shall only be permitted under the Planned Unit Development standards established by § 348-10.27.F~~

AMEND SUBSECTION “D, Conditional Uses” to add Multifamily Residential and Single Family dwellings within Planned Unit Development as follows:

D. Conditional uses subject to the provisions of Article IX of this chapter.

**(9)**  Multifamily and townhouse dwellings in accordance with the provisions of the MF-4 Multifamily Zone established by § 348-10.17.4, except that such uses shall only be permitted under the Planned Unit Development standards established by § 348- 9.24.

**(10)** Single-family dwellings in accordance with the provisions of the R-100 Residential Zone, except that such uses shall only be permitted under the Planned Unit Development standards established by § 348- 9.24.

ADD SUBSECTION “G, Cross Access Easements” as follows:

G. Cross access easements: The Planning Board may require, as a condition of site plan approval, that the owner convey vehicular cross access easement(s) to adjacent properties located in the Rural Highway Business Zone.

AMEND SUBSECTION § 348-9.24 “RESERVED” TO ADD “PLANNED UNIT DEVELOPMENTS” TO READ AS FOLLOWS:

§ 348-9.24 Planned unit developments.

Planned unit developments (PUDs) may be permitted as a conditional use in those zones specified in accordance with the following:

(1) Planned unit developments shall only be permitted on parcels having a minimum area of 20 acres. The nonresidential component of a planned unit development shall occupy a minimum of 50% of the total area of the site and shall consist of a minimum of 150 square feet of gross floor area for each dwelling unit in the planned unit development.

(2) All nonresidential uses permitted in the RHB Rural Highway Business Zone are permitted in a planned unit development. Buffering, screening and landscaping shall be incorporated into the design as a means of either separating or integrating the uses into a cohesive design, in accordance with the standards set forth in § 348-8.4.

(3) Other Conditional Uses listed in the RHB District shall not be permitted in a planned unit development, except that bulkl storage of fuel used solely in conjunction with a retail or wholesale outlet may be included in the commercial component of a PUD as part of the Conditional Use approval of the PUD.

(4) The residential component of the planned unit development shall not exceed 50% of the total site area, and the number of dwelling units in the entire development shall not exceed the product of the land area of the residential component multiplied by the maximum density of the residential component of 7.2 units per acre. Wetland transition areas may be included in the calculation of allowable residential units, but wetland areas as regulated and defined by the New Jersey Department of Environmental Protection shall not be included in the calculation of allowable residential units.

(5) Within a planned unit development, residential uses may be integrated into the nonresidential portion of the site, provided that the overall number of dwelling units in the entire development does not exceed the calculation set forth in Sub section F(4) above. In addition, the bedroom count shall average no more than 2.0 bedrooms per unit for the entire development, except that single-family dwellings and three-bedroom units that are deed-restricted as affordable shall not be included in the overall calculation of average bedroom density.

(6) At least 20% of the residential units shall be affordable to low- and moderate-income households, as set forth in §348-11.2. If the low- and moderate-income units are rentals, the overall residential yield may be increased by 15% as an incentive to develop such rental affordable housing.

(7) In designing a planned unit development, residential uses shall be placed in locations that can serve as transitional areas to nearby residential zoning districts and shall meet the 50 foot buffer requirement as set forth in § 348-8.4A. Similarly, nonresidential uses may be functionally integrated into the overall development so they will be convenient to the nearby residents and accessible from the existing arterial highway system. Construction permits shall not be issued for more than 80% of the total dwelling units in the planned unit development unless construction permits have been issued for at least 80% of the required nonresidential component of the development, as set forth in Subsection F(1) above.

(8) Open space, pedestrian, vehicular and bicycle networks shall be coordinated with the circulation and open space objectives of the Township, with particular attention given to areas that may be in centers as may be designated by the State Planning Commission through the plan endorsement process.

(9) Building height 35’ and two stories. May be increased to three stories, provided the density, imperviouscoverage, and lot coverage by building limitations established in this zoning district are not exceeded. The height of buildings with one or more floors devoted to retail, office or commercial use in a planned unit development shall be governed by § 348-10.27 E(8).

(10) A minimum of 15% of the residential component of the plan shall be set aside for open space. Open space to be created within the planned unit development shall be suitable for passive or active recreation uses and may include wetlands and forested areas that are valuable for the protection of the natural environment. Such required open space shall be located entirely within the residential component of the plan.

(11) Any development approval of a planned unit development by the approving authority shall contain a condition mandating a deed restriction to enforce the requirements set forth in this section.

