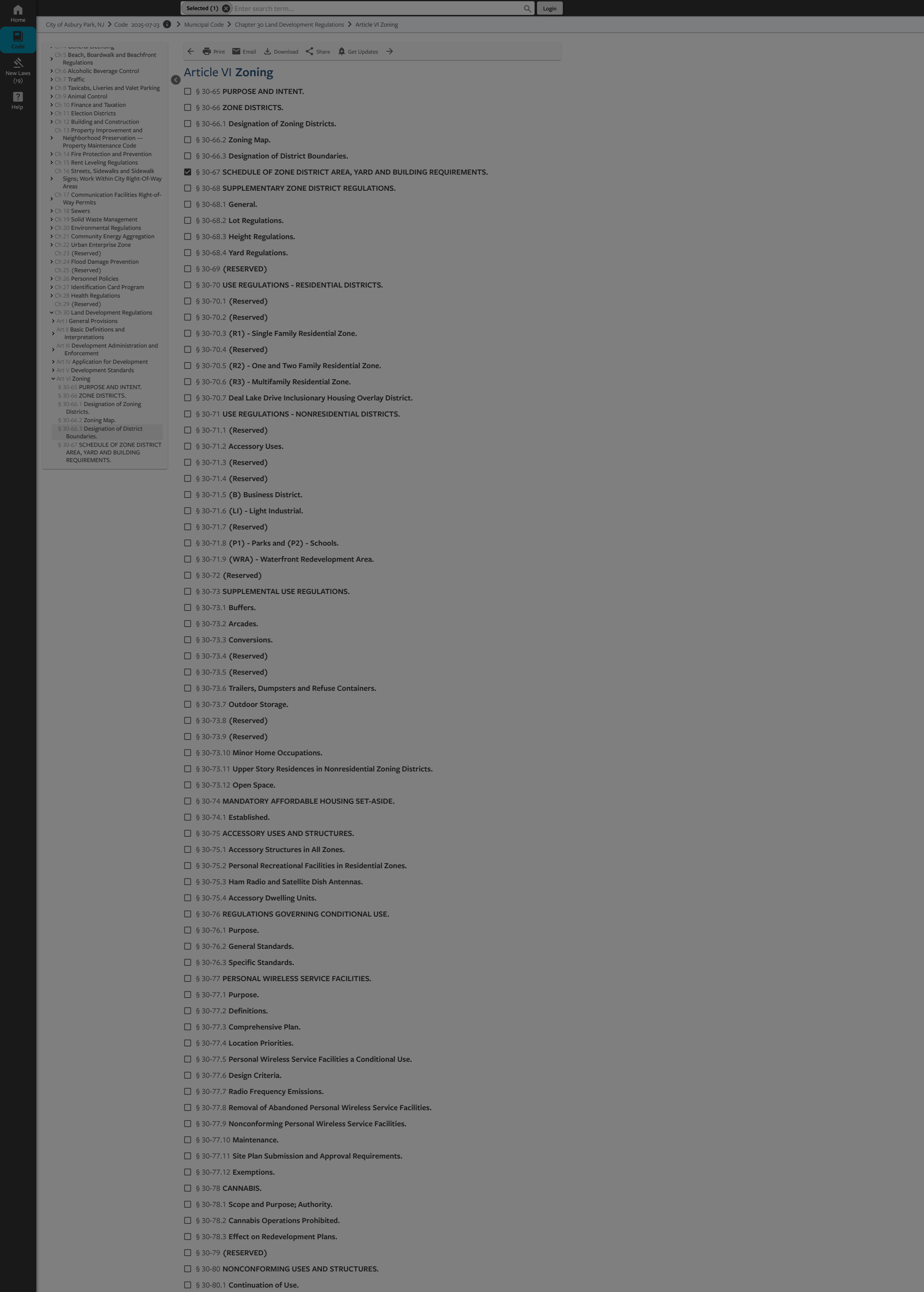

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Ch 7 Traffic
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Article VI Zoning

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☐ § 30-65 PURPOSE AND INTENT.

[2000 Code § 30-65; Ord. No. 2021-21]

a. The purpose of this article is to provide precise and detailed standards by which to guide the type and intensity of development in the City. It is intended to facilitate controlled growth and redevelopment in accordance with the Master Plan; including the Waterfront Redevelopment Plan and any other Master Plan amendments or revisions hereafter adopted.

b. This Zoning Article shall be termed permissive in structure. After the effective date of this article no use or structure shall be permitted in the City which is not listed as a permitted, accessory, or conditional use, or unless permitted by action of the Zoning Board of Adjustment.

☐ § 30-66 ZONE DISTRICTS.

☐ § 30-66.1 Designation of Zoning Districts.

[2000 Code § 30-66.1; amended 4-22-2020 by Ord. No. 2020-11; 4-30-2020 by Ord. No. 2020-13; 6-9-2021 by Ord. No. 2021-21]

For the purpose of this chapter, the City is hereby divided into districts or zones, to be designated as follows:

R1 Single Family Residential

R2 One and Two Family Residential

R3 Multifamily Residential

B Business District

L-I Light Industrial

P1 Parks

P2 Schools

Deal Lake Drive Inclusionary Housing District

WRA Waterfront Redevelopment Area

MSRA Main Sreet Redevelopment Area

CBD Central Business District Redevelopment Area

STAR S.T.A.R.S. Redevelopment Area

SAR Springwood Avenue Redevelopment Area

WARA Washington Avenue Redevelopment Area

Scattered Site Redevelopment Program Phase 1A

1001 First Avenue Redevelopment Area

☐ § 30-66.2 Zoning Map.

[2000 Code § 30-66.2; amended 6-9-2021 by Ord. No. 2021-21]

The location and boundaries of the above districts are hereby established on the Zoning Map of the City, which is adopted by and made a part of this Chapter. The map or maps and all notations, references and designations shown thereon shall be a part of this Chapter as if the same were all fully described and set forth herein. The map shall also be the Official Map of the City pursuant to N.J.S.A. 40:55D-32. (The Zoning Map can be found as an attachment to this chapter.)[1]

[1] *Editor's Note: § 30-66.2A, Zoning Map Amendments, which previously followed this section was deleted by Ord. No. 2021-21. Prior history included Ord. No. 2638, Ord. No. 2020-11 and Ord. No. 2020-16.*

☐ § 30-66.3 Designation of District Boundaries.

[2000 Code § 30-66.3; amended 6-9-2021 by Ord. No. 2021-21]

a. Unless otherwise noted, the district boundary lines are intended generally to follow the center lines of streets; the center lines of railroad rights-of-way; existing lot lines; the center lines of rivers, streams and other waterways; and Municipal boundary lines. However, where a district boundary line does not follow such a line, its position shall be shown on the Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated.

b. In the event a district boundary line divides one (1) or more lots, the zoning regulations of the zoning district which has the larger portion of the lot area shall apply. If the portions of the lot in each zoning district are equal, the zoning regulations of the least intense permitted uses shall apply.

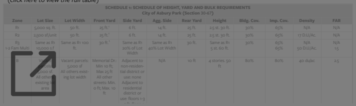
c. In cases of uncertainty or disagreement as to the true location of any district boundaryline, the determination shall be made by the Board of Adjustment.

☑ § 30-67 SCHEDULE OF ZONE DISTRICT AREA, YARD AND BUILDING REQUIREMENTS.

[Ord. No. 2211, Schedule 1; Ord. No. 2301 § 1; Ord. No. 2409; amended 4-30-2020 by Ord. No. 2020-13; 6-9-2021 by Ord. No. 2021-21]

The Schedule of Area, Yard and Building Requirements is contained in Schedule 1. (2000 Code § **30-67**)

(*click here to view the full table*)



SCHEDULE 1: SCHEDULE OF HEIGHT, YARD AND BULK REQUIREMENTS
City of Asbury Park (Section 30-67)

Zone	Lot Size	Lot Width	Front Yard	Side Yard	Agg. Side	Rear Yard	Height	Bldg. Cov.	Imp. Cov.	Density	FAR
R1	5,000 sq. ft.	50 ft.	25 ft.[1]	6 ft.	14 ft.	25 ft.	2.5 st. 30 ft.	30%	65%	N/A	N/A
R2	2,500 sf/unit	50 ft.	25 ft.[1]	6 ft.	14 ft.	25 ft.	2.5 st. 30 ft.	30%	65%	17 D.U./Ac.	N/A
R3 1-2 Fam Multi	Same as R1 10,000 s.f	Same as R1 100 ft.	30 ft.[1]	Same as R1 20% of Lot Width	Same as R1 40% Lot Width	30 ft.	Same as R1 5 st. 60 ft.	30%	65% 65%	N/A 50 D.U./Ac.	N/A 1.5
B	Vacant parcels: 5,000 sf. All others: existing lot area	Vacant parcels: 5,000 sf All others existing lot width	Memorial Dr.: Min 10 ft; Max 25 ft All other streets: Min. 0 ft; Max. 10 ft	Adjacent to non-residential district or use: none Adjacent to residential district or use: floors 1-3	N/A	10 ft	4 stories. 50 ft	80%	80%	40 du/ac	2.5

[1] The minimum required front yard setback shall be the prevailing setback of principal structures along the same block frontage and facing the same street. Refer to § **30-15** Definitions.

☐ § 30-68 SUPPLEMENTARY ZONE DISTRICT REGULATIONS.

☐ § 30-68.1 General.

