

Changes to Ordinance 09-1269
"Land Use Ordinance of the Borough of Tinton Falls"
to enact all recommendations of the
Report of the Borough of Tinton Falls Planning Board Under N.J.S.A. 40:55D-26

Table of Contents - 40-37 Conditional Uses B. Specific Uses "17. Cemetery, with or **with our** Mausoleum or Crematory" To read "17. Cemetery, with or **without** Mausoleum or Crematory"

Page 31 – 40-3 DEFINITIONS – "SWIM CLUB – A commercial facility for the indoor **and** outdoor use of swimming pools for swimming, diving and related instruction. Swim clubs may have accessory office, locker room, storage and mechanical areas." To read "SWIM CLUB – A commercial facility for the indoor **and/or** outdoor use of swimming pools for swimming, diving and related instruction. Swim clubs may have accessory office, locker room, storage and mechanical areas."

Page 32 - 40-3 DEFINITIONS – "TENNIS CLUB - A commercial facility for the indoor **and** outdoor use of tennis courts for the sport of tennis and related instruction. Tennis clubs may have accessory office, locker room, storage and mechanical areas." To read "TENNIS CLUB - A commercial facility for the indoor **and/or** outdoor use of tennis courts for the sport of tennis and related instruction. Tennis clubs may have accessory office, locker room, storage and mechanical areas."

Page 33 – 40-3 DEFINITIONS - "TRESPASS LIGHTING – Lighting from an adjacent property which exceeds .1 footcandle" To read "TRESPASS LIGHTING – Lighting from an adjacent property which exceeds **0.1** footcandle."

Page 97 – 40-25 GENERAL DESIGN STANDARDS – F. Curbs, Gutters and Sidewalks "3. Concrete for curbing shall be made with **air-entraining** cement" To read "3. Concrete for curbing shall be made with **air-entrained** cement"

Page 100 – 40-25 GENERAL DESIGN STANDARDS – J. Fences or Walls "7. No fence shall be constructed with barbed wire, metal spikes or other such dangerous material or constructed in such manner as to be dangerous to animals or humans." **To be struck.**

Page 105 – 40-25 GENERAL DESIGN STANDARDS – N. Lighting "j. For all nonresidential uses, except shopping centers noted below, the light intensity provided at the ground level shall be as follows:

	Foot-candles
Minimum at any single location	0.5
Maximum at any single location	5.0
Maximum average over the entire area	3.5

To Read

	Foot-candles
Minimum	0.5
Maximum at any location	4.0
Maximum average entire area	2.0

Uniformity ratio - Not greater than **4:1**

Page 105 – 40-25 GENERAL DESIGN STANDARDS – N. Lighting "k. For shopping centers the light intensity at ground level may be increased to the following:

	Foot- candles
Minimum at any single location	1.0
Maximum at any single location	10.0
Maximum average over the entire area	6.5

To Read

	Foot- candles
Minimum	1.0
Maximum at any location	8.0
Maximum average entire area	4.0
Uniformity ratio - Not greater than	4:1

Page 124 – 40-29 GENERAL REGULATIONS – B. Yard Regulations "2. Front Yards. For existing houses, the front yard shall be determined by the street address." **To be struck.**

Page 128 – 40-32 PROHIBITED USES – "1. Desiring to minimize impacts on nearby residential properties and cognizant of the environmentally sensitive nature of the **Shaff** Road corridor" to read "1. Desiring to minimize impacts on nearby residential properties and cognizant of the environmentally sensitive nature of the **Shaffo** Road corridor"

Page 133 - 40-33 ACCESSORY STRUCTURES AND USES – D. 5. Fences and Walls "e. Fences and walls topped with barbed wire, razor wire, broken glass, or similar materials, or that are electrically charged, **are prohibited except electrically charged fence may be used on farm qualified properties.**" To read "e. Fences and walls topped with barbed wire, razor wire, broken glass, or similar materials, or that are electrically charged, **are prohibited except barbed wire and electrically charged fence may be used on farm qualified properties.**"

Page 133 - 40-33 ACCESSORY STRUCTURES AND USES – D. 5. Fences and Walls "j. Fences in the front yard shall not exceed four (4) feet in height, shall be set back at least ten (10) feet from the edge of property line." To Read "j. Fences in the front yard shall not exceed four (4) feet in height **(except on farm qualified properties)**, shall be set back at least ten (10) feet from the edge of property line."

