

TOWNSHIP OF MANALAPAN

ORDINANCE NO. 2018-14

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANALAPAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 95, "DEVELOPMENT REGULATIONS", OF THE CODE OF THE TOWNSHIP OF MANALAPAN PERTAINING TO DETACHED GARAGES; PERMITTING SPORTS COURTS ON LOTS OF LESS THAN 80,000 SQUARE FEET; PROVIDING FOR WAIVER OF SITE PLAN APPROVAL FOR MINOR ACCESSORY IMPROVEMENTS; PROVIDING FOR CERTIFICATES OF CONTINUED OCCUPANCY WHERE CERTAIN NONCOMFORMITIES EXIST; SIGNAGE REGULATIONS PERTAINING TO GASOLINE SERVICE STATIONS AND DRIVE THROUGH RESTAURANTS; WALL SIGNAGE IN THE LB-W DISTRICT AND THE NUMBER OF WALL SIGNS PERMITTED; AND ESTABLISHING A TIME LIMIT FOR TEMPORARY, NOT-FOR-PROFIT SIGNS.

WHEREAS, the Zoning Ordinance permits a one-car garage measuring 12 feet in width by 24 feet in depth, a two-car garage measuring 24 feet in width by 24 feet in depth, and a three-car garage measuring 35 feet in width by 24 feet in depth; and

WHEREAS, these dimensions and uses must conform, such that a 24 foot in width by 24 foot in depth garage cannot be constructed as a one-car garage with a 12 foot by 24 foot storage area; and

WHEREAS, the Zoning Officer has recognized the desire of some residents to utilize a portion of their detached garage as a storage area; and

WHEREAS, residential sports courts are permitted on lots of at least 80,000 square feet; and

WHEREAS, the Zoning Officer has recommended that residential sports courts be permitted in all of the smaller-lot zone districts; and

WHEREAS, minor accessory improvements to commercial properties require a site plan; and

WHEREAS, the costs for a site plan may be substantial and may negatively impact a business making desirable improvements; and

WHEREAS, the Zoning Officer has recommended that said improvements may be eligible for a site plan waiver due to their minor nature; and

WHEREAS, in the event of a change of ownership of a property, exchange may be impeded by the existence of a nonconforming structure or feature on said property; and

WHEREAS, the Township desires to establish a clearer process through which to address nonconformities where a certificate of continued occupancy is to be issued; and

WHEREAS, the Zoning Ordinance does not have standards for the particular signage associated with gasoline service stations; and

WHEREAS, the establishment of such standards will provide clarity and enhance uniformity among gasoline service station signage in the Township; and

WHEREAS, drive-through establishments, identified as Category 3 restaurants in the Township ordinance, are permitted along State Route 33 in the C-3, SED-5, SED-20, and SED-20/W Zone Districts; and

WHEREAS, said establishments are permitted one wall sign and one G-4 ground sign; and

WHEREAS, said establishments must obtain Zoning Board of Adjustment approval in order to provide an additional ground sign as a menu board; and

WHEREAS, the proposed amendment will relieve the Zoning Board of Adjustment of applications that are generally consistent with the zone plan, Master Plan and overall Township vision; and

WHEREAS, wall signage in the LB-W Zone District along Wilson Avenue may be a maximum of 80 square feet; and

WHEREAS, the Zoning Officer has recommended that the maximum permitted area for wall signage in the LB-W District be increased; and

WHEREAS, the proposed change will allow businesses greater flexibility and the possibility of enhanced tax rates for the Township; and

WHEREAS, under the Zoning Ordinance a business is permitted one wall sign; and

WHEREAS, a business may desire to separate their wall signage into multiple signs, necessitating a variance; and

WHEREAS, the intent of said business is not to exceed the maximum permitted area for wall signage; and

WHEREAS, the Zoning Officer has recommended that a limit be placed on the time that signs erected by not-for-profit organizations in the Township may be maintained, and

WHEREAS, the Township Committee finds that the aforesaid changes to the aforesaid zoning regulations set forth in Chapter 95, "Development Regulations", of the Code of the Township of Manalapan are in the best interests of the Township of Manalapan and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Manalapan, in the County of Monmouth, State of New Jersey, as follows:

SECTION ONE. Section 95-7.25, "Garages", subsection A, be and is hereby amended to read as follows: (Note that additions are shown in **bold italics with underlines.**)

"§95-7.25 – Garages.

A. Private detached garages for a dwelling may be designed for a maximum of three vehicles and shall not exceed 35 feet in width by 24 feet in depth by 15 feet in height.

