

**ORDINANCE NO. O-25-3**

**AN ORDINANCE AMENDING  
AND/OR ADDING SUBSECTIONS §18-3, §18-5.1, §18-5.3, §18-6.3, §18-6.4, §18-6.5, §18-7.2, §18-7.6, 18-8, AND §18-14.1 IN CHAPTER 18 – ZONING  
IN THE BOROUGH OF WEST LONG BRANCH**

**WHEREAS**, a task force was created to discuss several changes and additions to the Borough’s zoning ordinances and consider the previous comments on the same by the governing body, members of the borough’s land use boards, the professionals representing both boards and the borough’s code enforcement personnel; and

**WHEREAS**, multiple meetings were held with the borough attorney, both land use board’s attorney, the borough engineer, the borough’s planner and representatives of the governing body and the zoning and planning board, all with a view to obtaining input from all quarters on the subjects being addressed; and

**WHEREAS**, multiple drafts of a proposed ordinance and accompanying forms have been discussed and revised by the planner, after receiving input from the task force members, resulting in a final draft of documents having been received and approved by the task force members, which final draft is being recommended to the full governing body for adoption.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of West Long Branch that the following additions and revisions to certain subsections in Chapter 18 - Zoning of the Borough ordinances are hereby adopted as follows:

[Any ~~crossed-out~~ language represents existing ordinance language being removed. Any underlined language is being added.]

- § 18-3. Definitions
- § 18-5.1 Schedule of Area, Yard, Building (Bulk) and Unit Requirements.
- § 18-6.3. Permitted Modifications and Exceptions.
- § 18-6.4. Uniformity in Exterior Design of Residential Buildings.
- § 18-6.5. Other Provisions and Requirements.
- § 18-6.9. Residential Standby Generators
- § 18-7.2 Fence Regulations.
- § 18-7.6. Small Wireless Facilities.
- § 18-8.3 Restoration
- ~~§ 18-8.5 Alterations~~
- § 18-14.1 Application Fees.

**SECTION 1**

**Chapter 18 - Zoning**

**§ 18-2.4. Zoning Map. [1]**

The zones established in Section 18-2.3 are depicted on a map entitled "Borough of West Long

Branch Zoning Map dated ~~February 2, 2024~~ February 16, 2011 and adopted by ~~O-11-3~~ on ~~March 16, 2011~~ which is attached hereto and made a part of this Chapter. The map was originally adopted by Ordinance O-09-10 on 10/7/09 and further amended as shown and described in subsection a. below. The Zoning Map was further amended to include two overlay zones on October 1, 2012 by Ord. No. O-12-20 which are attached hereto and made a part of this Chapter.

Any existing Zoning Maps or Zone Ordinance Amendments describing and/or delineating zoning districts which are inconsistent with the Zoning Map as last amended herein are hereby repealed.

a. ~~Recent~~ Zoning Map and Amendment History:

1. Ordinance No. O-08-7 was repealed by Ord. No. O-09-10.
2. Zoning Map amended by Ordinance No. O-09-10 adopted on October 7, 2009.
3. Zoning Map amended by Ordinance No. O-11-3 adopted March 16, 2011.
4. Zoning Map amended by Ord. No. O-12-20, adopted December 5, 2012, by adding the MF-3 and MF-4 Overlay Zones.
5. Zoning Map amended by Ord. No. O-2015-3, adopted February 4, 2015.
6. Zoning Map dated February 2, 2024 was re-adopted by Ord No O- to include all amendments through O-2015-3 including updated base map information and facilities as needed and drafting errors. No zoning district amendments or changes were adopted under these revisions.

b. (No changes)