Page 133 - 40-33 ACCESSORY STRUCTURES AND USES – D. 5. Fences and Walls "l. Fences shall be limited to split rail, picket, or decorative metal with an open area of at least fifty (50) percent." To read "l. Fences **in the front yard** shall be limited to split rail, picket, or decorative metal with an open area of at least fifty (50) percent."

Page 133 - 40-33 ACCESSORY STRUCTURES AND USES – D. 5. Fences and Walls "n. Fences and walls along side or rear lot lines shall not exceed six (6) feet in height." To Read "n. Fences and walls along side or rear lot lines shall not exceed six (6) feet in height **(except on farm qualified properties).**"

Page 164 – 40-36 SUPPLEMENTAL STANDARDS - F. AARZ Active Adult Redevelopment Zone - "1. Purpose. The purpose of the Active Adult Redevelopment Zone is to provide for the redevelopment of a former office use **for** a use that would be less intrusive" To read "1. Purpose. The purpose of the Active Adult Redevelopment Zone is to provide for the redevelopment of a former office use **to** a use that would be less intrusive"

Page 166 – 40-36 SUPPLEMENTAL STANDARDS - F. 3. k. - TYPO – Remove (c) and (d) after (3) and (4)

Page 168 - 40-36 SUPPLEMENTAL STANDARDS - F. 4. n. - "All open space and recreational areas shall be dedicated to a homeowner's association **established pursuant to Section 40- 45 of this Chapter.**" To read "All open space and recreational areas shall be dedicated to a homeowner's association."

Page 168 - 40-36 SUPPLEMENTAL STANDARDS - F. 4. o. - "A homeowner's association **established pursuant to Section 40-45 of this Chapter** shall be responsible for owning, maintaining, and repairing all common areas in the community." To read "A homeowner's association shall be responsible for owning, maintaining, and repairing all common areas in the community."

Page 169 - 40-36 SUPPLEMENTAL STANDARDS - F. 4. p. - "All other landscaping shall conform to the requirements of this Chapter **(including but not limited to Section 40-47).**" To read "All other landscaping shall conform to the requirements of this Chapter."

Page 169 - 40-36 SUPPLEMENTAL STANDARDS - F. 5. d. – "(4) Side yard – (30) feet each." To read – "(4) Side yard – **thirty** (30) feet each."

Page 170 - 40-36 SUPPLEMENTAL STANDARDS - F. 6. c. "**The Provisions of Section in the AARZ District 40-29D (Critical Areas Ordinance)** do not apply to the overall development" to read "**The provisions of the Critical Areas Ordinance do not apply to the overall development of the AARZ Active Adult Redevelopment Zone**"

Page 170 - 40-36 SUPPLEMENTAL STANDARDS - F. 6. d. "**The Requirements of Section 40-91(D)** shall be calculated by including all parcels/lots which form the overall development." To read "**The requirements of the AARZ Active Adult Redevelopment Zone** shall be calculated by including all parcels/lots which form the overall development."

Page 170 - 40-36 SUPPLEMENTAL STANDARDS - F. 6. f. " Where any provision of this ordinance conflicts with any other provision of the land use ordinances of the Borough of Tinton Falls, the provisions of this ordinance shall apply and the conflicting portion shall be deemed inapplicable." To read "Where any provision of this ordinance **section** conflicts with any other provision of the land use ordinances of the Borough of Tinton Falls, the provisions of this ordinance **section** shall apply and the conflicting portion shall be deemed inapplicable."