[2000 Code § 30-68.1; amended 6-9-2021 by Ord. No. 2021-21]

a. No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used, or intended to be used for any purpose or in any manner other than as specified among the uses listed as permitted, accessory or conditional in the district in which such building or land is located.

b. No building or structure shall be erected, reconstructed or structurally altered to exceed in height the limit designated for the district in which such building or structure is located.

c. No building or structure shall be erected, no existing buildings or structures shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located. No yard or other open space provided for any building for the purpose of complying with the provisions of this article shall be considered as providing a yard or other open space for any other building on any other lot.

d. No land in a residential zone shall be used to fulfill open space, minimum area, minimum yard and setback requirements, parking or other similar requirements for uses in nonresidential zones.

e. The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this article; and if already less than the minimum required by this chapter, the area or dimension shall not be further reduced.

f. The maximum floor area ratio specified in this article shall not be exceeded, or, if already more than the maximum, shall not be further increased. The minimum open space ratio specified in this article shall be maintained, or, if already less than the minimum, shall not be further reduced.

g. Sexually oriented businesses are prohibited within all zoning districts.

☐ § 30-68.2 Lot Regulations.

[2000 Code § 30-68.2; amended 6-9-2021 by Ord. No. 2021-21]

a. Nonconforming Lot. Notwithstanding any other provisions of this Article, any existing nonconforming lot in the R1, R2 and R3 Zones which is not adjacent to any other lot under the same ownership and which is nonconforming due to width or area may be improved with a new building or structure in accordance with the requirements of this article, provided that:

  1. The minimum setbacks and other requirements shall be as specified in Schedule 1 except as noted below.

  2. Required side street setbacks on corner lots may be reduced one (1) foot for each three (3) feet the lot is under the minimum width required in the zone district but shall not be reduced below one-half (1/2) the minimum required setback.

  3. In no case shall a detached residential structure be less than twenty (20) feet in length or width.

b. Lot Width. On regularly shaped lots, the minimum lot width of any lot shall be measured at the front property line and required front yard setback line as required for the zone in which it is located and shall be maintained for a distance of not less than forty (40) feet to the rear of the required front yard setback line. Where lots front on cul-de-sacs or curved streets, the minimum lot width may be sixty-five (65%) percent of the required minimum or fifty (50) feet, whichever is greater, measured on the arc of the right-of-way line.

c. Corner Lots. Corner lots shall have two front yards, one rear yard and one side yard. The required front yard shall be maintained on both streets except as otherwise permitted in this article.

d. Through Lots. A through lot in a residence zone shall be considered as having two (2) street frontages, both of which shall be subject to the front yard requirements of this article. Where a lot is bounded on three (3) or more sides by roads, the side opposite the front yard shall be considered the rear yard and the minimum rear yard setback shall be maintained. The remaining frontage shall be considered side yard but the front yard setback shall be maintained for the side street.

e. Frontage Upon a Street. Every principal building shall be built upon a lot with the minimum required frontage upon an approved street which shall be improved in accordance with the street standards established by the City.

f. Number of Buildings Restricted. There shall not be more than one (1) principal structure on each lot in the R1 through R3 districts.

g. For the purposes of this section, the "front yard" or "front yard setback" shall mean the "minimum front yard" specified in § **30-67**. When the prevailing setback of existing buildings along a block front is less than the setback required in § **30-67**, the prevailing setback may be applied as the "front yard setback" for a new building along the same block front, provided that such setback shall not be less than ten (10) feet.

☐ § 30-68.3 **Height Regulations.**

[2000 Code § 30-68.3; amended 4-30-2020 by Ord. No. 2020-13; 6-9-2021 by Ord. No. 2021-21; 3-27-2024 by Ord. No. 2024-6]

a. General Application. No building or structure shall have a greater number of stories or greater height than permitted in the zone where such building or structure is located.

b. Permitted Exceptions:

- **1.** Height limitations stipulated elsewhere in this chapter shall not apply to the following when attached to a principal structure: spires; belfries; cupolas and domes; monuments; chimneys; flagpoles; fire towers; tanks; water towers and standpipes; radio and satellite dish antennas when attached to nonresidential principal buildings. Freestanding structures that are not principal buildings shall be considered accessory structures and shall meet the height requirements set forth in Schedule 1 except as otherwise specified in the Land Development Regulations.
- **2.** Mechanical appurtenances such as condensers, elevator penthouses, exhaust fans, air-conditioning equipment and other similar equipment are exempt from height restrictions, provided they do not extend more than twelve (12) feet above the maximum height limitations, cover no more than twenty (20%) percent of the roof area, and are properly shielded by a parapet wall.
- **3.** In the B and LI Zone Districts, penthouses are exempt from height restrictions provided they cover not more than twenty (20%) percent of the main roof area, are not more than twelve (12) feet, and further provided that all building service equipment and appurtenances are enclosed in the penthouse in addition to any use permitted in the zone where located.

c. Accessory Structures:

- **1.** In all commercial and industrial districts, the height of accessory structures shall be limited to the height of the principal structure.
- **2.** In all residential districts, with the exception of an accessory dwelling unit, the height of accessory structures shall not exceed 15 feet.
- **3.** The height limit of the structure containing a newly constructed accessory dwelling unit (as defined by Section **30-15**) within permitted zones shall be 20 feet.

☐ § 30-68.4 **Yard Regulations.**

[2000 Code § 30-68.4; amended 6-9-2021 by Ord. No. 2021-21]

a. Required yards shall be open to the sky and unobstructed, except that parapets, windowsills, door posts, rainwater leaders and similar ornamental or structural fixtures may project up to one (1) foot into such yards.

b. Cornices, eaves, bay windows and chimneys may project up to two (2) feet into any minimum required front, side or rear yard as set forth in Schedule 1.

c. Uncovered steps only may project up to five (5) feet into a required front or rear yard unless they are a structural component of a porch as defined in § **30-15**.

d. Room air-conditioning equipment, barbecues or patios or fire escapes may be located within any side or rear yard but shall not be less than five (5) feet from any property line.

e. Where any lot abuts a street right-of-way which is proposed to be widened as indicated on the Asbury Park Master Plan or Waterfront Redevelopment Plan, or Master Plan of Monmouth County, or by the State of New Jersey, setbacks and height restriction areas shall be measured from such proposed right-of-way.

☐ § 30-69 **(RESERVED)** [1]

[1] *Editor's Note: Ord. No. 2021-21 deleted the provisions of §* ***30-69*** *including § 30-69.1 through § 30-69.6 regarding Community Design Regulations. Prior history includes 2000 Code § 30-69.1 – § 30-69.6.*

☐ § 30-70 **USE REGULATIONS - RESIDENTIAL DISTRICTS.**

☐ § 30-70.1 **(Reserved)**

[Ord. No. 2021-21]

☐ § 30-70.2 **(Reserved)**

[Ord. No. 2021-21]

☐ § 30-70.3 **(R1) - Single Family Residential Zone.**

[2000 Code § 30-70.3; amended 6-9-2021 by Ord. No. 2021-21; 3-27-2024 by Ord. No. 2024-6]

a. Permitted Principal Uses.

- **1.** Detached single family.
- **2.** Essential municipal services facilities.

b. Permitted Accessory Uses.

- **1.** Garages.
- **2.** Personal recreational facilities such as swimming pools, basketball hoops, etc., subject to the requirements of this chapter.
- **3.** Driveways for the parking of personal vehicles, subject to the provisions of this chapter.
- **4.** Any other structure which is clearly incidental to the principal residential use of the premises.
- **5.** Minor home occupations.
- **6.** Accessory dwelling units.

c. Permitted Conditional Uses. Pursuant to § **30-76.3** of this chapter:

- **1.** Major home occupations.
- **2.** Houses of worship.

d. Off-Street Parking Requirements.

- **1.** Two parking spaces shall be provided for any newly constructed or converted single family dwelling.

  Requirement may be met through provision of an enclosed garage and driveway of at least 20 feet in length between the property line and garage.

☐ § 30-70.4 **(Reserved)**

[2000 Code § 30-70.4; Ord. No. 2021-21]

☐ § 30-70.5 **(R2) - One and Two Family Residential Zone.**

[2000 Code § 30-70.5; amended 6-9-2021 by Ord. No. 2021-21; 3-27-2024 by Ord. No. 2024-6]

a. Permitted Principal Uses.

- **1.** Detached single family dwellings.
- **2.** Two-family dwellings.
- **3.** Essential municipal services facilities.

b. Permitted Accessory Uses.

- **1.** Garages.
- **2.** Personal recreational facilities such as swimming pools, basketball hoops, etc., subject to the requirements of this chapter.
- **3.** Driveways for the parking of personal vehicles, subject to the provisions of this chapter.
- **4.** Any other structure which is clearly incidental to the principal residential use of the premises.
- **5.** Off-street parking facilities as required by this chapter and used exclusively by the occupants of a permitted residential use.
- **6.** Minor home occupations.
- **7.** Accessory dwelling units.

c. Permitted Conditional Uses. Pursuant to § **30-76.3** of this chapter:

- **1.** Major home occupations.
- **2.** Funeral homes and houses of worship.

d. Off-Street Parking Requirements.

- **1.** Single family dwellings: Pursuant to § **30-70.3** of this chapter.
- **2.** Two-family dwellings: Three (3) off-street parking spaces. Parking spaces within enclosed garages may be counted towards the parking requirement provided that not more than one (1) driveway parking space is located behind any one (1) garage space.

☐ § 30-70.6 **(R3) - Multifamily Residential Zone.**

[2000 Code § 30-70.6; amended 4-22-2020 by Ord. No. 2020-11; 6-9-2021 by Ord. No. 2021-21; 3-27-2024 by Ord. No. 2024-6]

a. Permitted Principal Uses.