## **Chapter 18 - Zoning**

### **§18-3. DEFINITIONS.**

#### **BUILDING**

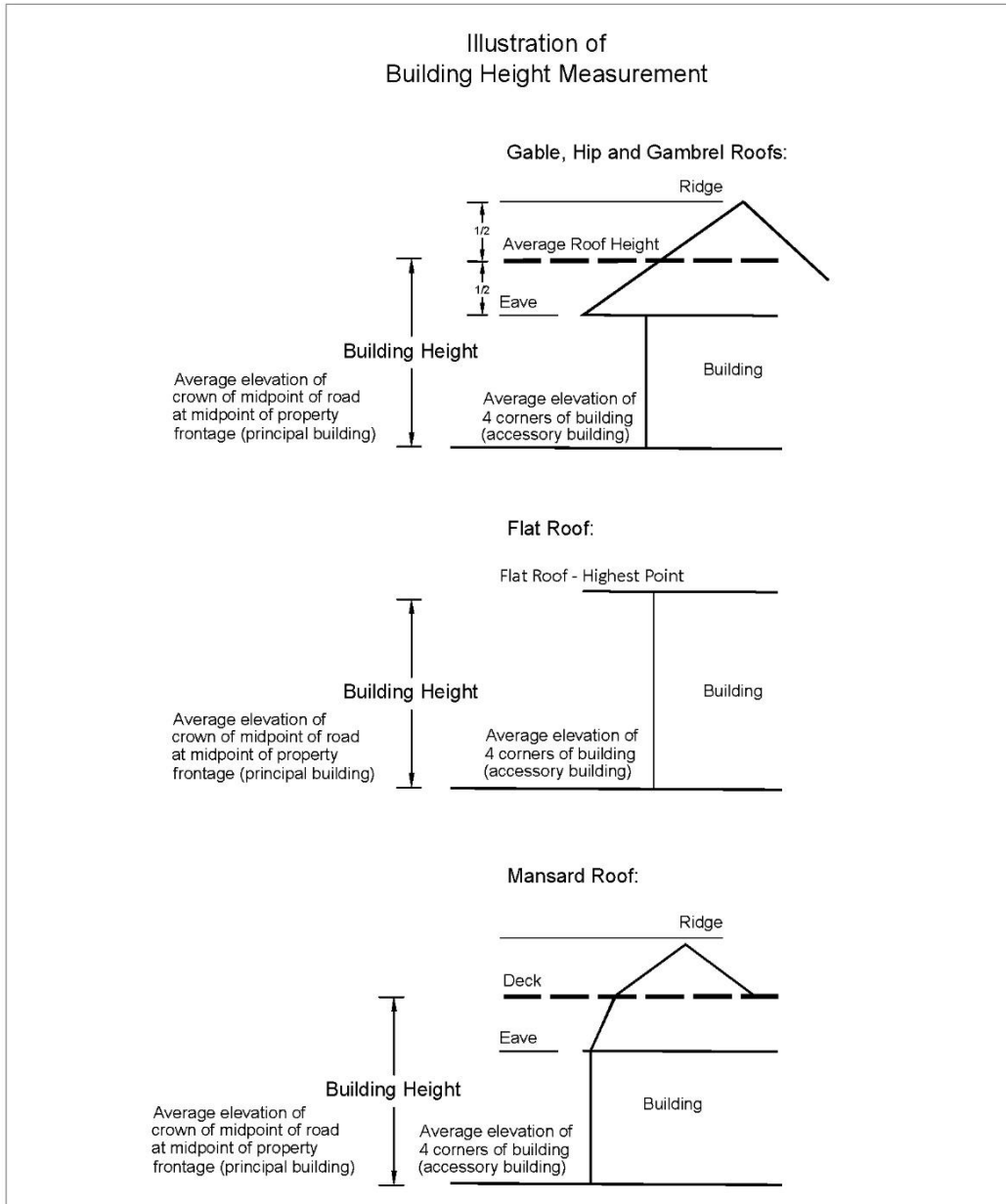
Shall mean a combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof.

#### **BUILDING HEIGHT**

~~Shall mean: the vertical dimension measured from the average elevation around the foundation of the finished grade measured to the top of the building.~~

(1) **PRINCIPAL BUILDING** - The vertical distance measured from the elevation of the crown of the road at the midpoint of the property frontage to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the highest eaves and the ridge level for gable, hip and gambrel roofs; but in no event exceeding the height limitation of this chapter.

(2) **ACCESSORY BUILDING** - The vertical distance measured from the average elevation of the four corners of the building to the highest point of the roof.



**FLOOR AREA**

In any and all buildings, the total gross area of all floors.

**FLOOR AREA RATIO (FAR)**

The sum of the floor area of all floors of buildings, as calculated using the definitions set forth in “floor area,” compared to the total area of the site.

**LOT FRONTAGE**

Shall mean a lot line or portion thereof which is coexistent with a street line. Lot frontage shall not be less than the minimum lot width as defined and regulated herein.

**SPORTS COURT**

Any hardscape recreational area of dimensions exceeding 500 square feet in size, constructed with a specialized surface in a residential yard in order to provide a multipurpose activity area for recreational games, such as tennis, basketball, racquetball and/or other sports. Any basketball

play area located upon a legal paved driveway is excepted from this definition.

**YARD, FRONT**

Shall mean an open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the right-of-way street line and the building line and projected to the side lines of that lot. ~~Setback line should be synonymous with the rear limit of the required front yard area.~~ Corner lots shall provide the minimum defined front yard for both intersecting streets. In addition to the two front yard areas, a corner lot shall also have a rear yard and a side yard. The rear yard of a corner lot shall be the yard that is opposite the front yard which faces the main entrance to the principal building; the remaining yard (in addition to the two front yards, and the rear yard as defined herein) shall be a side yard.

**§18-5. DIMENSIONAL REQUIREMENTS.**

**§ 18-5.1 Schedule of Area, Yard, Building (Bulk) and Unit Requirements.**

Schedule of Area, Yard, Building (Bulk) and Unit Requirements is attached hereto and applies to the uses of land, buildings and open spaces, minimum sizes of lots, lot areas, and all other matters therein contained as indicated for the various zones established by this Chapter, in addition to the minimum and maximum regulations set forth therein and is hereby declared a part of this Chapter.

