AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXV, ZONING AND LAND DEVELOPMENT OF THE REVISED GENERAL ORDINANCES OF THE CITY OF OCEAN CITY, NEW JERSEY
2013-2 RESIDENTIAL MECHANICAL

BE IT ORDAINED by the Mayor and Council of the City of Ocean City, County of Cape May, State of New Jersey, as follows:

Section 1

Section 25-105.3.a.4 Nonconforming Structures, Uses, and Lots of Chapter XXV “Zoning and Land Development” of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended as follows:

4. Elevating nonconforming buildings. Buildings that are nonconforming by virtue of the area and yard standards of this Ordinance may be elevated to comply with BFE requirements, provided the existing building footprint is not enlarged, that such building conforms to the permitted building height and is a conforming use. This section applies to the existing habitable and non-habitable areas of principal buildings including porches, decks (provided the existing deck is at an elevation not more than one (1) foot below the elevation of the adjacent habitable space), and stairs.

Section 2

Section 25-107 Definitions of Chapter XXV “Zoning and Land Development” of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended by adding, deleting and revising terms and definitions as follows:

*Roof* shall mean the permanent, solid exterior surface covering any portion on the top of a building. The top of a Pergola shall not be considered a Roof.

*Pergola* shall mean a structure of regularly spaced posts or columns supporting of crossing rafters or trelliswork. Pergolas shall not be considered as Building Coverage or Impervious Coverage.

*Top Plate* shall mean the top horizontal member of a frame wall supporting ceiling joists, rafters, or other members.
Section 3

Section 25-209 Schedules of Chapter XXV “Zoning and Land Development” of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended by adding the following schedule:

25-209.5 Schedule D – Residential Building Height. Maximum permitted Building Height for residential structures is measured above Zoning Flood Elevation and shall be regulated as per the following Schedule:

<table>
<thead>
<tr>
<th>Schedule D Residential Building Height</th>
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<tbody>
<tr>
<td>Lot Width</td>
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<tr>
<td></td>
</tr>
<tr>
<td>Lots 55’ and less in width</td>
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<tr>
<td>Lots 55.1’- 60’ in width</td>
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<tr>
<td>Lots 60.1’ and greater in width</td>
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<tr>
<td>Zone District</td>
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<tr>
<td>Old City Overlay Zone</td>
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<tr>
<td>R-O-1 and R-O-2 Zones, and “beachfront lots*” in the R-1 and R-2 Zones</td>
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<tr>
<td>Corinthian R-2 Zone</td>
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* “Beachfront Lots” shall mean those lots adjoining the Boardwalk between 16th Street and 23rd Street, and including Block 1901, Lots 9, 9.01 and 11.

Section 4

Section 25-300.1 Encroachments in Front Yards, Rear Yards and Side Yards.

Section 25-300.1.a.2 Encroachments in Front Yards, Rear Yards and Side Yards of the Revised General Ordinances of the City of Ocean City is amended as follows:

2. Rear Yard.
   (q) Patios, decks, steps, landings and ramps on waterfront lots subject to Section 25-300.17 of this Ordinance.
   (r) Detached Pergolas provided the Pergola:
      (1) Does not exceed twelve (12) feet in height
      (2) Is not closer than four (4) feet to either the rear or side lot lines
      (3) Is not located on a bayfront, lagoon or oceanfront lot

Section 25-300.1.a.3 Encroachments in Front Yards, Rear Yards and Side Yards of the Revised General Ordinances of the City of Ocean City is amended as follows:

   (i) Steps, landings and terraced walkways providing access only to the Lowest Floor, shall be permitted to extend to within six (6) inches of the side property line, but shall not extend past the nearest edge of the existing sidewalk or sidewalk line established for the subject block provided:
(1) The terraced walkway is constructed of brick, stone or other maintenance-free material.

(2) Not more than two (2) risers are constructed between landings

(3) Landings shall extend at least three (3) feet in the direction of travel

Section 5

Section 25-300.15, Standards for Accessory Buildings of the Revised General Ordinances of the City of Ocean City is amended as follows:

25-300.15 Standards for Accessory Buildings.

a. Maximum height above grade for a detached single bay garage shall be fifteen feet (15’), except the height of a 2-bay garage is limited to eighteen feet (18’).

b. Detached garages where permitted shall be subject to the following:
   1. Not located within one foot (1’) of the rear or side property lines
   2. Not located within eight feet (8’) of the main building
   3. Not located on a bayfront, lagoon or oceanfront lot

b. No accessory building shall be closer to the street line than the street wall of the principal building.

c. When an accessory structure is attached to the principal building, it must comply with the principal building zoning requirements.

d. Roofed accessory structures such as garages and sheds are included as impervious coverage. Pergolas are not considered as Building Coverage, or Impervious Surface Coverage unless they are constructed over an Impervious Surface as defined herein.

e. Sheds and detached Pergolas, where permitted, shall comply with the following standards:
   1. No shed shall be used for any purpose other than storage.
   2. No more than one (1) shed shall be permitted per lot.
   3. A building permit is not required for a shed, however, a zoning permit is required. Zoning and building permits are required for a Pergola.
   4. Sheds and Pergolas shall be anchored as required.
   5. Sheds shall not exceed one hundred (100) square feet in size, and ten feet (10’) in height measured from the adjacent grade. Pergola height shall be limited to 12 feet above adjacent grade.
   6. Sheds and Pergolas shall not be closer than four feet (4’) to the rear or side lot lines
   7. Sheds and Pergolas are not permitted on bayfront, lagoon or oceanfront lots
   8. Sheds shall not be located so as to displace or eliminate required parking spaces or create a nonconforming condition related to either building coverage or impervious surface coverage.