- **1.** Detached single family dwellings.
- **2.** Two-family dwellings.
- **3.** Multifamily dwellings.
- **4.** Essential municipal services/facilities.

b. Permitted Accessory Uses.

1. Garages.

2. Personal recreational facilities such as swimming pools, basketball hoops, etc., subject to the requirements of this chapter.

3. Driveways for the parking of personal vehicles, subject to the provisions of this chapter.

4. Any other structure which is clearly incidental to the principal residential use of the premises.

5. Minor home occupations.

6. Accessory dwelling units that are incidental and subordinate to one- and two-family homes.

c. Permitted Conditional Uses. Pursuant to subsection **30-76.3** of this chapter:

1. Major home occupations.

2. Funeral homes and houses of worship.

3. Townhouse developments.

4. Child care centers.

5. Residential Health Care Facility.

d. Off-Street Parking Requirements.

1. Single-family dwellings: Pursuant to § **30-70.3** of this chapter.

2. Two-family dwellings: Three off-street parking spaces. Parking spaces within enclosed garages may be counted towards the parking requirement provided that not more than one driveway parking space is located behind any one garage space.

3. Three- to four-family dwellings: One and one-half parking spaces per dwelling unit.

4. Multi-family dwellings:
Zero to one bedroom apartment: One (1) parking space.
Two or more bedroom apartment: Two (2) parking spaces.

☐ § 30-70.7 **Deal Lake Drive Inclusionary Housing Overlay District.**

[Added 4-22-2020 by Ord. No. 2020-11; amended 6-9-2021 by Ord. No. 2021-21]

a. Purpose: The following provides for alternative zoning via overlay zoning that is applicable when five or more new units are created.

b. Permitted Principal Uses.

1. Multi-family dwellings with a 20% set-aside of low and moderate income housing.

c. Permitted Accessory Uses.

1. Accessory buildings.

2. Private recreational facilities and common open space.

3. Off-street parking facilities, including garages and/or structured parking.

4. Minor home occupations.

5. Uses which are customary and incidental to the principal use.

d. Permitted Conditional Use.

1. None.

e. Off-Street Parking Requirements.

1. Parking shall be provided pursuant to § **30-59.5** with the exception that parking shall not berequired for low, moderate and middle income units.

f. Affordable Housing Requirement.

1. Additional density of five (5) units per acre shall be provided where 8% or more new residential units are reserved for middle income housing and where 20% or more of new residential units are reserved for low- and moderate-income housing. The set aside requirement for low- and moderate-income housing units shall be required whenever five or more new residential units are created, even if middle income units are provided.

2. Affordable housing units shall comply with the City's affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1), which shall control in the case of any conflicts with this ordinance, provided that a minimum of 13% of the total low- and moderate-income units shall be affordable to very-low-income households (i.e. 30% or less of median income).

g. Bulk Standards and Site Design.

1. Minimum Lot Size: Lot size existing as of the effective date of this subsection.[1]

[1] *Editor's Note: Subsection* ***30-70.7*** *was adopted 4-22-2020 by Ord. No. 2020-11.*

2. Minimum Lot Width: 20 feet.

3. Minimum Front Yard: 30 feet.

4. Maximum Front Yard 50 feet.

5. Minimum Side Yard: 10 feet.

6. Minimum Rear Yard: 30 feet.

7. Maximum Density: 30 du/ac.

8. Maximum Density: 60 du/ac.

9. Maximum FAR: 1.7.

10. Maximum Building Coverage: 50%.

11. Maximum Lot Coverage: 80%.

12. Maximum Principal Building Height: 8 stories 90 ft.

13. Maximum Accessory Building Height: 15 feet.

14. Parking shall not be located between a building and a public street.

15. A planted buffer strip of not less than 5 feet in width or a solid fence in conjunction with a three foot wide planted buffer shall be provided along each side or rear property line that abuts a one- or two-family residence.

h. Building Design.

1. Structured parking that is visible to a public street shall not exceed one story (parking level). Structured parking shall be screened by structural elements that are compatible with the materials and design of the front and side building facades.

2. Building materials and architectural details shall be consistent on all sides of each building.

3. Multiple principal buildings shall be permitted on a lot.

4. Maximum building length: 200 feet.

5. Any facade of a residential building shall not continue on the same plan for a linear distance of more than 75 feet. Minimum two-foot offsets shall be required at breaks in the facade plane.

6. Building facades shall be finished in wood, stone veneer, stucco, brick, fiber cement panel and/or cast stone. Metal shall be used only for minor accentuation of other elements of the facade.

7. Building entrances shall be articulated to make it easily identifiable by visitors and to provide architectural interest. Examples of special features of entrances include, but are not limited to, awnings and architectural treatments.

8. Pedestrian friendly building design and on-site furnishings (outdoor tables, benches, bicycle racks, etc.) are required along Deal Lake Drive.

9. Roof Design.

(a) Roof shape, color, and texture shall be coordinated with the exterior materials of the building's facade.

(b) Roof design shall minimize the negative impact of roof protrusions by grouping plumbing vents, ducts, and other utility structures together.

(c) Rooftop equipment such as mechanical units, vents, and flues shall be located centrally on the building roof, to the extent practicable. Any equipment visible from a publicly accessible area, adjacent lots, and pedestrian corridors shall be screened with solid materials using parapets, pitches roof forms, or penthouses. Screening shall be constructed of the same or complementary material as the building.

☐ § 30-71 USE REGULATIONS - NONRESIDENTIAL DISTRICTS.

☐ § 30-71.1 **(Reserved)**

☐ § 30-71.2 **Accessory Uses.**

[2000 Code § 30-71.2; amended 4-30-2020 by Ord. No. 2020-13; 6-9-2021 by Ord. No. 2021-21]

Customary accessory uses such as signs (subject to § **30-61**) and parking facilities (subject to § **30-59**) are permitted in the B and LI Zones. Storage trailers are specifically prohibited as accessory uses.

☐ § 30-71.3 **(Reserved)** [1]

[1] *Editor's Note: Ord. No. 2021-21 repealed § 30-71.1, (B1) - Downtown Retail District. Prior history includes 2000 Code §* ***30-71.3****.*

☐ § 30-71.4 **(Reserved)** [1]

[1] *Editor's Note: Material previously codified in §* ***30-71.4****, regarding (B2) - Main Street Retail Sales and Service, was repealed by Ord. No. 2020-13. Prior history includes 2000 Code §* ***30-71.4****, Ord. No. 2017-18.*

☐ § 30-71.5 **(B) Business District.**

[2000 Code § 30-71.5; amended 4-30-2020 by Ord. No. 2020-13; 6-9-2021 by Ord. No. 2021-21; 3-27-2024 by Ord. No. 2024-6]

a. Permitted Uses.

  1. Stores and shops for the conduct of a retail trade or services not specifically prohibited.

  2. Personal services.

  3. Take-out and sit-down restaurants.

  4. Art galleries, art studios, museums, and theaters along Asbury Avenue.

  5. Convenience stores.

  6. Artist live/work studios.

  7. Business, secretarial, and trade schools.

  8. Gymnasiums, and health and fitness clubs.

  9. Laundromats.

  10. Dance studios, martial arts schools, and similar instructional schools.

  11. Business and professional offices, bank, and fiduciary institutions.

  12. Upper Story residences subject to subsection **f**. herein and § **30-73.11**.

  13. Medical offices.

  14. Arcades.

  15. Automobile rental uses located along Memorial Drive only.

  16. One- and two-family residences existing as of the date of this subsection.[1]

  [1] *Editor's Note: Subsection* ***30-71.5*** *was adopted 4-30-2020 by Ord. No. 2020-13.*

b. Prohibited Uses.

  1. Nursing homes.

  2. Licensed health care facilities.

  3. Soup kitchens and food pantries.

  4. Houses of worship and places of assembly.

  5. Social clubs.

  6. Retail sales and service establishments providing goods and repair services for vehicles.

  7. Used car sales.

  8. Motor vehicle repair garages.

  9. Motor vehicle body repair garages.

  10. Gas stations.

  11. Drive throughs.

  12. Sexually oriented land uses.

c. Permitted Accessory Uses.

  1. Accessory buildings.

  2. Private recreational facilities and common open space.

  3. Off-street parking facilities, including garages and/or structured parking.

  4. Minor home occupations.

  5. Accessory Dwelling units that are incidental and subordinate to lawfully-created one- and two-family homes. Residential lots with ADUs shall follow bulk standards for the R-1 District.

d. Conditional Uses.

  1. Urgent care center.

  2. Check cashing services, providing adequate interior space is provided for patron queuing.

  3. Off-street parking facilities, including garages and/or structured parking.

  4. Minor home occupations.

e. Off-Street Parking Requirements.

  1. For new development on vacant property: One (1) parking space per three hundred fifty (350) square feet of gross floor area, with the exception that floor area devoted to low, moderate- and middle-income housing units shall not require parking. Parking requirement may be met through lease of Municipal parking within one thousand (1,000) feet of the site.

f. Affordable Housing Requirements.

1. The creation of five (5) or more new residential units shall require a 20% set-aside of low- and moderate- income housing units.
2. Additional density of five (5) units per acre shall be provided where 8% or more new residential units are reserved for middle income housing and where 20% or more of new residential units are reserved for low- and moderate-income housing. The set aside requirement for low- and moderate-income housing units shall be required whenever five (5) or more new residential units are created, even if middle income units are provided.
3. Affordable housing units shall comply with the City's affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1), which shall control in the case of any conflicts with this subsection, provided that a minimum of 13% of the total low and moderate-income units shall be affordable to very-low-income households (i.e. 30% or less of median income).

g. Site Design.