Schedule of Area, Yard, Building (Bulk) and Unit Requirements is **included as an attachment to this chapter.**

*\*\*\* Editor's Note: See attached amendment to the Schedule of Area, Yard and Building (Bulk) and Unit requirements regarding "maximum floor area ratio (FAR)", and maximum floor area, in the R-22, R-15, and R-10 zones; Footnotes 13 through 16; and other minor revisions. (See attached Schedule of Area, and Building (Bulk) and Unit Requirement's.*

**§18-5. DIMENSIONAL REQUIREMENTS**

**§18-5.3. Swimming Pool Location and Setbacks.**

a.- e. (no changes)

f. The water edge of the pool shall be no less than 10 feet from any building.

**§18-6. GENERAL REGULATIONS.**

**§18-6.3. Permitted Modifications and Exceptions.**

a.- b. (no changes)

c. Lots and Yards

1. – 2. (No changes)

3. Open fire escapes may project not more than five (5') feet into any side or rear yard in a residential zone. ~~A paved terrace at ground level shall not be considered in the determination of side or rear yard sizes or lot coverage provided, however, that such terrace is unroofed and without walls, parapets or other forms of enclosure.~~

4. (no changes)

5. (no changes)

6. (no changes)

d.- e. (no changes)

f. Accessory Buildings and Structures.

1. Detached accessory buildings and accessory structures shall not be located in any front yard and shall only be located in the side or rear yard.
2. All accessory structures and buildings shall have a setback of 10 feet from the property line unless otherwise regulated herein.
3. Accessory buildings not otherwise regulated herein, shall meet the height requirement for accessory buildings specified in the Schedule of Area, Yard, Building (Bulk) and Unit Requirements (§18-5.1).
4. Any and all structures not otherwise defined herein, shall not exceed the maximum height of an accessory building as specified in the Schedule of Area, Yard, Building (Bulk) and Unit Requirements (§18-5.1).
5. An accessory building or structure attached to a principal building shall comply in all respects with the yard requirements of this Chapter for the principal building.
6. There shall not be more than two accessory buildings per property, exclusive of an accessory garage.
7. Sheds may not be greater than 150 square feet in area.

8. If the shed is in excess of eight (8') feet in height at its peak, the shed must be set back from the side and rear line at least a distance equal to half of the height of the shed.
9. Notwithstanding the above if a shed is no larger than 100 square feet in size and no higher than eight feet (8') in height at its peak than it may be located no closer than two (2') feet from either (rear or side) property lines.
10. In all residential zones, or any single-family property in any other zone, any accessory building such as but not limited to outbuildings, workshops, greenhouses, animal shelters, etc., other than pool cabanas, detached garages and sheds as regulated herein, shall conform to the following:
  - (a) Shall not be greater in floor area than 50% of the footprint of the principal structure or use located on the property and shall not exceed a total combined size of 700 square feet;
  - (b) Shall not be used for office space or occupation, business or service for which profit is carried on, and no stock-in-trade materials are permitted to be stored.
11. ~~4-~~ Radio antennas, not including satellite dish antennas, shall be permitted as free-standing structures or attached to the roof. They shall not exceed a height of sixty (60') feet as measured from natural ground elevation.
  1. ~~An accessory building attached to a principal building shall comply in all respects with the yard requirements of this Chapter for the principal building.~~
  2. ~~Detached accessory buildings and accessory structures shall be located in the side or rear yards only. Detached accessory buildings shall be set back from the side or rear lot line at least a distance equal to the height of such building. Sheds, however, shall be subject to different requirements, as set forth below:~~
    - (a) ~~As long as the shed is 100 square feet or less in size, and the shed is no more than eight (8') feet in height at its peak, the shed may not be located any closer than two (2') feet from either (rear or side) property line.~~
    - (b) ~~If the shed is in excess of eight (8') feet in height at its peak, the shed must be set back from the side and rear line at least a distance equal to half of the height of the shed.~~
    - (c) ~~If the closest point of the shed to the rear property line is in excess of fifteen (15') feet, the shed must be located at least fifteen (15') feet from each side property line.~~
3. **In all residential zones, accessory buildings and structures combined shall occupy no more**

than the equivalent of 25% of the area of the rear yard, and there shall be no more than two accessory buildings permitted, exclusive of a garage.

g.-h. (no changes)

i. Finished grade. An increase in the pre-development lot height of 18 inches or greater for any portion of a lot shall not be permitted.

**§18-6.4. Uniformity in Exterior Design of Residential Buildings.**

a. – b. (no changes)

c. Prohibition of roof-top amenity space. In order to protect the health, safety, welfare and residential character of the Borough, the placement of any decks, platforms, terraces or similar features on the roof of a building, for use as an amenity space for building occupants and/or guests shall be prohibited. Flat roof buildings shall only contain roof-top access and no railings. For purpose of this section, a roof shall mean the exterior covering of a building that bridges the space between exterior walls and shall not include an interior courtyard area that is completely screened by exterior building walls.

d. Decks or balconies located above the first floor shall be prohibited in all front yards.