SUPPLEMENT TO ADD:

**§ 348-10.29 GB-MF General Business Multifamily Zone.**

A. Permitted uses.

(1) The retail sales of goods which may include the following:

(a) Grocery stores and food markets.

(b) Drugstores.

(c) Dry goods stores.

(d) Meat and poultry stores.

(e) Baked goods stores.

(f) Packaged liquor stores.

(g) Flower shops.

(h) Confectionary stores.

(i) Household supplies stores.

(j) Stationery supplies, tobacco and periodical stores.

(k) Haberdashery, dress goods and notions.

(l) Hardware, plumbing supplies and electrical supplies.

(m) Boat supplies and automobile supplies.

(n) Shops of artisans and craftsmen.

(o) Furniture and appliance stores.

(p) Gift shops.

(q) Off-street parking facilities.

(2) Personal service establishments may include the following:

(a) Barbershops and beauty shops.

(b) Tailoring and dressmaking shops.

(c) Dry-cleaning and laundry collection shops.

(d) Shoe repair shops.

(e) Appliance repair shops.

(f) Radio and television repair shops.

(g) Self-service laundries.

(h) Art, dancing, music, gymnastics and other similar instructional schools.

(i) Nursery schools and day nurseries.

(3) Business and professional offices and banks and financial institutions.

(4) Restaurants, lunchrooms, bars and other eating and dining establishments.

(5) Single-family residences.

(6) Federal, state, county and municipal buildings and grounds, but excluding schools.

(7) Essential services.

(8) Funeral homes, including one dwelling unit.

(9) Churches and places of worship.

(10) Quasi-public and private club recreation areas.

(11) Mini warehouse facilities, including one dwelling unit.

(12) Child-care centers.

(13) Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries and adult family care homes for elderly persons and physically disabled adults.

(14) Car washes.

(15) Multiple dwellings in accordance with the standards of the MF-16 zone, but limited to a maximum density of 12 units per acre. (16) Multifamily units above ground-level uses (Mixed Use) permitted in subsection § 348-10.29A, paragraphs (1) through (4).

B. Required accessory uses.

(1) Off-street parking subject to the provisions of § 348-8.20, except that all or a portion of required parking may be satisfied through the sharing of off-street parking on a site that is within 500 feet subject to a legal instrument such as a lease or easement and provided that such parking is available during the hours of operation of the use for which it is being provided.

(2) Off- loading subject to the provisions of § 348-8.19.

C. Permitted accessory uses.

(1) Fences subject to the provisions of § 348-8.13.

(2) Signs subject to the provisions of § 348-8.26.

(3) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

(4) Tents subject to the provisions of § 348-8.37.

(5) Outdoor display of goods subject to §§ 348-5.20 and 348-5.37.

D. Conditional uses subject to the provisions of Article IX of this chapter.

(1) Motor vehicle service stations (§ 348-9.3).

(2) Public utilities (§ 348-9.6).

(3) Boatyards and marinas (§ 348-9.10).

(4) Hotels and motels (§ 348-9.15). The following regulations shall apply in addition to and where in conflict with § 348-9.15 or this section:

(a) Minimum lot area: 15,000 square feet.

(b) Minimum lot width: 150 feet.

(c) Minimum front setback: 35 feet.

(d) Minimum side and rear setbacks: 20 feet.

(e) Minimum number of units: 10.

(f) Minimum open space: 15%.

(g) On-site minimum parking: two spaces for the first room in each separate unit plus an additional 1/2 space for each additional room thereafter in each separate unit for all rooms except bathrooms.

(5) Commercial recreation activities (§ 348-9.19).

E. Area, yard and building requirements.

(1) Minimum lot area: 5,000 square feet.

(2) Minimum lot width: 50 feet.

(3) Minimum lot frontage:

(a) Interior lot: 50 feet.

(b) Corner lot: 75 feet.

(4) Minimum lot depth: 100 feet.

(5) Minimum front setback: 20 feet on local, local collector, minor collector and major collector streets and 40 feet on minor or principal arterial highways or the prevailing front setback, whichever is less, except that no building shall extend into a required sight triangle.

(6) Minimum rear yard setback:

(a) Principal and accessory buildings: 20 feet.

(7) Minimum side yard setback:

(a) Principal and accessory buildings: 10 feet.

(8) Maximum building height: 40 feet subject to the provisions of § 348-5.12. In any event, the building shall not contain more than three usable floor levels counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.

(9) Maximum lot coverage by buildings: 60%.

(10) Maximum impervious coverage: 80%.