1. Parking shall not be located between a building and a public street.
2. A planted buffer strip of not less than 10 feet in width or a solid fence fence in conjunction with a three foot wide planted buffer shall be provided along each side or rear property line that abuts a residence.

h. Building Design.

1. First-floor facades containing nonresidential uses which are visible from a public street shall be expressed as building modules that do not exceed 40 feet in width so as to eliminate blank walls, create more interesting architecture, and facilitate small-scale commercial opportunities. Architectural elements including but not limited to piers, columns insets, projections or other vertical elements must be used to visually break up the plane of the first-floor facade.
2. Where facing a public street, nonresidential uses shall have a minimum of 60% of the ground floor facade between three (3) and 10 feet above grade and shall have 30% of the upper floor facades be transparent and shall provide visual access to the street. Blanked-out windows, windows which display only signage, or look into unused or "dead" space do not meet this requirement.
3. Structured parking that is visible to a public street shall not exceed one story (parking level). Structured parking shall be screened by structural elements that are compatible with the materials and design of the front and side building facades.
4. Building materials and architectural details on all sides of each building need not be identical, but shall be unified in overall appearance through finish, materials, details and architectural design.
5. Multiple principal buildings shall be permitted on a lot.
6. Maximum building length: 100 feet.
7. Building facades shall be finished in wood, stone veneer, stucco, brick, fiber cement panel and/or cast stone. Metal shall be used only for minor accentuation of other elements of the facade.
8. Building entrances shall be articulated to make it easily identifiable by visitors and to provide architectural interest. Examples of special features of entrances include, but are not limited to, awnings and architectural treatments.
9. Pedestrian friendly building design and on-site furnishings (outdoor tables, benches, bicycle racks, etc.) are required along the public street.
10. Roof Design.
    - **(a)** Roof shape, color, and texture shall be coordinated with the exterior materials of the building's facade.
    - **(b)** Roof design shall minimize the negative impact of roof protrusions by grouping plumbing vents, ducts, and other utility structures together.
    - **(c)** Rooftop equipment such as mechanical units, vents, and flues shall be located centrally on the building roof, to the extent practicable. Any equipment visible from a publicly accessible area, adjacent lots, and pedestrian corridors shall be screened with solid materials using parapets, pitches roof forms, or penthouses. Screening shall be constructed of the same or complementary material as the building.

☐ § 30-71.6 **(LI) - Light Industrial.**

[2000 Code § 30-71.6; amended 4-30-2020 by Ord. No. 2020-13; 6-9-2021 by Ord. No. 2021-21]

a. Permitted Uses. Permitted Light Industrial uses include indoor manufacturing and assembly uses that that do not emit smoke or fumes, or produce noise or vibrations that are detrimental to nearby residences, in addition to general business uses that do not provide retail sales or services. Permitted uses include as follows:

1. Business and professional offices.
2. Sound and video recording and rehearsal studios.
3. Art studios.
4. Cabinet and furniture makers.
5. Glass and mirror cutters.
6. Machine shops.
7. Welders.
8. Manufacture, assembly or fabrication.
9. Warehousing.
10. Wholesaling.
11. Scientific laboratory.
12. Commercial bakery and food manufacturing.
13. Commercial laundry service.

b. Reserved.

c. Conditional Uses.

1. None.

d. Reserved.

☐ § 30-71.7 **(Reserved)** [1]

[1] *Editor's Note: Ord. No. 2021-21 repealed § 30-71.1, (PO) - Professional Office. Prior history includes 2000 Code §* ***30-71.7****.*

☐ § 30-71.8 **(P1) - Parks and (P2) - Schools.**

[2000 Code § 30-71.8; amended 6-9-2021 by Ord. No. 2021-21]

a. Permitted Uses.

1. Uses permitted by Mayor and Council.
2. In all P1 Zoning Districts the land shall be used as public parks.
3. In all P2 Zoning Districts the land or buildings located thereon shall be used for school purposes.

b. Prohibited Uses. Any use not specifically authorized by Mayor and Council.

☐ § 30-71.9 **(WRA) - Waterfront Redevelopment Area.**

[2000 Code § 30-71.9; Ord. No. 2735 § 2; amended 6-9-2021 by Ord. No. 2021-21]

a. Renovation Infill Area Overlay.

1. Conditional Uses. The following conditional uses may be permitted in the Renovation Infill Area of the Waterfront Redevelopment Area:
    - **(a)** Conditional Uses permitted by the underlying zone district regulations.
    - **(b)** Bed and Breakfast establishments.

☐ § 30-72 **(Reserved)** [1]

[1] *Editor's Note: Ord. No. 2021-21 repealed § 30-72, Public Land - P1, P2 and P4 Districts. Prior history includes 2000 Code §* ***30-72****.*

☐ § 30-73 **SUPPLEMENTAL USE REGULATIONS.**

SCHEDULE 1: SCHEDULE OF HEIGHT, YARD AND BULK REQUIREMENTS
City of Asbury Park (Section 30-67)

Zone	Lot Size	Lot Width	Front Yard	Side Yard	Agg. Side	Rear Yard	Height	Bldg. Cov.	Imp. Cov.	Density	FAR
R1	5,000 sq. ft.	50 ft.	25 ft.[1]	6 ft.	14 ft.	25 ft.	2.5 st. 30 ft.	30%	65%	N/A	N/A
R2	2,500 sf./unit	50 ft.	25 ft.[1]	6 ft.	14 ft.	25 ft.	2.5 st. 30 ft.	30%	65%	17 D.U./Ac.	N/A
R3 1-2 Fam Multi	Same as R1 10,000 s.f	Same as R1 100 ft.	30 ft.[1]	Same as R1 20% of Lot Width	Same as R1 40% Lot Width	30 ft.	Same as R1 5 st. 60 ft.	30%	65% 65%	N/A 50 D.U./Ac.	N/A 1.5
B	Vacant parcels: 5,000 sf. All others: existing lot area	Vacant parcels: 5,000 sf All others existing lot width	Memorial Dr.: Min 10 ft; Max 25 ft All other streets: Min. 0 ft; Max. 10 ft	Adjacent to non-residential district or use: none Adjacent to residential district or use: floors 1-3 = 5 ft. floor 4 = 15 ft. floor 5 = 25 ft.	N/A	10 ft	4 stories. 50 ft	80%	80%	40 du/ac	2.5
LI	10,000 s.f.	75 ft.	10 ft.max.	5 ft.	10 ft.	20 ft.	3 st. 40 ft.	80%	90%	N/A	1

Close

a. Each establishment containing such games must obtain a mercantile license from the Mercantile Officer specifying the number and type of machines to be located in that establishment.

b. No establishment containing games shall be internally accessible from another establishment also containing games.

c. All establishments containing amusements available for use by minors shall provide proper adult supervision at all times.

☐ § 30-73.3 **Conversions.**

[Deleted by Ord. No. 2777 § 5]

(Reserved)

☐ § 30-73.4 (Reserved) [1]

[1] *Editor's Note: Ord. No. 2021-21 repealed § 30-73.4, Dwelling Unit Size Requirements. Prior history includes 2000 Code §* ***30-73.4****.*

☐ § 30-73.5 (Reserved) [1]

[1] *Editor's Note: Ord. No. 2021-21 repealed § 30-73.5, Townhouse Developments. Prior history includes 2000 Code §* ***30-73.5****.*

☐ § 30-73.6 Trailers, Dumpsters and Refuse Containers.

[2000 Code § 30-73.6; amended 6-9-2021 by Ord. No. 2021-21]

Trailers, as defined in § **30-15** of this chapter, shall not be permitted except as specified below:

a. A trailer which is a customary accessory use incidental to a principally permitted residential use in a R1 and R2 Zone.

b. A trailer which is an accessory use to a manufacturing or warehouse use in the LI Zone.

c. Trailers, dumpsters and refuse containers, as defined in § **30-15** of this chapter, used by contractors in conjunction with construction activity on a site may be located on said site until the completion of such construction activity, provided that any dumpster or refuse container must be removed from a construction site within ten (10) working days after a cessation of construction activity or upon the filling of the container to a point level with the top of the container. No final Certificate of Zoning Compliance shall be issued until all trailers, dumpsters and refuse storage containers are removed from the site of a completed construction or rehabilitation project. No contractor shall cause or allow a dumpster or refuse storage container to be used for general refuse and garbage disposal.

d. Trailers used in conjunction with the activities or operations of a public agency.

☐ § 30-73.7 Outdoor Storage.

[2000 Code § 30-73.7; amended 6-9-2021 by Ord. No. 2021-21]

No outdoor storage of merchandise, articles or materials shall be permitted in any zone except as part of a permitted new car or used car dealership. The provisions of this section shall not be construed to prohibit customary accessory uses in residential zones such as patios, picnic tables, outdoor fireplaces and similar uses.

☐ § 30-73.8 (Reserved) [1]

[1] *Editor's Note: Ord. No. 2021-21 repealed § 30-73.8, Commercial Uses in Waterfront Redevelopment Area. Prior history includes 2000 Code §* ***30-73.8****.*

☐ § 30-73.9 (Reserved) [1]

[1] *Editor's Note: Ord. No. 2021-21 repealed § 30-73.9, Proximity Requirements, Bars. Prior history includes 2000 Code §* ***30-73.9****.*

☐ § 30-73.10 Minor Home Occupations.