**§18-6.5. Other Provisions and Requirements.**

a.- e. (no changes)

f. Driveway setbacks - A minimum setback of five (5) feet from any property line in lot widths of 100 feet or less and 10 feet in lot widths of greater than 100 feet, except that shared driveways are permitted on collector or arterial roadways.

g. Single - Family Covered Parking. Each lot having a single-family dwelling thereon shall have a garage, accessible by an automobile from the street, of no less than 275 square feet nor greater than 500 square feet. There shall be no more than one garage for each principal building. The garage shall be one of the following:

1. A detached garage with a height no greater than 16 feet pursuant to the height definition and meet all accessory setback standards for accessory buildings; or
2. An attached garage that is attached to a principal building with a height no greater than 16 feet pursuant to the height definition and which meets all setback requirements for the principal building to which it is attached. No habitable space of any kind shall be permitted above an attached garage. A garage attached to the principal building by breezeway or other covered structure shall be considered as an attached garage; or
3. An integrated or built-in garage as defined herein below, shall meet all of the

setback requirements of the principal building of which it is a part. An integrated garage may have habitable space above.

a. An integrated or built-in garage is an attached garage to a principal building that is built within the walls of the structure and is an element of the building's structure.

4. Basement areas below accessory and/or garage structures are limited to use as storage space only; garage basement dwelling units are not permitted.

h. Sports Courts - Sports courts as defined herein shall be permitted only on single-family residential properties of 30,000 square feet or larger and shall be subject to the following regulations:

1. Courts shall not be located in a front yard area.
2. Courts may be enclosed with a maximum six-foot-high fence of the open visibility variety such as chain link, except that tennis courts shall have such fences no less than 6 feet in height and no more than 10 feet in height.
3. Courts shall be located no closer than 15 feet from side and rear property lines, except that tennis courts shall be located a minimum of 25 feet from side and rear property lines.
4. Courts shall not be illuminated or used for play after dark.
5. Courts shall be limited to a maximum of 4,000 square feet in area, except that tennis courts shall be no larger than 7,200 square feet.
6. All courts shall be considered lot coverage as defined herein.

## **§18-6 GENERAL REGULATIONS.**

### **§ 18-6.8 Pool Cabanas.**

a. Pool Cabana Conditions.

1. Pool cabana, or pool house, structures shall be deemed accessory structures in all residential zones. Such structures shall ~~be no more than one story in height,~~ be at ground level, and either be a detached accessory structure or attached to another accessory structure, enclosed, and containing a roof, all to serve a lawfully existing and approved inground swimming pool on a residential property.

b.-d. (no changes)

e. Size of Pool Cabana.

1.-3. (no changes)

4. The height of structures shall be no more than one story and 15 feet in height as defined in §18-3 Building Height – Accessory Buildings. If the structure contains a flat roof the maximum height of the structure shall be 12 feet.

f.-h. (no changes)

**§ 18-6.9 Residential Generators.**

a. Residential generators, which are intended to be permanently installed and connected to the building's electrical systems in order to provide backup power in the event of power outages, shall be a permitted accessory structure subject to the following:

1. No more than one residential generator for each single-family lot is permitted.

2. A residential generator is only permitted in the side or rear yard of any single-family lot.

3. The residential generator shall comply with the principal building's side and rear yard setback requirements for the zone located. The residential generator shall be located at a distance from the principal structure in accordance with its manufacturer's installation instructions or the building codes adopted by the State of New Jersey, whichever is more stringent.

4. Residential generators shall be ground mounted.

5. The residential generator shall be screened from public view and adjacent residential properties. Said screening may consist of the following:

(a) Densely planted evergreen shrubs, which shall grow to not less than five feet after one growing season, or

(b) A solid and uniform fence at least five feet in height on four sides of said equipment, or

(c) A masonry wall at least five feet in height on four sides of said equipment, or

(d) Decorative lattice, which shall be at least five feet in height on four sides of said equipment and be designed to be easily removable without tools so as to facilitate access to equipment or machinery for maintenance purposes, or

(e) Any similar type of solid or uniform screening, which will prevent exposure of such equipment to public view.

The above requirements shall not be construed to prevent an opening in any required screening for maintenance purposes. However, any such opening shall be made as inconspicuous as is possible so as to prevent any unsightly display of said equipment to public view or adjacent residential properties.

6. The residential generator shall only be used or operated during electrical power outages and as required by the manufacturer for maintenance purposes. Maintenance operation shall only take place during weekday hours between the hours of 10:00 a.m. and 5:00 p.m., not to exceed once a week.
7. An applicant for a residential generator must file an application with the Construction Department prior to installation and receive permits as necessary before any work can be commenced.
8. Use of a residential generator as a permanent or primary source of power for a structure in the Borough of West Long Branch is prohibited.
9. No residential generator to be installed may exceed a capacity of 26 kw.

## **§18-7. SPECIAL REGULATIONS.**

### **§18-7.2 Fence Regulations**

a- i. (No revisions)

- j. Fences and walls alone, or in combination, shall not exceed the height permitted in a specified yard pursuant to §18-7.2 a through i.