Page 174 - J. RET ZONE - LARGE SCALE PLANNED RETAIL OVERLAY ZONE 1. – "(i.e. Marpal and the concrete plant) from their existing locations on the north side of Route 18 to an MFG zone on the south side of Route 18. Principal permitted uses in this MFG area would include asphalt and concrete plants and recycling facilities. The area identified as retail on the concept plan is proposed for large scale planned retail." To Read "(i.e. Marpal and the concrete plant) from their existing locations on the north side of Route 18 to an MFG zone **(implemented as MFG2 in this ordinance)** on the south side of Route 18. Principal permitted uses in this MFG area **(implemented as MFG2 in this ordinance)** would include asphalt and concrete plants and recycling facilities. The area identified as retail on the concept plan is proposed for large scale planned retail."

Page 174 - J. RET ZONE - LARGE SCALE PLANNED RETAIL OVERLAY ZONE – TYPO - sections to be numbered 1, 2, a., b., 3, 4.

Page 199 - 40-39 OFF STREET PARKING D. 3. "Fractional spaces. Whenever the application of Loading Schedule 2 standards results in the requirements of a major fraction of a space in excess of **.5**, a full space shall be required." To read "Fractional spaces. Whenever the application of Loading Schedule 2 standards results in the requirements of a major fraction of a space in excess of **0.5**, a full space shall be required.

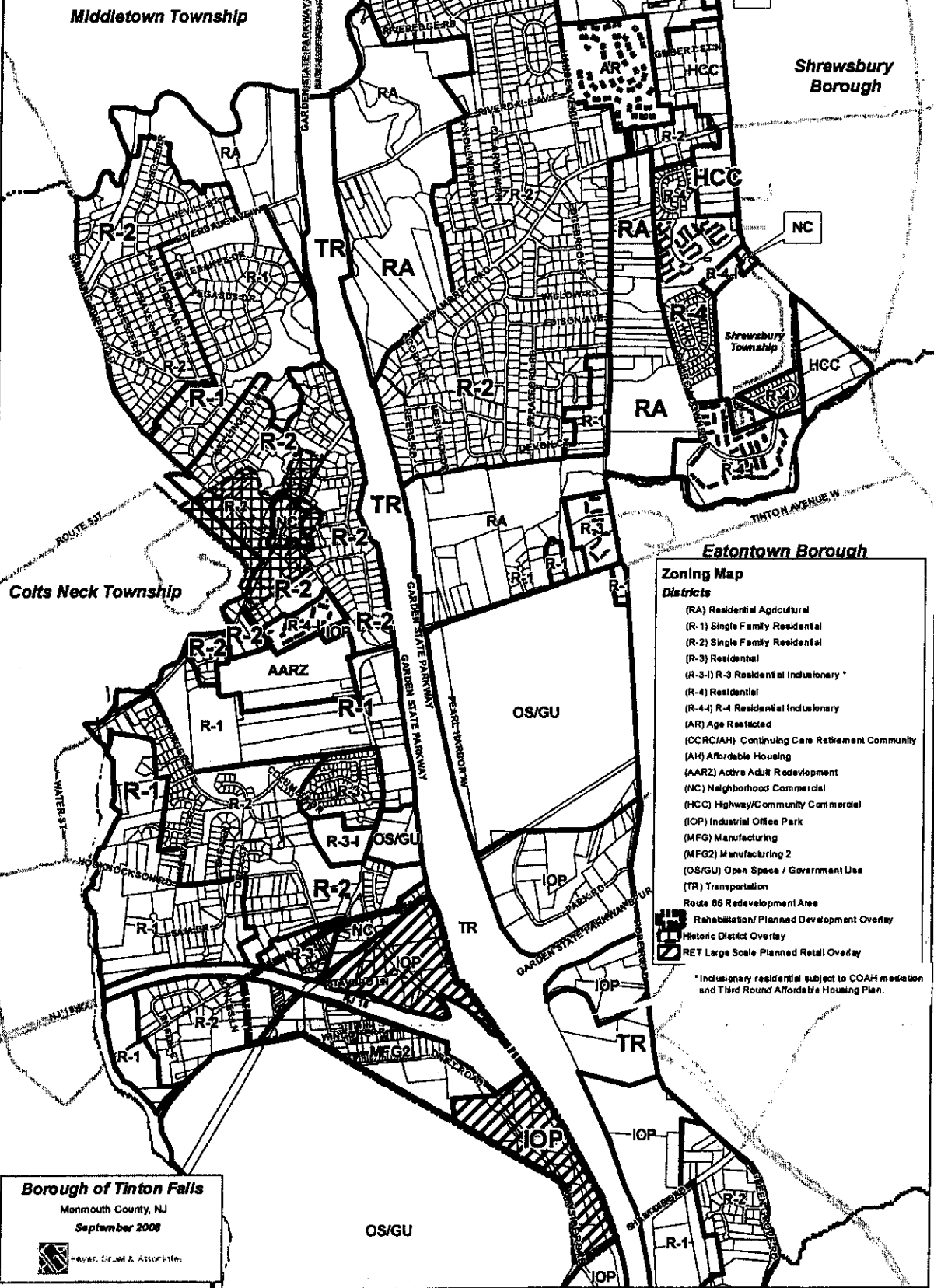
Page 214 - 40-50 Historic Preservation Commission and Historic District Regulations H. "Notwithstanding **the provisions of §40-49**, the following provisions shall apply for the enforcement of historic preservation matters." To Read "Notwithstanding **the Violations and Penalties Section of the Land Development Ordinance**, the following provisions shall apply for the enforcement of historic preservation matters."