[2000 Code § 30-73.10; amended 6-9-2021 by Ord. No. 2021-21]

A minor home occupation is any gainful occupation or profession engaged in by an occupant of a dwelling unit which meets the following conditions and requirements:

a. The use shall be conducted and carried on by the inhabitants hereof and no others.

b. The primary use of the premises shall be residential and the minor home occupation shall be secondary to the residential use of the property. The appearance of the structure shall not be altered, and the occupation within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by use of colors, materials, construction, lighting, signs, or the emission of sounds or vibrations that carry beyond the premises.

c. No more than 20% of the gross floor area of the dwelling or accessory structure may be used for the home occupation.

d. There shall be no advertising, display, or other indications of a home occupation on the premises, except as permitted in § **30-61.5e**.

e. There shall be no storage or display of goods visible from outside the structure.

f. Use or storage of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence is not permitted. In any event, there shall be no storage of hazardous or extra hazardous materials as defined by NJDEPE and USEPA.

☐ § 30-73.11 Upper Story Residences in Nonresidential Zoning Districts.

[2000 Code § 30-73.11; amended 4-30-2020 by Ord. No. 2020-13; 6-9-2021 by Ord. No. 2021-21]

Upper story residences in nonresidential business districts shall comply with the following requirements:

a. Access to all apartments shall be separate from any access to nonresidential use in the same building.

b. The portion of the first floor of buildings directly fronting on a public street shall have not less than 85% of the building length consist of permitted nonresidential uses; up to 15% of the remaining building length may consist of residential uses, which shall include but it not limited to residential units, entries and vestibules, mail rooms, and other residential accessory uses. The portion of the first floor of buildings facing an off-street parking area may consist of residential uses.

c. Apartment shall not consist of more than three (3) bedrooms.

d. A commercial building that is enlarged to provide for one (1) or more upper story residences shall be required to provide one (1) additional off-street parking space per apartment.

e. The applicant shall submit a proposal for the handling and disposal of solid waste, including the means by which differing recycling requirements between commercial and residential uses will be reconciled and shall comply with all applicable requirements regarding same.

f. Parking shall not be required for low-, moderate-, and middle-income units.

☐ § 30-73.12 Open Space.

[Added 6-9-2021 by Ord. No. 2021-21]

Multi-family residences in any zone shall provide open space for residents that constitutes at least 30% of the lot area. The open space requirement may be met through the means of common interior recreation areas, balconies, roof decks or terraces located on the same premises.

☐ § 30-74 MANDATORY AFFORDABLE HOUSING SET-ASIDE.

☐ § 30-74.1 Established.

[Added 4-22-2020 by Ord. No. 2020-9]

a. General Application. A mandatory affordable housing set-aside requirement shall apply beginning with the effective date of this ordinance[1] to any multi-family or attached dwelling residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units that exceed the otherwise permitted density, which are created as a result of a zoning amendment, or by a variance granted by the Zoning Board of Adjustment, or by the adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation as set forth below:

   1. For inclusionary projects in which the low- and moderate-units are to be offered for sale, the set-aside percentage shall be twenty (20%) percent; for projects in which the low- and moderate-income units are to be offered for rent, the set-aside percentage shall be twenty (20%) percent.

   2. This requirement does not apply to any sites or specific zones otherwise identified in the Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.

   3. For any such development for which the City's land use ordinances (e.g. zoning or an adopted Redevelopment Plan) already permit residential development as of the effective date of this Ordinance No. 2020-9, adopted April 22,2020, this requirement shall only apply if the City permits an increase of five (5) or more residential units beyond that which is currently permitted (e.g. zoning or an adopted Redevelopment Plan).

   4. The affordable units shall comply with the City's affordable housing regulations in Chapter **31**, Affordable Housing. This includes, but is not limited to, affordability controls of not less than thirty 30) years, proper distribution of one-, two-, and three-bedroom affordable units, proper distribution of very-low-, low- and moderate-income units, and affirmative marketing.

   5. A property shall not be permitted to be subdivided so as to avoid meeting this requirement. The Board may impose any reasonable conditions to ensure such compliance.

   6. Nothing in this subsection precludes the City from imposing an affordable housing set aside in a development not required to have a set-aside pursuant to this subsection consistent with N.J.S.A. 52:27D-311(h) and other applicable law.

   7. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.

   [1] *Editor's Note: Section* ***30-74*** *was adopted April 22, 2020 by Ord. No. 2020-9.*

☐ § 30-75 ACCESSORY USES AND STRUCTURES.

☐ § 30-75.1 Accessory Structures in All Zones.

[2000 Code § 30-75.1; Ord. No. 2017-18 Exh. A; amended 6-9-2021 by Ord. No. 2021-21; 3-27-2024 by Ord. No. 2024-6]

Accessory structures not attached to a principal structure may be erected in a side or rear yard in accordance with the following regulations:

a. No accessory structures shall be constructed closer than five (5) feet to any side property line.

b. In the R1 and R2 Zones, accessory structures may be erected in the rear yard not closer than five (5) feet to the side lot line and three (3) feet to the rear lot line.

c. Except where otherwise specifically permitted by this chapter, accessory structures in multifamily and nonresidential zones shall meet the setback requirements of the principal building.

d. Except for a registered ADU, no portion of any accessory structure shall be used for living quarters for people.

e. When an accessory structure is attached to the principal building it shall be considered as a part of the principal building and it shall comply in all respects with the requirements of this chapter applicable to the principal structure.

f. With the exception of uncovered decks and pools, accessory structures shall be included in meeting the maximum building and impervious coverage requirements in Schedule 1.

g. Existing lots in the R1 and R2 District, which contain a single or two-family dwelling, and which do not contain an attached or detached garage, are permitted to construct one accessory building of not more than 100 square feet in area which shall be exempt from the district requirements for building coverage and lot coverage. Such accessory building shall comply with any other applicable bulk or spatial requirements of this chapter. This requirement is not applicable to the creation of an accessory dwelling unit, which is subject to building and lot coverage requirements.

☐ § 30-75.2 **Personal Recreational Facilities in Residential Zones.**

[2000 Code § 30-75.2; 6-9-2021 by Ord. No. 2021-21]

Except for portable swimming pools less than three (3) feet in height and less than ten (10) feet in length or diameter, the following regulations shall apply to permanent and portable swimming pools, tennis courts and similar personal recreation facilities:

a. The use shall be erected on the same lot as the principal structure and shall require a Construction Permit.

b. The use may be erected in the side and/or rear yard and shall be not less than five (5) feet from any lot line.

c. The use shall be appropriately screened and fenced so as not to adversely affect adjoining properties.

d. Lighting which extends the hours of operation, other than in-pool lights, shall be prohibited.

e. In the case of swimming pools, all measurements shall be from the pool apron and provision for drainage shall be approved as part of the Construction Permit.

☐ § 30-75.3 **Ham Radio and Satellite Dish Antennas.**

[2000 Code § 30-75.3; amended 6-9-2021 by Ord. No. 2021-21]

Freestanding radio operator antennas and satellite dish antennas may be permitted as accessory uses in all zones subject to the following:

a. In R1 and R2 Residential Zones one (1) antenna may be permitted to the rear of a detached one- or two-family structure upon issuance of the Zoning Permit by the Zoning Officer.

b. In R3 and Nonresidential Zones, the location of any freestanding ham radio or satellite dish antenna for multi-family residential buildings and nonresidential buildings must be approved as a Minor Site Plan application by the Planning Board. Antennas which are mounted on the roof of a multifamily building or nonresidential building must be set back five (5) feet from the edge of the roof and may be permitted through the issuance of a Zoning Permit by the Zoning Officer.

c. In a R1 or R2 Zone, the height of a freestanding ham radio antenna must not exceed five (5) feet above the maximum height limitation for a principal structure in the zone. The height of a freestanding satellite dish must not exceed the maximum height allowed for an accessory structure in the zone where it is to be erected. The height of both ham radio antennas and satellite dish antennas shall be measured from the finished grade at the base of the antenna to the highest part of the antenna.

d. The setback of a freestanding antenna in a residential zone must conform with the setback requirement of other accessory structures as required in this section.

e. In any residential zone, one (1) ham radio or satellite dish antenna may be erected on the roof of or otherwise attached to a residential building. The height of any antenna which is attached to a principal building in a residential zone shall not exceed a height equal to twenty-five (25%) percent of the height of the principal building measured from the average finished elevation of the base of the building to the highest part of the building, regardless of roof type. Ham radio or satellite dish antennas mounted on the roof of nonresidential structures in any zone shall be exempt from the height limitations of this section.

f. The Zoning Officer or Planning Board may require landscaping, fencing or other provisions to ensure that an antenna will not adversely impact adjacent properties.