### **§ 18-7.6 Small Wireless Facilities.**

a. Definitions

1. All definitions of words, terms and phrases that are set forth in the Communications Act of 1934, P.L. 73-416, as amended by various statutory enactments including, but not limited to, the Telecommunications Act of 1996 P.L. 104-104, are incorporated herein and are made apart hereof.
2. All the definitions of words, terms and phrases that are set forth in the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., are incorporated herein by reference and made a part hereof
3. All definitions of words, terms and phrases that are set forth in the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, et. seq., are incorporated herein and are made apart hereof.

4. All of the definitions of words, terms and phrases that are set forth in the Code of Federal Regulations at 47 C.F.R. §1.6002, as amended, are incorporated herein and are made a part hereof.
5. In addition to the foregoing, the following words, terms and phrases shall have the meanings indicated unless an alternate meaning clearly is discernable from the context in which the word, term or phrase is used:

**Personal Wireless Services**

"Personal Wireless Services," as defined in 47 U.S.C. §332(c)(7)(C), as supplemented and/or as amended.

**Public Right-of-Way**

The surface, the airspace above the surface and the area below the surface of any street, road, highway, lane, alley, boulevard or drive, including the sidewalk, shoulder and area for utilities owned by the Borough of West Long Branch within an easement to the public or other easement owned by the Borough of West Long Branch.

**Small Wireless Facility**

"Small Wireless Facility," as defined in the Code of Federal Regulations at 47 C.F.R. §1.6002(1), as supplemented and/or as amended.

**Smart Pole**

A decorative utility pole that conceals three or more Small Wireless Facility installation(s) and may include other features such as street lighting, 911 call service access, public access Wi-Fi and surveillance cameras. A Smart Pole must allow for multiple occupants and allow space for municipal use for other services and/or equipment. Smart Poles shall neither have external latches, external hinges, external cabling, or other attachments. The pole should be made of an inherently rust-resistant material (ie. aluminum alloys or stainless steel).

**Utility Pole**

A wooden or metal pole that is used by public utilities to support electrical wires, telephone wires, coaxial cables, fiber optic cables and like and similar appurtenances.

6. In the event that a term, word or phrase is not defined in any of the aforementioned statutes and is not otherwise defined herein then that term, word or phrase shall have its common, ordinary meaning.
- b. Small Wireless Facility Siting Permit Required; Consent to Use Rights-of-Way Required.
1. No person shall place a Small Wireless Facility in any right-of-way without first filing a

Small Wireless Facility siting permit application, in the form specified herein and in accordance with the procedures specified herein, with the West Long Branch Clerk and obtaining a siting permit therefore, except as otherwise may be provided in this chapter. Upon approval of a siting permit application, the siting permit authorizing placement of a Small Wireless Facility in a public right-of-way shall not be issued by the West Long Branch Clerk to any Applicant unless:

- (a) All siting permit application fees and escrow fees, as established herein, have been paid; and
- (b) All other governmental permits or other governmental approvals that are required for the deployment(s) proposed by the applicant's siting permit application under the New Jersey Uniform Construction Code Act, N.J.S.A. 52:27D-1 1 9, et. seq., and the administrative regulations adopted thereunder, §15-4 Excavation and Construction in Public Streets, of the Code of the Borough of West Long Branch and by any other applicable federal, state or municipal law have been issued by the appropriate issuing authority therefore to the Applicant and the applicant has supplied copies of such other permits or approvals to the Borough of West Long Branch Clerk for inclusion with the applicant's application documents; and
- (c) The Applicant has entered into a "Right-of-Way Use Agreement," the approved form of which is set forth in Appendix "A" to this chapter, with the Borough of West Long Branch. The approved form of "Right-of-Way Use Agreement" may from time-to-time be revised, supplemented or otherwise amended or replaced. All such revisions, supplements, amendments or replacements shall be approved by resolution of the West Long Branch Mayor and Council. The West Long Branch Clerk shall maintain on file the currently approved Right-of-Way Use Agreement version and shall provide a copy to all siting permit applicants. Minor deviations to the terms and conditions that are set forth in the approved form of Right-of-Way Use Agreement may be approved by West Long Branch Mayor and Council at the time that it grants consent to use a right-of-way to a siting permit applicant.

Editor's Note: The Right-of Way Use Agreement may be found in the Borough offices.

- 2. No siting permit authorizing placement of a Small Wireless Facility in a public right-of-way shall be issued to any applicant unless West Long Branch Mayor and Council, in the manner prescribed by applicable laws of the State of New Jersey, has granted to the siting permit applicant its consent to use public rights-of-way within the Borough of West Long Branch. No siting of a Small Wireless Facility shall be permitted within one thousand (1,000) feet of another Small Wireless Facility unless it can be established by clear and convincing evidence that collocation on an existing or previously approved Small Wireless Facility is not feasible. Any claims of carriers of technical incompatibility or inability to collocate need to be proven by the carrier, not disproven by the municipality. Responsibility for judging proof of said claims lies solely with the municipality and/or or

its chosen representative(s).

c. Installation of New Structures; Installation on Existing Structures.