(1) **A private detached garage may have a storage area occupying a maximum floor area of 12 feet in width by 24 feet in depth. This storage area shall not expand the floor area of the garage beyond the maximum permitted 35 feet in width by 24 feet in depth.**

(2) **No second level of storage shall be permitted.**"

SECTION TWO. Section 95-7.47, "Residential sports courts.", subsections A. , D. and F., be and the same are hereby amended to read as follows:

(Note that additions are shown in bold italics with underlines and deletions are shown in ~~bold with a strikethrough.~~)

§95-7.47 – Residential sports courts.

"A. The residential sports court is located on a lot of ~~80,000~~ 20,000 square feet or greater.

- "D. The area of ~~the~~ any residential sports court shall not exceed 2,500 square feet. On lots with an area between 20,000 square feet and 80,000 square feet, the area of the residential sports court shall not exceed 1,500 square feet."*
- "F. The residential sports court, inclusive of fencing, shall not be located closer than 35 feet to a side or rear property line or closer than the minimum yard specific by the zone district schedule or a detached accessory structure, whichever is greater, for lots with an area of 80,000 square feet or greater. For lots between 20,000 square feet and 80,000 square feet, the setbacks shall be not less than what the zone allows for a detached accessory structure."*

SECTION THREE. Section 95-4.5, "Minor subdivision and minor site plan procedure", be and the same is hereby amended and supplemented by the addition thereto of the following subsection:

- "G. If the owner of a commercial property is seeking to make minor accessory improvements, a concept or other plan may be submitted in lieu of a full site plan at the discretion of the Zoning Officer. The submitted plan shall be reviewed by the appropriate Board and its professionals."*

SECTION FOUR. Section 95-3.4, “Certificates and permits”, subsection 95-3.4 D, “Certificate of Occupancy”, paragraph D.5, “Scope of certificate of continued occupancy”, be and the same is hereby amended and supplemented to read, as follows:

“D(5). Scope of certificate of continued occupancy. The certificate of continued occupancy shall contain sufficient information as to the extent and kind of use or uses, such that any future investigation of the premises would disclose the extent to which a use was altered. It shall also indicate whether such use is a permitted or nonconforming use and the extent to which the use does not conform to the provisions of this chapter.

(a) In the event that a nonconforming feature exists and the owner wishes to sell the property, if the owner can demonstrate to the zoning officer by a survey or other documentary proof that said nonconformity has existed for at least ten years and the purchaser offers a written statement acknowledging the nonconformity and certifies that it will not be expanded, a certificate of continued occupancy may be issued by the Construction Office. In the event that the nonconforming feature is modified, it shall be brought into compliance with the applicable provisions of this chapter.”

SECTION FIVE. Section 95-8.7, “Signs”, subsection H, “Sign classification”, subparagraphs H (3) and H (4) be and the same are hereby deleted and the following substituted therefor:

“H(3) Gasoline service station signs. The following signs shall be permitted:

- (a) One (1) freestanding digital sign not exceeding 20 feet in height and 120 square feet in area, inclusive of a maximum of 55 square feet of digital area following the requirements of §95-8.7D(4).*
- (b) Wall sign not to exceed 105 square feet. Additional wall signs shall be permitted in accordance with §95-8.7, Exhibit 8-1, Schedule A.*
- (c) Up to three (3) canopy signs, each not to exceed twenty percent (20%) of the canopy façade area.*
- (d) Up to two (2) directional signs, not exceeding 3 square feet in area and four square feet in height.*
- (4) All other permitted signs shall be classified as indicated in Schedule A attached hereto and made a part hereof.*
- (5) Zone districts. Permitted signs within a zone district shall be restricted to those sign classifications as indicated in Schedule B below:”*

SECTION SIX. Section 95-8.7 , “Signs” , Schedule B, “Zone District Sign” , be and the same is hereby amended to read, in full, as follows: (Note that additions are shown in **bold italics with underlines.**)