☐ § 30-75.4 **Accessory Dwelling Units.**

[Added 3-27-2024 by Ord. No. 2024-6]

Accessory dwelling units (ADU) shall be allowed in their permitted zones per this chapter subject to the following:

a. There shall be no more than one ADU per lot.

b. The ADU shall be a permanent structure.

c. The lot with the ADU shall not be subdivided to separate the principal structure from the ADU.

d. For ADUs that are located within a new structure or that require the expansion of the footprint and/or height of an existing accessory structure, the floor area and building coverage of the ADU shall not exceed that of the principal use and structure.

e. The ADU shall have a minimum of two rooms, one of which shall be a bathroom.

f. The ADU shall have facilities for cooking, preparing food, and sanitation that are independent of any other dwelling or dwelling unit.

g. Refuse shall not be stored in the front yard.

h. The ADU shall not result in the elimination or reduction of space dedicated to the required parking of the principal use/building.

i. All rooms of the ADU shall be accessible from within the unit.

j. The ADU shall have its own entrance, which is not shared with any other dwelling unit.

k. Access stairs and landings, decks, and porches associated with the ADU shall face toward the interior or the front of the lot upon which it is situated and shall not be oriented towards the nearest side and rear yards. Balconies and other upper story outdoor living spaces are not permitted on a building containing an ADU.

l. An ADU shall not be built between the principal building and a street or the front property line of the lot upon which it is situated. It shall be constructed in the rear yard area.

m. For new construction of an ADU, the ADU shall comply with the bulk requirements that control the location of a garage structure of the zoning district in which is it located; however, the maximum permitted building height of an ADU is 20 feet in all districts.

n. A minimum of one parking space is required for the ADU; this space may be allocated from within an existing driveway with approval by the Planning and Redevelopment Department.

o. An additional curb cut on a street may not be constructed to service the ADU when one already exists. An additional curb cut may be constructed on an alley.

p. The ADU shall adhere to the Community Design Regulations for buildings (Section **30-64**).

q. Prior to the issuance of a construction permit and/or zoning permit for an ADU, the applicant must submit a survey, plot plan and architectural plans which depict in detail the size, location, and appearance of the proposed ADU building, along with utility connections and parking space allocation.

r. For the issuance of a zoning compliance certificate for the continuation of the use of an existing ADU, the zoning officer shall have the discretion to waive the submission of the supporting documents of a survey, plot plan and architectural plans where the applicant can demonstrate that no changes have occurred since the initial submission of the original documents.

s. None of the residential units on the lot upon which the ADU is located shall be eligible to receive a short-term rental certificate pursuant to Section **13-1300** of the City Code.

t. ADU Registration.

  1. In order to establish and maintain an ADU, the property owner must apply for and receive a certificate that is issued by the Department of Code Enforcement or their designee pursuant to Section 13-1400 of the City Code.

  2. Before an ADU certificate can be issued, the property owner must obtain a zoning permit or zoning compliance certificate, as applicable, from the zoning officer.

u. Properties containing lawfully-preexisting, non-conforming multifamily uses are not eligible for the construction of a new ADU. Conforming and non-conforming two-family uses where both units are in the principal building are permitted to have an ADU in a separate structure if they can meet the requirements for ADUs.

v. Bonuses.

In order to encourage both affordability and accessibility to ADU's, the following bonus provisions are available to developers of ADUs:

  1. Accessibility Bonus. Increased building coverage for accessible design.

    (a) If the ADU conforms to the New Jersey Barrier Free Code:

      (1) The property may exceed the permitted building coverage by an additional 5%.

      (2) The ADU shall have the following fees waived:

        (i) COAH Residential Development Fees.

  2. Affordability Bonuses. Increased building coverage, waiver of fees, elimination of off-street parking requirements and development grants for the creation of ADUs that are deed restricted to low-or moderate-income households.

    (a) An ADU is eligible for bonuses if the following requirements are met:

      (1) Compliance with the applicable affordable housing requirements for accessory apartments in Chapters **30** and **31** of the Asbury Park Code, as well as the Uniform Housing Affordability Control Rules, N.J.A.C. 5:80-26.1 and the Fair Housing Act, N.J.S.A. 52:27D. This shall include but not be limited to affirmative marketing, maximum rent, and annual increases in rent.

      (2) A deed restriction for affordable housing, as defined and regulated by Chapters **30** and **31**, for a minimum of 10 years.

    (b) Where an ADU meets the affordability requirements listed in Section **30-75.4v2(a)(1)** above, the lot shall be eligible for the following bonuses:

      (1) The owner of the property shall not be required to occupy the property.

      (2) The property may exceed the permitted building coverage by an additional 5%; this may be combined with the accessibility bonus for a total additional coverage of 10%.

      (3) There is no parking requirement for the ADU.

      (4) The ADU shall be have the following fees waived:

        (i) COAH Residential Development Fees.

        (ii) Sanitary Sewer Fees.

        (iii) Zoning Permit Fee.

(5) Grant bonus.

  (i) The City shall appropriate funds in its annual budget to provide one-time grants to assist with the construction of affordable ADUs that are deed restricted for a minimum of 10 years as follows:

    [a] $20,000 per moderate-income unit.

    [b] $30,000 per low-income unit.

    [c] $35,000 per very-low-income unit.

  (ii) Process.

    [a] Interested property owners will be able to secure information and application packages from the City's designee to manage the ADU program.

    [b] Interested applicants shall submit complete an application to the City.

    [c] The City will review the application for completeness and, if deemed complete, determine that the applicant has signed a binding contract stating their willingness to rent the ADU to a household that qualifies for moderate or low-income housing.

    [d] Recommendations for funding shall be sent by the City to the City Clerk for inclusion on the agenda for the City Council. If all program criteria and zoning requirements have been met and certified by the Zoning Officer in writing, the Council shall approve the funding of the ADU from funds allocated for the program when available and shall authorize the City Attorney to prepare an ADU grant agreement and affordability deed restriction.

    [e] Funding will be provided to the approved ADU as follows:

      [i] Twenty-five percent will be provided once the deed restriction is recorded.

      [ii] Twenty-five percent will be provided at the issuance of the first construction permit.

      [iii] Twenty-five percent will be provided at the issuance of the certificate of occupancy.

      [iv] Twenty-five percent will be provided when the lease is executed with the initial prospective tenant.

    [f] Before a construction permit and a certificate of occupancy may be issued:

      [i] The applicant shall have entered into an agreement with the City per Section **30-75.4v2(b)(5)**(ii)(D) above to the effect that the proposed ADU shall be constructed, occupied, and maintained in a manner that complies with all of the requirements of the New Jersey Council on Affordable Housing, including the following: the minimum ten-year length of affordable housing deed restriction; the necessity of affirmatively marketing the unit; the basis for calculating the maximum permitted rent and all incremental increases in the permissible rent; the method and timing of payments and subsidies by the City; and any other relevant matters consistent with the intent and purpose of this section and the affordable housing program in general.

      [ii] The applicant is required to contract with the municipality's Affordable Housing Administrative Agent or other designee approved by The City.

      [iii] All necessary agreements shall be signed by the applicant and the designee of the City.

      [iv] The deed restriction for the minimum ten-year affordability control shall be filed and recorded with the County Clerk.

    [g] All subsidy monies shall be refunded to the City should the affordable ADU not be occupied by a qualified tenant within one year of granting the subsidy. Additionally, should the affordable ADU not be produced or rented to a qualified household, or if the property owner violates any requirements of the deed restriction during its term, then the subsidy shall be returned to the City and deposited in the Housing Trust Fund.

    [h] The City shall establish a tracking database of all permitted and recorded ADUs using data provided by the certificate program.

☐ § 30-76 REGULATIONS GOVERNING CONDITIONAL USE.

☐ § 30-76.1 Purpose.

[2000 Code § 30-76.1; 6-9-2021 by Ord. No. 2021-21]

It is recognized that certain uses, activities and structures, some of which are necessary to serve the needs and conveniences of City residents, and others which are provided for in the State or Constitutional Law, cannot be specifically classified or regulated in a particular district without consideration in each case to existing conditions and the impact upon the neighborhood and surrounding area and upon the public health, morals, safety and general welfare. Such uses, activities and structures as specified elsewhere in this chapter as conditional uses shall be permitted only through issuance of a Conditional Use Permit by the Planning Board.

☐ § 30-76.2 General Standards. [1]

[1] *Editor's Note: Ord. No. 2021-21 repealed § 30-76.2, General Standards. Prior history includes 2000 Code §* ***30-76.2****.*

☐ § 30-76.3 Specific Standards.

[2000 Code § 30-76.3; Ord. No. 2607; Ord. No. 2456; Ord. No. 2735; amended 4-30-2020 by Ord. No. 2020-13; 6-9-2021 by Ord. No. 2021-21]

a. Microbrewery or craft distillery. A facility which produces limited quantities of malt beverages, as defined and regulated by the State Division of Alcoholic Beverage Control (ABC) may be permitted by conditional use permit subject to the following requirements:

  1. A storefront façade with floor area used for the display and retail sale of the beverages produced on the premises shall be provided.

  2. A tasting room shall be provided.

  3. Off-street parking and loading areas shall be located behind the building.

  4. Driveway access shall be prohibited on Asbury Avenue and Memorial Drive unless the property has no other street frontage.

  5. All exhaust equipment, vent stacks, fans, etc., shall be above the first floor elevation and directed away from adjacent residential uses and the public right-of-way.

b. Residential Health Care Facilities. Residential health care facilities as defined in this chapter may be permitted by conditional use permit in zoning districts where specified in § **30-70**, provided the following standards and conditions are complied with:

  1. The residential health care facility proposes to be duly licensed under the New Jersey "Hospital Licensing Act" or the "Health Care Facilities Planning Act" (P.L. 1971, c. 136; c. 26:2H-1 et seq.).

  2. The site plan shall indicate the manner of development, including the location of specific facilities such as benches, walkways and landscaping. Interior recreational areas may be included in the calculation of required recreational area.

  3. There must be front, rear and side yards provided as follows:

    (a) Front yard — twenty (20) feet per story; thirty (30) feet min., fifty (50) feet max.