1. No application for a Small Wireless Facility siting permit shall be approved if the application proposes the deployment of a Small Wireless Facility upon an existing structure in a right-of-way unless the structure is one of the types of Smart Poles that are set forth in §18-7.6 a. definitions, and such smart pole specifically is designed to accommodate the reasonable and customary equipment necessary for a Small Wireless Facility installation which will accommodate at least three carriers per Small Wireless Facility deployment.
2. No Small Wireless Facility shall be installed upon any new structure within any right-of-way unless the new structure is one of the types of Smart Poles that are identified in §18-7.6 a. definitions. A replacement pole is a new structure.
3. No application for a Small Wireless Facility siting permit shall be approved if the application proposes the deployment of a Small Wireless Facility in an area other than those specific locations set forth within the Borough's Wireless Siting Plan, which can be found on file with the Office of the Borough Clerk. All Small Wireless Facilities must be placed within a 25-foot radius of those specific locations set forth on the Borough's Wireless Siting Plan. No more than one (1) Smart Pole shall be permitted per intersection or block if the Siting Plan calls for the deployment of a Small Wireless Facility at any location other than an intersection, unless otherwise specified within the Wireless Siting Plan. No Smart Poles shall be located within 1,000 ft. of another.

d. Siting Permit Application Process.

1. Application Filing. An application for a siting permit to place one or more Small Wireless Facility within a right-of-way shall be made on forms which shall be available from the Office of the West Long Branch Borough Clerk. The application, along with the required application fee and the required escrow fee, shall be filed with the West Long Branch Borough Clerk. Immediately upon receipt of an application, the West Long Branch Borough Clerk shall provide copies of the application and all supporting documents that were submitted by the applicant with the application, to the West Long Branch Borough Engineer, Zoning Official, Construction Official and the West Long Branch Borough Attorney.
2. Application Form. The Small Wireless Facility siting permit application shall be made by a provider of personal wireless services, its duly authorized representative, as noted in a notarized statement from the provider of personal wireless services, on whose behalf the representative is acting, or an entity in the business of deploying wireless communications facilities or infrastructure, and shall contain the following:
  - (a) The Applicant's name, address, telephone number and e-mail address;

- (b) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application;
  - (c) A general description of the proposed Small Wireless Facility, existing structure and new structure work to be performed. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with particular emphasis on those matters, including, but not limited to, subsurface utilities likely to be affected or impacted by the work proposed along with a description of such other governmental permits or approvals as may be required by applicable law with respect to the proposed installation(s) and a description of such other permits or approvals for which the applicant has applied;
  - (d) Authorization for any consultant acting on behalf of the Applicant to speak with the Borough of West Long Branch, or a designee of the Borough of West Long Branch, on the area of consultation for the applicant even if the applicant cannot be available;
  - (e) Verification via sworn statement from an appropriate professional that the Small Wireless Facility shall comply with all applicable federal, state and local laws, administrative regulations and codes;
  - (f) The applicant shall certify that they shall make available approved facilities to all major wireless carriers in the marketplace. The applicant shall further certify that they will encourage, manage and coordinate the location and placement of any interested carrier's equipment on their structure.
3. An applicant seeking to deploy a network of Small Wireless Facilities, all of which are to be located in rights-of-way, may file a batched application for up to twenty-five (25) Small Wireless Facilities and receive a single siting permit for multiple Small Wireless Facilities.
- e. Procedure on Permit Application; No Exclusive Rights.
- 1. If the application is incomplete, The Borough of West Long Branch shall review the application for a Small Wireless Facility siting permit in light of its conformity with the provisions of this chapter, and shall approve a siting permit on nondiscriminatory terms and conditions subject to the following requirements:
    - (a) Within ten (10) days of receiving an Application, the West Long Branch Clerk shall determine and notify the applicant:
      - (1) Whether the application is complete;
      - (2) If the application is incomplete, what specific information is missing; and

- (3) Whether the deployment of the Small Wireless Facilities as proposed requires the applicant to apply for other permits, such as a street opening permit or construction permit, for which the applicant has not yet applied. No Small Wireless Facility siting permit application shall be deemed complete until the applicant has applied for all other permits and approvals required by all other laws and regulations that are applicable to the applicant's proposed Small Wireless Facility deployment.
2. The Borough of West Long Branch shall make its final decision to approve or deny the application within the following timeframes:
  - (a) Sixty (60) days from the submission of a complete application to install a Small Wireless Facility upon one or more existing structures.
  - (b) Ninety (90) days from the submission of a complete application to install a Small Wireless Facility upon one or more new structures.
  - (c) Ninety (90) days from the submission of a complete batched application to install Small Wireless Facilities upon both existing and new structures.

The timeframes described above by which an application shall be either approved or denied may be extended by mutual consent of the applicant and the borough of West Long Branch. Such consent shall be set forth on a form for such purposes which shall be available from the Office of the Borough of West Long Branch Clerk. Such consent on behalf of the Borough of West Long Branch shall be exercised by the Borough Administrator in his/her reasonable discretion.