Section 7

Section 25-300.20 Limitations on Use of Crawlspace and Storage Room; Penalty for Violation of the Revised General Ordinances of the City of Ocean City is added to read as follows:

a. It shall be unlawful for an owner or contractor to convert or to use a crawlspace or Storage Room for living, sleeping, eating or cooking, or to install or have a bathroom or toilet compartment in a crawl space or storage room.
b. The minimum penalty for violation of any of the foregoing limitations shall, upon conviction, be five hundred ($500) dollars.

c. The maximum penalty for violation of any of the foregoing limitations shall, upon conviction, be one thousand two hundred fifty ($1,250) dollars, or imprisonment for a period not to exceed ninety (90) days, or a period of community service not to exceed ninety (90) days.

d. Each and every day in which a violation of any of the foregoing limitations exists shall constitute a separate violation.

e. Upon conviction of violation of the foregoing limitations, the unlawful improvements shall be removed and the crawlspace and/or Storage Room shall thereafter be subject to annual inspection by the City with the inspection fee paid by the owner.

f. Prior to the issuance of a Certificate of Occupancy for a crawlspace or Storage Room more than five (5) feet in height, the owner of the property shall record a deed restriction to put subsequent owners on notice of the limitations set forth in Section 25-300.20(a), above.

Section 8

Section 25-1200.1.1e Zoning Permit of the Revised General Ordinances of the City of Ocean City is amended as follows:

e. Any use, disturbance or alteration of the natural (existing) condition of a lot(s), specifically including filling and/or regrading, where said use, disturbance or alteration results in a change in grade or lot elevation in excess of six inches (6”). Filling and/or re-grading associated with development requiring a building permit shall be reviewed and approved in conjunction with the building permit. Adherence to the provisions pertaining to finished grades (subsection 25-300.8.1) and lot grading (subsection 25-1700.8.9) shall be required as applicable.

Section 9

Section 25-1200.3.1 Certification of Front Yard, Side Yard, Rear Yard, Height, Building Coverage and Impervious Surface Coverage Compliance of the Revised General Ordinances of the City of Ocean City is amended as follows:

a. In projects involving the construction or structural change of any roof above one (1) story level the developer shall, prior to the sheathing of said roof, submit certification from a licensed surveyor of the State of New Jersey demonstrating compliance with the applicable building height and roof deck height limitations, half-story, eave height and dormer controls, side yard setbacks, rear yard setbacks, front yard setbacks, floor area ratio, total stories and total building coverage as set forth by this Ordinance, or any modification of the limitation by a variance granted by the Ocean City Zoning Board of Adjustment or Ocean City Planning Board. In the event that the certification demonstrates noncompliance with the applicable building height, roof deck height, half-story, eave height, dormer controls, side yard setbacks, rear yard setbacks, front yard setbacks or total building coverage of this Ordinance, the developer shall, prior to any further construction or development on the site, take any and all actions necessary to comply with the appropriate provisions of this Ordinance or in the alternative, acquire the necessary variance(s). No further development on the site shall occur until such compliance occurs or variance is obtained.

Section 10

Section 25-300.12.4(e) Off-Street Parking, Setbacks for Driveways and Parking Areas of the Revised General Ordinances is hereby amended to read as follows:

e. Setbacks for Driveways and Parking Areas. Except as otherwise noted, off-street parking areas for commercial, multi-family and mixed uses shall not be less than four feet (4’) from the established property line or within four feet (4’) of any structure. Off-street parking areas for residential uses (single-family and duplex) shall not be less than one foot (1’) from the established property line or any structure. Except for the driveway, said parking setbacks are buffer areas and shall be landscaped to provide permeable surfaces. No aisles or parking spaces shall be permitted within these buffer areas. Entrances and exit drives, however,
may transverse said buffer areas. A street-facing garage door shall be located at least eighteen feet (18’) from the public right-of-way, except on existing homes that do not meet this setback requirement, and where such homes are elevated to comply with BFE requirements.

Section 11

This Ordinance shall take effect in the time and manner prescribed by law.

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Jay A. Gillian, Mayor

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Michael J. Allegretto, Council President

The above Ordinance was passed by the Council of Ocean City, New Jersey, at a meeting of said Council held on the 11th day of April, 2013, and was taken up for a second reading and final passage at a meeting of said Council held on the 16th day of May 2013, in Council Chambers, Ocean City, New Jersey, at 7:00 o’clock in the evening.

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Linda P. MacIntyre, City Clerk

Created March 28, 2013
Revised April 3, 2013
Revised April 4, 2013
Revised April 5, 2013
Revised April 8, 2013
Revised April 11, 2013
Revised May 16, 2013