    (b) Rear yard — twenty (20) feet per story; thirty (30) feet min., fifty (50) feet max.

    (c) Side yards — thirty (30) feet.

  4. The ratio of gross floor area to lot area, or floor area ratio (F.A.R.) shall not exceed 0.8.

  5. The height of any structure must not exceed three (3) stories above the average elevation of the finished grade adjacent to its exterior walls.

  6. Off-street parking facilities must be provided on the premises behind the setback of not less than one (1) parking space per four (4) beds plus one (1) parking space per two (2) employees in the largest working shift.

c. (Reserved) [Ord. No. 2021-21]

d. (Reserved) [Ord. No. 2021-21]

e. (Reserved) [Ord. No. 2465]

f. (Reserved) [Ord. No. 2021-21]

g. Townhouse Developments. Townhouse developments shall be subject to the following standards:

  1. Townhouse developments shall be designed so that each building is oriented with a front facade and yard area that faces a public street. Individual units shall have an entry and first floor living area that faces the street.

  2. Each dwelling shall have a stoop or and porch that is six (6) feet deep.

  3. A walkway shall be provided between the front or primary door of each unit to the street.

  4. Garages or off-street parking areas shall be located on an interior court, lane or alley behind the building.

  5. At least 15% of the site area for new projects should be open green space not enclosed in private yard areas.

  6. Garages detached from dwellings may be provided along alleys. There must be a yard area between the dwelling and the detached garage of at least fifteen (15) feet.

  7. Detached garages must not be closer than five (5) feet to a tract boundary.

  8. No front entry garage or off-street parking is permitted between the building's front facade and the street.

  9. Maximum building coverage shall not exceed 60%.

  10. Maximum impervious coverage shall not exceed 85%.

h. Urgent Care. Urgent care, as defined in this chapter, may be permitted subject to the following conditions:

  1. Access shall be provided from Memorial Drive, Asbury Avenue or Main Street.

  2. Where abutting a residential zone district, operating hours shall be between 7:00 a.m. and 10:00 p.m.

  3. Parking shall be in accordance with the B District requirements.

i. (Reserved) [Ord. No. 2021-21]

j. (Reserved) [Ord. No. 2021-21]

k. (Reserved) [Ord. No. 2021-21]

l. Child Day Care Centers. Recognizing the growing need for child day care facilities created by an economic climate that has caused the need for both parents to become wage earners, and also recognizing the incidental nature of such a use in a residential neighborhood, child day care centers may be permitted in any residence zone upon receipt of a Conditional Use Permit from the Planning Board. The Planning Board may issue a Conditional Use Permit provided the following standards and conditions are complied with:

- **1.** The operator of the facility must meet any and all qualifications and possess any license or certification required by the State of New Jersey for the operation of a child day care facility.
- **2.** Outdoor recreation areas shall be enclosed by a fence of no less than four (4) feet in height.
- **3.** Off-street parking must be provided equal to five (5) parking spaces plus one (1) parking space per worker employed or to be employed at any one (1) time.

m. Major Home Occupation as defined in this chapter, may be permitted subject to the following standards:

- **1.** The primary use of the premises shall be residential and the home occupation shall be secondary to the residential use of the property.
- **2.** Not more than 30% of the gross floor area of the dwelling and/or accessory structure may be used for the home occupation.
- **3.** There may be up to four employees that are non-residents of the premises.
- **4.** One off-street parking space shall be provided for every two non-resident employees. This shall be in addition to the normal residential parking requirement for the premises.
- **5.** One, non-illuminated identification sign, not exceeding four square feet, shall be permitted on the premises.
- **6.** There shall be no outdoor storage or display of materials.
- **7.** There shall be no storage of hazardous or extra hazardous materials as defined by NJDEP and USEPA.
- **8.** No manufacturing permitted on the property. The use shall not change the residential character of the property.

n. (Reserved) [Ord. No. 2021-21]

o. (Reserved) [Ord. No. 2021-21]

p. Churches, Houses of Worship and Funeral Homes. Churches, houses of worship and funeral homes, as defined in this chapter may be permitted by Conditional Use Permit from the Planning Board in zones as provided in § **30-70** subject to the following conditions.

- **1.** In order to prevent excess parking on adjacent streets, there must be off-street parking provided equal to one (1) parking space per four (4) seats for churches and houses of worship.
- **2.** Funeral homes shall conform to the parking requirements of paragraph o of § **30-59.5** and shall also provide for the storage of hearses, family cars, flower cars and any other vehicles used in the operation of the business. The Board may consider the use of off-site parking or storage facilities for such vehicles in satisfying this requirement.
- **3.** In order to insure adequate area for off-street parking and associated buffers, the minimum lot size must be twelve thousand five hundred (12,500) square feet and the minimum lot width must be one hundred (100) feet.
- **4.** Church buildings may be constructed to a height not exceeding two and one-half (2.5) stories and fifty (50) feet, not including steeples, cupolas, bell towers, or other such architectural features. No illuminated elements permitted above the first floor.

q. (Reserved) [Ord. No. 2021-21]

r. (Reserved) [Superseded by Ord. No. 2735]

s. (Reserved) [Ord. No. 2021-21]

t. (Reserved) [Ord. No. 2021-21]

u. (Reserved) [Ord. No. 2021-21]

v. (Reserved) [Ord. No. 2021-21]

☐ § 30-77 PERSONAL WIRELESS SERVICE FACILITIES.

☐ § 30-77.1 Purpose.

[Ord. No. 2853 § 30-77.1]

The intent of this section is to comply with all applicable regulations of the Federal Telecommunications Act of 1996 and to provide regulation for the establishment and/or expansion of personal wireless services within the City of Asbury Park while protecting neighborhoods and minimizing the adverse visual and operational effects of personal wireless service facilities through careful design, siting and screening. More specifically, this regulation has been developed in order to:

a. Provide for full wireless communications services within the City while at the same time minimizing the total number of personal wireless service facilities throughout the City.

b. Enhance the ability of the providers of personal wireless services to provide such services to the community quickly, effectively and efficiently.

c. Encourage the utilization of existing structures, such as tall buildings, bell towers and municipal structures, to mount and install personal wireless telecommunications antennas and equipment.

d. Minimize the location of facilities in visually sensitive areas.

e. Encourage users of personal wireless service sites to configure them in a way that minimizes the adverse visual impact of the personal wireless service facility through careful design, siting, screening and innovative camouflaging techniques.

f. Protect historic and residential areas from potential adverse impacts of personal wireless service facilities and equipment.

g. To encourage as many antennas as possible, of as many of the wireless communications carriers as possible, to be collocated on the fewest number of existing structures within the City, while complying with the provisions of this article.

In furtherance of these goals, the City of Asbury Park shall give due consideration to the City Master Plan, zoning map, existing land uses and environmentally sensitive areas in approving sites for the location of personal wireless service facilities.

☐ § 30-77.2 Definitions.

[Ord. No. 2853 § 30-77.2]

ANTENNA
shall mean a device used to receive or transmit electromagnetic waves. Examples include but are not limited to whip antennas, panel antennas and dish antennas.

COLLOCATION
shall mean use of a personal wireless service facility or a common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of a personal wireless service facility on a structure owned or operated by a utility or other public entity.

PERSONAL WIRELESS SERVICE
shall mean any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunications services, including cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging and similar services that currently exist or that may in the future be developed. It does not include any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas, nor does it include noncellular telephone service.

PERSONAL WIRELESS SERVICE FACILITY
shall mean a facility for the provision of wireless communications services, including, but not limited to telecommunications antennas and equipment cabinets.

PICOCELLS
shall mean a self-contained wireless communications device designed to provide cellular telephone coverage to a limited, targeted and small area and are used to add coverage or capacity to an existing wireless service provider's network where it is not feasible to build a large personal wireless service facility.

PUBLIC VIEW
shall mean visible from a public thoroughfare, bicycle path, boardwalk, public lands, or public buildings and the horizontal view from any contiguous or adjacent structure or building.

☐ § 30-77.3 Comprehensive Plan.

[Ord. No. 2853 § 30-77.3]

a. In order to effectuate the purposes, objectives and goals of this section, any applicant to the City must prove by substantial evidence that a bona fide need exists for the facility and that no reasonable combination of locations, techniques or technologies will obviate the need for the proposed facility. Therefore, the applicant shall provide an overall comprehensive plan indicating how it intends to provide full service throughout the City and, to the greatest extent reasonably possible, shall indicate how its plan specifically relates to and is coordinated with the needs of all other providers of wireless communications services within and around the City.

b. More specifically, the overall comprehensive plan shall indicate the following:

   1. The mapped location and written description of all existing antennas and existing and approved supporting structures within the City controlled by the applicant;

   2. How the proposed location of the proposed antenna(s) specifically addresses the suitability or unsuitability of structures to be utilized to provide the intended wireless communication;

   3. How the proposed location of the proposed antenna(s) specifically addresses the anticipated need for additional antennas and supporting structures within and near the City by the applicant and by other providers of wireless communications within the City;

   4. How the proposed location of the proposed antenna(s) specifically addresses the objective of collocating the antennas of many different providers of wireless communications services on a single site, while complying with the provisions of this article;

   5. How the proposed location of the proposed antenna(s) specifically addresses the overall objective of providing full wireless communications services within the City while, at the same time, limiting the number of personal wireless service facilities to the fewest possible.

☐ § 30-77.4 Location Priorities.