3. The Borough of West Long Branch Clerk shall notify the applicant in writing of the final decision, and if the application is denied specify the basis for denial; and cite such specific provisions, as may be recommended by the Borough of West Long Branch Attorney, from federal, state, or local laws, administrative regulations or codes as to why the application was denied.
4. Notwithstanding an initial denial, the applicant may cure any deficiencies identified by the Borough of West Long Branch within thirty (30) days of the denial without paying an additional application fee, provided the Borough of West Long Branch Clerk shall approve or deny the revised application within thirty (30) days of receipt of the amended application which shall be limited to the deficiencies specified in the original notice of denial.
5. If the Borough of West Long Branch fails to act upon an application within the timeframes prescribed in this section, the applicant may provide written notice to the Borough of West Long Branch that the application review and decision period has lapsed. Upon receipt of such notice, West Long Branch Mayor and Council, by resolution adopted no later than its second regularly scheduled public meeting next following receipt of the notice, shall

either deny the application or direct that the siting permit shall be approved and issued. Nothing in this paragraph is intended in any way to impact any other right or remedy that may be available to the applicant under applicable federal or state law if the Borough of West Long Branch fails to act upon an application within the timeframes prescribed by this section.

6. A siting permit from the Borough of West Long Branch authorizes an applicant to undertake only certain activities in accordance with this chapter. No approval or consent granted, or siting permit issued, pursuant to this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use any public right-of-way within the Borough of West Long Branch for the delivery of telecommunications services or for any other purpose.

f. Duration.

No siting permit issued under this Chapter shall be valid for a period longer than twelve (12) months unless construction has actually begun and continuously and diligently is pursued to completion. Upon written request from the applicant, the Administrator, upon consultation with the Construction Official, may extend the siting permit for a period of up to twelve (12) months so long as construction has begun at the time that the applicant's request for an extension is made.

g. Routine Maintenance and Replacement.

A Small Wireless Facility siting permit shall not be required for:

1. Routine maintenance of a Small Wireless Facility.
2. The replacement of a Small Wireless Facility with another Small Wireless Facility that is substantially similar or smaller in size, weight and height to the Small Wireless Facility that is being replaced.
3. Provided, however, that on a location where the Borough of West Long Branch and/or another provider has placed equipment or facilities, any routine maintenance or replacement that is done shall not occur until written authorization from the Borough of West Long Branch and/or the other provider, as the case may be, to proceed is provided to the Borough of West Long Branch, which authorization to proceed shall not unreasonably be withheld by the Borough of West Long Branch and/or the other provider.
4. Provided further that if the replacement of a Small Wireless Facility with another Small Wireless Facility includes replacement of the structure to which the Small Wireless Facility is attached then an application for a siting permit shall be required.

h. Application Fees.

All applications for approval and issuance of a Small Wireless Facility siting permit pursuant to this Chapter shall be accompanied by a fee as follows:

1. For applications that do not include the installation of any new structures within a right-of-way the application fee shall be \$500.00 for up to five (5) Small Wireless Facilities with an additional \$100.00 for each Small Wireless Facility beyond five (5).
2. For applications that include the installation of a new structure within a right-of-way the application fee shall be \$1000.00 for up to five (5) Small Wireless Facilities with an additional \$100.00 for each Small Wireless Facility beyond five (5).

i. Escrow Fee for Third-Party Professional and Consultants.

1. In addition to the application fee, all applications for approval and issuance of a Small Wireless Facility siting permit shall be accompanied by an escrow fee as follows:
  - (a) For applications whose proposed Small Cell Wireless Facility deployment(s) will not require a street opening permit pursuant to §15-4 Excavation and Construction in Public Streets, of the Code of the Borough of West Long Branch: \$5,000.
  - (b) For applications whose proposed Small Wireless Facility deployment(s) will require a street opening permit of the Code of the Borough of West Long Branch: \$7,500.
2. The escrow account deposits are required to pay for the costs of professional services, including engineering, planning, legal and other third-party professional consulting expenses connected with the review of submitted materials, including any traffic engineering review or other special analyses related to the Borough of West Long Branch's review of the materials submitted by the applicant and the preparation of any reports or any necessary legal agreement regarding rights-of-way use. An Applicant is required to reimburse the Borough of West Long Branch for all fees, costs and expenses of third-party professionals and consultants incurred and paid by the Borough of West Long Branch for the review process of a Small Wireless Facility siting permit application, such as, but not limited to:
  - (a) Professional fees for reviews by third-party professionals or consultants of applications, plans and accompanying documents;
  - (b) Issuance of reports or analyses by third-party professionals or consultants to the Borough of West Long Branch setting forth recommendations resulting from the review of any documents submitted by the applicant;
  - (c) Charges for any telephone conference(s) or meeting(s), including travel expenses, requested or initiated by the applicant, the applicant's attorney or any of the

applicant's experts or representatives;