Appendix B, Page B-4 – HCC Highway Commercial Zone – First Column, Fifth Row "**Hospitals, Veterinary hospital, mortuary**" To Read "**Hospitals, mortuary**"

Zoning Map Amendment Block 19, Lot 3 – From R-2 to HCC. See Map.

1 inch equals 2,416 feet
 0 1,500 3,000 Feet
 Data Source: Monmouth County GIS Database, Parcels 2006
 Heyer, Grisel and Associates and Tinton Falls Planning Board

ZONING MAP NORTHERN PORTION



- Zoning Map Districts**
- (RA) Residential Agricultural
 - (R-1) Single Family Residential
 - (R-2) Single Family Residential
 - (R-3) Residential
 - (R-3-1) R-3 Residential Inclusionary *
 - (R-4) Residential
 - (R-4-1) R-4 Residential Inclusionary
 - (AR) Age Restricted
 - (CCRC/AH) Continuing Care Retirement Community
 - (AH) Affordable Housing
 - (AARZ) Active Adult Redevelopment
 - (NC) Neighborhood Commercial
 - (HCC) Highway/Community Commercial
 - (IOP) Industrial Office Park
 - (MFG) Manufacturing
 - (MFG2) Manufacturing 2
 - (OS/GU) Open Space / Government Use
 - (TR) Transportation
 - Route 86 Redevelopment Area
 - Rehabilitation/Planned Development Overlay
 - Historic District Overlay
 - RET Large Scale Planned Retail Overlay

* Inclusionary residential subject to COAH mediation and Third Round Affordable Housing Plan.

Borough of Tinton Falls
 Monmouth County, NJ
 September 2008
 HEYER, GRISEL & ASSOCIATES

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH
ORDINANCE NO. 09-1269**

AN ORDINANCE REPEALING BOROUGH ORDINANCE NO. 99-982 (FORMER LAND USE ORDINANCE) AND ESTABLISHING AND CREATING A LAND USE ORDINANCE TO ESTABLISH STANDARDS FOR DEVELOPMENT AND USE OF LAND AND BUILDINGS WITHIN THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY PURSUANT TO THE PROVISIONS OF THE MASTER PLAN OF THE TINTON FALLS PLANNING BOARD

WHEREAS, NJSA 40:55D-89 provides for the periodic revision of Municipal Master Plans and Regulations by Municipal Entities within the State of New Jersey; and

WHEREAS, the Borough Council of the Borough of Tinton Falls has requested the Planning Board of the Borough of Tinton Falls to revise its master plan and development of regulations in accordance with said statutes; and

WHEREAS, the Borough of Tinton Falls Planning Board has completed and adopted its Master Plan Revision and submitted the Master Plan to the Governing Body, dated April, 2007; and