[Ord. No. 2853 § 30-77.4]

a. The locations for siting personal wireless service facilities are listed below, in order of preference:

   1. Buildings with existing personal wireless service facilities, located within a commercial or mixed-use zone district in the City of Asbury Park, including commercial or mixed-use areas of a duly adopted redevelopment plan, provided that the building shall be no less than four (4) stories and forty-five (45) feet in height as measured to the top of the parapet wall.

   2. Buildings with existing personal wireless service facilities located within a residential zone district in the City of Asbury Park, including residential areas of a duly adopted redevelopment plan, provided that the building shall be no less than four (4) stories and forty-five (45) feet in height as measure to the top of the parapet wall.

   3. Buildings without existing personal wireless service facilities, located within a commercial or mixed-use zone district in the City of Asbury Park, including commercial or mixed-use areas of a duly adopted redevelopment plan, provided that the building shall be no less than four (4) stories and forty-five (45) feet in height as measured to the top of the parapet wall.

   4. Buildings without existing personal wireless service facilities, located within a residential zone district in the City of Asbury Park, including residential areas of a duly adopted redevelopment plan, provided that the building shall be no less than four (4) stories and forty-five (45) feet in height as measured to the top of the parapet wall

☐ § 30-77.5 Personal Wireless Service Facilities a Conditional Use.

[Ord. No. 2853 § 30-77.5]

The installation and operation of personal wireless service facilities shall be a conditional use in all zones, subject to the following condition:

1. Personal wireless service facilities shall be placed or mounted on an existing building.

☐ § 30-77.6 Design Criteria.

[Ord. No. 2853 § 30-77.6]

All applications for personal wireless service facilities shall adhere to the following design criteria:

a. Antennas should be affixed to the existing building structure and the height thereof shall not exceed the top of the parapet wall, penthouse, stair tower or chimney to which it is affixed;

b. The entire facility including the antennas and equipment boxes or cabinets shall be clustered where practical;

c. All personal wireless service facilities equipment including the antennas and equipment boxes or cabinets must be painted or finished to minimize their visual impact. Colors chosen shall match those on the existing building;

d. All of the equipment boxes or cabinets shall be screened from the public view via use of continuous screening walls and/or parapets;

e. Equipment boxes or cabinets or any structure containing equipment necessary for the use of the facility shall not exceed more than two hundred (200) square feet in rooftop area.

☐ § 30-77.7 Radio Frequency Emissions.

[Ord. No. 2853 § 30-77.7]

Applicants shall provide current FCC information concerning personal wireless service facility and radio frequency (RF) emission standards to the Board. Upon documentation by a qualified expert, proposed wireless communications antenna projects which meet the current FCC standards shall not be conditioned or denied on the bases of RF impact.

☐ § 30-77.8 Removal of Abandoned Personal Wireless Service Facilities.

[Ord. No. 2853 § 30-77.8]

Any personal wireless service facility that has been abandoned shall be removed within ninety (90) days of notice from the Zoning Officer that the personal wireless service facility has been abandoned.

☐ § 30-77.9 Nonconforming Personal Wireless Service Facilities.

[Adopted 11-7-2007 by Ord. No. 2853; § 30-77.9]

Any personal wireless service facility in existence on the date of the adoption of this section, which does not comply with the requirements of this section, are subject to the following provisions:

A preexisting nonconforming personal wireless service facility may continue in use for the purpose now used, but may not be expanded without complying with this section;

A preexisting nonconforming personal wireless service facility which is partially damaged or destroyed due to any reason or cause may, within ninety (90) days, be repaired and restored to its former use, location and physical dimensions subject to obtaining a building permit therefore, but without otherwise complying with this section. If this destruction is greater than partial, then repair or restoration will require compliance with this section.

The owner of a preexisting nonconforming personal wireless service facility may repair, rebuild and/or upgrade, but not alter the size, location or number of antennas or other equipment without having to conform to provisions of this section.

☐ § 30-77.10 Maintenance.

[Ord. No. 2853 § 30-77.10]

Personal wireless service facilities shall be maintained to ensure their continued structural integrity. The owner of the personal wireless service facility shall also perform such other maintenance of the structure and of the site as to ensure that it does not create a visual nuisance.

☐ § 30-77.11 Site Plan Submission and Approval Requirements.

[Ord. No. 2853 § 30-77.11]

a. Personal wireless service facilities shall require preliminary major site plan and final major site plan approval in accordance with the requirements of the City's Land Development Regulations.

b. In addition, the applicant shall provide to the Planning Board a written report or reports addressing the

   1. Overall comprehensive plan items enumerated in section **30-77.3** of this article

   2. The design criteria enumerated in section **30-77.6** of this article;

   3. Compliance with radio frequency emission standards as enumerated in section **30-77.7** of this article;

   4. Documentation by a qualified expert that any existing structure proposed for the location of the personal wireless service facility will have sufficient structural integrity to support the proposed facility.

☐ § 30-77.12 Exemptions.

[Ord. No. 2853 § 30-77.12]

a. Equipment used for public safety operations, including but not limited to communications for the federal, county, state or municipal government is hereby specifically exempted from the requirements of this section. However, all other applicable sections of the Code of the City of Asbury Park do apply.

b. The installation of picocells within existing buildings is hereby specifically exempted from the requirements of this section.

☐ § 30-78 CANNABIS.

☐ § 30-78.1 Scope and Purpose; Authority.

[Added 7-14-2021 by Ord. No. 2021-25]

a. The purpose of this section is to prohibit, within the geographical boundaries of the City of Asbury Park (the "City"), the location and/or operation of all classes of cannabis establishments or cannabis distributors or cannabis delivery services, as said terms are defined in section 3 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16) (the "Act"), but not the delivery of cannabis items and related supplies by a delivery service.

b. This section is adopted pursuant to the authority set forth in section 31b of the Act.

☐ § 30-78.2 Cannabis Operations Prohibited.

[Added 7-14-2021 by Ord. No. 2021-25]

The location and/or operation of all classes of cannabis establishments or cannabis distributors or cannabis delivery services, as said terms are defined in section 3 of the Act, but not the delivery of cannabis items and related supplies by a delivery service, is hereby prohibited within the geographical boundaries of the City.

☐ § 30-78.3 Effect on Redevelopment Plans.

[Added 7-14-2021 by Ord. No. 2021-25]

All Redevelopment Plans heretofore adopted by the City are hereby revised to prohibit the location and/or operation of all classes of cannabis establishments or cannabis distributors or cannabis delivery services, as said terms are defined in section 3 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), within all Redevelopment Areas of the City, but not the delivery of cannabis items and related supplies by a delivery service.

☐ § 30-79 (RESERVED)

☐ § 30-80 NONCONFORMING USES AND STRUCTURES.

☐ § 30-80.1 Continuation of Use.

[2000 Code § 30-80.1; Ord. No. 2851]

A use, building or structure, lawfully in existence on the effective day of the adoption of this chapter or amendment thereto, which shall be made nonconforming by this chapter or amendment, may be continued except as otherwise provided in the Land Development Regulations.

☐ § 30-80.2 Nonconforming Lots.

[2000 Code § 30-80.2]

See § **30-68.2**.

☐ § 30-80.3 Improved Nonconforming Lot.

[2000 Code § 30-80.3]

Where a lot exists as a separate isolated lot, and is improved with a building or structure which is nonconforming due to location, the lot may be further improved by an addition to the building or structure or any accessory building or structure provided that the existing nonconforming setbacks may be extended but not further encroached upon; and further provided that the minimum side yard shall be not less than three (3) feet.

☐ § 30-80.4 Regulation of Nonconforming Uses.

[2000 Code § 30-80.4; Ord. No. 2851]

a. No existing building, structure or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered except when changed to a conforming use, or as follows:

   1. Restoration. Except as in Subsection **2**. below any nonconforming use or structure damaged by fire, casualty or act of God may be repaired, restored, reconstructed or used as before; provided that the area of such use or structure shall not exceed the area which existed prior to such damage and the cost of necessary construction, alterations or repairs does not exceed fifty (50%) percent of the assessed value of the structure. All repairs shall be commenced within one (1) year after damage occurs and shall be completed within two (2) years of such date or such use shall not be rebuilt except as a conforming use.

   2. Destruction. If in the opinion of the Construction Official a structure is damaged beyond repair, any new structure and the use thereof shall be in compliance with this chapter.

   3. Repairs. Normal maintenance and repair of a structure containing nonconforming use is permitted provided it does not extend the area or volume of space occupied by the nonconforming use, does not increase the intensity of use and that the costs of repairs required to bring the structure into compliance with applicable Building and Health Codes does not exceed fifty (50%) percent of the present value of the structure unless the nonconforming use is replaced with a conforming use. For the purposes of this section "present value" shall equal the assessed value listed on the records of the Tax Assessor unless a higher value is certified by a licensed real estate appraiser and submitted to the Zoning Officer.

b. Nothing in this chapter shall prevent the strengthening or restoring to a safe or lawful condition any part of any building or structure declared unsafe or unlawful by the Construction Official or other authorized State or City official, subject to the provisions of Subsection **a** above.

c. Abandonment of Nonconforming Use. The burden of proof shall be on the owner to produce evidence of action taken by the owner that clearly demonstrates the intent of the owner to continue the nonconforming use. If the nonconforming use is ruled to be abandoned by the Zoning Officer, the use of the building or property must be made to conform to the Land Development Regulations. The owner may obtain the decision of the Zoning Officer in writing and exercise the options provided in Subsection **a**. of § **30-22.3**.

d. A nonconforming use shall not be substituted in the place of any other nonconforming use in any zone, nor shall a nonconforming use be substituted in place of any conforming use in any zone.

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