

ORDINANCE NO. 11-35

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 411.07 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE AS IT RELATES TO PORCHES AND DECKS

WHEREAS, the Neptune Township Planning Board adopted Resolution #11-12 requesting that the Township Committee amend Section 411.07 of the Land Development Ordinance with respect to porches and decks,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Land Development Ordinance of the Township of Neptune be and is hereby amended as follows:

SECTION 1. Section 411.07 – Porches and Decks – is hereby amended in its entirety as follows:

Section 411.07 PORCHES AND DECKS

§ 411.07A Porches and Decks (in all areas of Neptune Township other than the Historic District)

1. Applicability. This Subsection includes regulations for attached, accessory porches and decks located on properties used for residential purposes outside the historic zone districts.
2. Deck setbacks. For one and two family residential structures, a deck may extend no further than fifteen (15) feet into a required rear yard setback area, provided the principal structure conforms to minimum rear yard setback requirements. In no instance shall a deck be closer than ten (10) feet to a rear or side lot line. No deck for a residential structure may extend into a side setback area. No deck shall be located in a front yard area. No deck associated with a multi-family residential use may extend into any required setback area.
3. Porch setbacks: For one and two family residential structures, a porch may extend no more than eight (8) feet into the required front and/or rear setback area. No porch for a residential structure may extend into a side setback area. No porch associated with any multi-family residential use may extend into any setback area. The front yard setback of a porch shall not be considered the front yard setback of the principal building to which it is attached.
4. Enclosure: A porch shall not be heated or air-conditioned and at least fifty (50) percent of the exterior wall area shall be open and non-glazed.

5. Entry platforms: Any entry platform not more than six (6) feet in height above the average finish grade, nor greater than fifty (50) square feet in area, may project six (6) feet into a required front yard and not more than four (4) feet into any required side yard.

§411.07B Porches and Decks and yard requirements in the Historic Zone District:

1. Applicability: This Subsection includes regulations for attached, accessory porches and decks located on properties used for residential purposes within the Historic Zone districts.
2. Deck setbacks: For one and two family residential structures, a deck may not encroach into any setback/yard area. No deck for a residential structure may encroach into a side, rear or front yard/setback area. No deck associated with a multi-family residential use may extend into any required setback area.
3. Porch setbacks: For one and two family residential structures, unless superseded by Paragraphs 5 through 12 of this section, a porch may not encroach into any setback/yard areas. No porch for a residential structure may encroach into a side, rear or front yard/setback area. No porch associated with any multi-family residential use may extend into any setback area.
4. Entry platforms:. An entry platform not more than six (6) feet in height above the average finish grade, nor greater than fifty (50) square feet in area, may not project into any required yard/setback area.
5. For lots in the HD-R-1 Zone District, west of Central Avenue, the front building line shall have a minimum front yard setback of ten (10) feet from the street line and the front porch line shall be set back at a minimum distance of four (4) feet from the street line, except as modified by Paragraph 8 hereunder.
6. For lots east of Central Avenue except those fronting Olin and McClintock Streets, the front building line shall have a minimum front yard setback that is created by a line running directly from a point ten (10) feet back from the property line at the corner of Central Avenue to a point two (2) feet back from the property line at the corner of Ocean Avenue, except as modified by Paragraph 8 hereunder.
7. For lots fronting Olin and McClintock Streets, the front building line shall have a minimum front yard setback that is created by a line running directly from a point ten (10) feet back from the property line at the corner of Central Avenue to a point six (6) feet back from the property line at the corner of Ocean Avenue, except as modified by Paragraph 8 hereunder.
8. No building line or front porch line need be set back farther than the average alignment of those front building and front porch lines of existing buildings within 200 feet on each side of the lot and within the same block front and within the same Zone District. This provision does not permit the encroachment of buildings or porches into the flared open space area.

9. For lots east of Central Avenue, except those fronting Olin and McClintock Streets, the lot area and lot depth requirement shall be measured from the curb line rather than the property line. A calculation of building and lot coverage requirements shall be based on the resultant lot area. These provisions shall not affect any of the required yard setbacks.
10. All buildings and porches shall be so located that the roofs, steps or extensions of the same shall not extend upon or overhang any public street, public avenue, public sidewalk, or any other lot unless permission is granted by that lot owner.
11. Original open air balconies where being reconstituted by the renovation are not restricted. New open air balconies may not exceed 150 square feet and shall be setback a minimum of one (1) foot, six inches (1'6") from the applicable front or side yard setback line. In the event the covered porch directly below it has projecting steps or stairs, such steps or stairs shall be excluded from the area footprint in the calculation.

SECTION 2. Section 413.06 – Yard Requirements - is hereby deleted in its entirety.

SECTION 3. ZONING SCHEDULE B – ZONING DISTRICT BULK REGULATIONS is hereby amended to read “Section 411.07B relating to supplementary yard regulations in Ocean Grove” and all references to Section 413.06 are hereby deleted.

SECTION 4. Any Ordinance, or parts thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

SECTION 5. Should any section, paragraph, clause or any other portion of this Ordinance be adjusted by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

SECTION 6. This Ordinance shall take effect upon its passage and publication according to law and upon the filing of a certified copy thereof with the Monmouth County Planning Board.

APPROVED ON FIRST READING: June 27, 2011

APPROVED, PASSED AND ADOPTED: July 11, 2011

ATTEST:

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Richard J. Cuttrell  
Municipal Clerk

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Kevin B. McMillan  
Mayor