WHEREAS, pursuant to NJSA 40:55D-62, the Borough Council has the power to adopt or amend any ordinance related to the nature and extent of uses of land, buildings and structures thereon; and

WHEREAS, the Borough Council of Borough of Tinton Falls has reviewed the Planning Board of the Borough of Tinton Fall's revised Master Plan, its recommendation to repeal the prior land use ordinance and to replace it with the attached report after public hearings and in accordance with NJSA 40:55D-28, et seq.; and

WHEREAS, the Borough Council of the Borough of Tinton Falls, after public hearing and receiving public input and the recommendation of its professionals, deems it in the best interests of the residents of the Borough of Tinton Falls to adopt the attached report on recommendation of the Planning Board as and for the Master Plan and Land Use Development Ordinance of the Borough of Tinton Falls, repealing any prior ordinances related thereto and for the use and purposes stated therein,

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey, as follows:

1. That the provisions of Chapter 40 of the Land Use Ordinance of the Borough of Tinton Falls is hereby repealed in its entirety.

2. That the document entitled "Borough of Tinton Falls Land Use Ordinance" prepared by Borough Planner, Paul Gleitz, PP, AICP, dated April, 2009, in coordination with the Planning Board, Zoning Board of Adjustment and Borough Council of the Borough of Tinton Falls be and is hereby adopted as and for the Land Use Ordinance and Regulations under Chapter 40 of the Borough of Tinton Falls General Ordinances.

3. That this Ordinance having been reviewed by the Planning Board of the Borough of Tinton Falls, Zoning Board of Adjustment of the Borough of Tinton Falls and the Borough Council of the Borough of Tinton Falls, has incorporated in its current form all the amendments agreed to be incorporated by the Borough Council of Tinton Falls after due consideration of comments received by the aforesaid bodies and by the public.

4. That this Ordinance shall be known as the Land Use Ordinance of the Borough of Tinton Falls and shall serve as the document that shall provide all rules, regulations and standards concerning the

use to which land is put as to size, shape and placement of buildings within the Borough of Tinton Falls in order to ensure the public health, safety, morals, and welfare of the municipality.

5. That this ordinance shall be administered in accordance with the Borough's comprehensive plan toward the end of providing adequate light, air, preventing the overcrowding of land or buildings within the Borough and to promote the public health, safety, morals, and general welfare, secure safety from fire, flood, panic and other natural and man-made disasters and ensure that development within the Borough of Tinton Falls does not conflict with the development and general welfare of neighboring municipalities, the County and the State as a whole, all in furtherance of the purpose as contained in Section 40-1, et seq. herein. This ordinance shall further be administered with the view of conserving the value of property and encouraging the most appropriate use of land throughout the municipality, to promote the conservation of renewable energy sources and to promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities, and regions, the preservation of the environment, to provide sufficient space and appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to respective environmental requirements in order to meet the needs of all New Jersey Citizens.

6. A copy of this Land Ordinance shall be available for review by the public in the Office of the Borough Clerk of the Borough of Tinton Falls, for public inspection upon reasonable request, during normal working hours and available on the Tinton Falls Website, www.Tintonfalls.com. Any person wishing to obtain a copy of the land Use ordinance shall request same from the Borough Clerk's Office; cost of same shall not exceed \$50.00.

7. Any prior Ordinance or provision of any existing Ordinance which is inconsistent with this Ordinance is hereby repealed.

8. Severability: If any section or provision hereof shall be adjudged invalid, such determination shall not effect the other provisions hereof, which shall remain in full force and effect.

This Ordinance shall become effective twenty (20) days after it has been adopted and published in accordance with applicable law.

Introduced: April 7, 2009

Adopted: May 19, 2009

GARY BALDWIN, COUNCIL PRESIDENT

PETER MACLEARIE, MAYOR DATE

ATTEST:

KAREN MOUNT-TAYLOR, BOROUGH CLERK

APPROVED TO AS FORM:

JAMES E. BERUBE JR., DIRECTOR OF LAW