**“Schedule B
Zone District Signs**

Zone District

Permitted Sign Types

Residential Zones ⁽¹⁾ R-AG, R-R, R-40, R-40/20, R-30, R-20, R-20/PRC, R-5, R-20/PD, R-TF/TH, R-AG/R-CH, R-AG/PRC-2	Minor signs, Type A signs
R-T ⁽⁶⁾	Minor signs, Type A signs and for nonresidential uses only, G-4 and G-5 signs
Commercial, industrial and planned development zones ^{(2),(3),(4)}	
C-1, C-2, C-3 ⁽¹³⁾ , C-4, C-2M, LI	Minor signs, Type A signs, G-1, G-2, G-3, G-4, G-5, W-1, W-2, R-1 signs, Type B signs
LB ⁽⁶⁾ , PB, OP, OP-3, OP-10, OP-10A	Minor signs, Type A signs G-3, G-4, G-5, W-2, R-1 signs
CD ⁽⁵⁾	Minor signs, Type A signs, G-2, G-3, G-4, G-5, W-1, W-2, R-1 signs
GCRC ⁽⁵⁾	Minor signs, Type A signs, G-3, G-4, G-5, W-1, W-2, R-1 signs
SED-5, SED-20, SED-20/W ⁽¹³⁾	Minor signs, Type A signs, G-2 signs and other signs as permitted in the OP-10 District
VC ^{(7),(8),(9),(10),(11),(12)}	Signs within the Village Commercial (VC) District shall apply to the overall district and not individual lots within the district.
All zones	Electronic signs are allowed in all zones only as an accessory structure for a permitted nonresidential use or a conditional use. Electronic message centers are otherwise prohibited in residential zones.

NOTES:

- ⁽¹⁾ A conditional use permitted within the zone district may use sign types G-4, G-5 and W-2.
- ⁽²⁾ Sign Type G-1 may be located only along a frontage of 500 feet or more on a divided arterial highway having four or more moving lanes.
- ⁽³⁾ Sign Type G-2 may be located only along a frontage of 200 or more feet on a public road where the permitted driving speed is greater than 40 miles per hour.
- ⁽⁴⁾ A ground sign which is six square feet or more in area shall not be closer than 100 feet to any other ground sign which is six square feet or more in area.
- ⁽⁵⁾ Within the CD or GCRC Districts, signs other than minor signs and Type A signs shall be allowed only accessory to permitted nonresidential uses within the development.

- (6) In the LB and RT districts, only externally illuminated signs shall be permitted.
- (7) Pylon signs. Not more than three pylon signs shall be permitted. Maximum height shall be 25 feet and the maximum square footage shall not exceed 200 square feet. Pylon signs shall be set back a minimum of 20 feet from any property line. Pylon signs may be internally illuminated.
- (8) Directory signs. Within the VC District up to four directory signs shall be permitted, which shall not exceed eight feet in height or 40 square feet in area.
- (9) Tenant signs. Individual tenants within the VC District shall be permitted one facade sign which shall not exceed 20% of the front facade area, or one freestanding sign not to exceed six feet in height or 30 square feet.
- (10) Safety/directional signs. Safety and directional signs not exceeding 42 inches in height or three square feet shall be permitted in accordance with a plan approved by the Planning Board.
- (11) Traffic control and handicap signs shall be permitted and shall be designed and located in accordance with state regulations.
- (12) Project identification sign. A project identification sign shall be permitted at each entrance to the site. Signs shall not exceed five feet in height and 50 feet in area.
- (13) **Category Three restaurants with a drive-through are permitted one additional ground sign to serve as a menu board. This sign shall not exceed 40 square feet in area and 7 feet in height, and shall be located along the drive-through lane out of sight of the public right-of-way. The sign may be internally illuminated in accordance with §95-8.7.**
- (14) **In the LB-W Zone District along Wilson Avenue, wall signs may have an area of up to 15% of signable area, with a maximum area of 120 square feet."**

SECTION SEVEN. Section 95-8.7, "Signs", subsection D, "Permitted Signs", subparagraph D (2) be and the same is hereby deleted and the following substituted therefor:

*"D(2). ~~One~~ **Multiple** wall signs, as defined in Article II of this chapter, per premises or per business establishment, provided that the total area of the signage does not exceed that as provided in Sign Schedule A.*

(a) If a building is occupied by a subtenant, that subtenant may display an additional wall sign that exceeds the total wall signage area permitted in the Zone District. The subtenant

signage shall be a maximum of five percent (5%) of the façade area."

SECTION EIGHT. Section 95-8.7, "Signs", subsection D, "Permitted Signs", subparagraph D (3), "Minor Signs" subparagraph D (3) (a) be and the same is hereby deleted and the following substituted therefor:

(a) "(a) Governmental signs erected or authorized by a governmental unit and temporary signs erected for no more than sixty(60) days by not-for-profit organizations located in the Township."

SECTION NINE. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION TEN. If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION ELEVEN. This Ordinance shall take effect immediately upon its Passage and publication according to law and upon filing with the Monmouth County Planning Board.

NOTICE OF PUBLIC HEARING

The Ordinance published herewith was Introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on November 28, 2018 and will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on Wednesday, December 12, 2018 at the Municipal Complex, 120 Route 522 and Taylors Mills Road, Manalapan, New Jersey at 8:00 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site www.mtnj.org by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of December 12, 2018.

REGINA PRETEROTI, RMC
Municipal Clerk