- (d) Review of additional documents submitted by the applicant and issuance of reports or analyses relating thereto; use agreements, deeds, right-of-way municipal consent ordinances or resolutions and any and all other like similar documents; and
  - (e) Preparation for and attendance at all meetings by third-party professionals or consultants serving the Borough of West Long Branch, such as the Borough of West Long Branch Attorney, Borough of West Long Branch Engineer and Borough of West Long Branch Planner or other experts as required.
3. The escrow account deposits shall be placed in a separate account by the Borough of West Long Branch's Chief Financial Officer at the request of the Borough of West Long Branch Clerk and an accounting shall be kept of each applicant's deposit. Thereafter:
- (a) All third-party professional or consultant fees, costs, expenses and charges shall be paid from the escrow account and charged to the applicant;
  - (b) Upon either final denial of a Small Wireless Facility siting permit application or upon issuance of a Small Wireless Facility siting permit, any moneys not expended for third-party professional or consulting services shall be returned to the Applicant within 90 days upon written request by the applicant and as authorized by the Borough of West Long Branch Council;
  - (c) If at any time during the application review process 75% of the money originally posted shall have been expended, the Applicant shall be required to replenish the escrow deposit to 100% of the amount originally deposited by the applicant;
  - (d) No Small Wireless Facility siting permit application shall be considered complete until such time as the required escrow fee has been posted to guarantee payment of third-party professional or consultant fees, costs, expenses and charges;
  - (e) All payments charged to the escrow deposit shall be pursuant to vouchers from the third-party professionals or consultants stating the hours spent, the hourly rate and the fees, costs, expenses and charges incurred;
  - (f) Third-party professionals and consultants submitting charges pursuant to this section shall be permitted to charge for such services at the same rates as they would charge their private clients for like or similar work provided that:
    - (1) Professional fees are billed at rates that do not exceed such professional fees as are customarily charged by other like professionals and consultants performing similar work within the County of Monmouth; and
    - (2) Out-of-pocket costs, expenses and charges are billed on a dollar-for-dollar

basis with no mark-up being permitted;

(g) The Borough of West Long Branch shall render a written final accounting to the applicant on the uses to which the escrow deposit was put. The written final accounting shall include copies of all vouchers that were submitted by third-party professionals and consultants and paid by the Borough of West Long Branch.

j. Municipal Access to New Structures.

An Applicant whose siting permit includes the installation of any new Smart Pole structure of any of the types that are defined in §18-7.6 a. Definitions, shall provide the Borough of West Long Branch with access to any of the technological features that are a component of the new smart pole structure such as, for example, public access Wi-Fi, 911 call service or security cameras, before the applicant offers such access to any other person or entity. Should the Borough of West Long Branch decide to utilize any such technological features then the Borough of West Long Branch, on an annual basis, shall reimburse the applicant or the subsequent owner of the structure, the costs, on a dollar-for-dollar basis, of providing the Borough of West Long Branch with such access. Such costs shall be limited to the costs of providing electricity to the components used by the Borough of West Long Branch and the costs of any repairs required to be made to the components used by the Borough of West Long Branch, unless the repair costs are necessitated by the acts of the applicant or subsequent owner of the structure, without regard to whether such acts are negligent or intentional.

## **§ 18-8 NONCONFORMING USES.**

### **§ 18-8.1 Continuance.**

Except as otherwise provided in this section, the lawful use of land or buildings existing at the date of the adoption of this Chapter may be continued, although such use or building does not conform to the regulations specified by this ordinance for the zone in which such land or building is located, provided, however:

- a. That no nonconforming lot shall be further reduced in size.
- b. That no nonconforming building or structure shall be enlarged, extended or increased in such a way that it will increase the nonconformity.
- c. That no nonconforming use may be expanded.

### **§ 18-8.2 Abandonment.**

A nonconforming use shall be adjudged as abandoned when there occurs a cessation of any use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of 12 months from the date of cessation or discontinuance.

**§ 18-8.3 Restoration.**

~~If any nonconforming building shall be destroyed by reason of windstorm, fire, explosion or other act of God or the public enemy to an extent of less than 75% of the recorded true valuation, then such destruction shall be deemed partial destruction and may be rebuilt, restored or repaired within 12 months.~~

~~Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Building Inspector.~~

A nonconforming structure or building may be restored or repaired in the event of partial destruction thereof. In no event shall restoration or repair result in any increase in the size of the nonconforming structure or building, or an increase in intensity of the nonconforming use. All restoration and repair shall be in accordance with current development standards and requirements except as protected by the nonconforming status. "Partial destruction" as used herein shall be determined on a case-by-case basis in accordance with applicable law.

**§ 18-8.4 Reversion.**

No nonconforming use shall, if once changed into a conforming use, be changed back again to a nonconforming use.

~~**§ 18-8.5 Alterations.**~~

~~A nonconforming building may be reconstructed but not enlarged or extended, unless the building is changed to a building conforming or more nearly conforming to the requirements of this Chapter.~~

**§ 18-14 FEES, DEPOSITS AND OTHER CHARGES.**

**§ 18-14.1 Application Fees.**

The amount of fees to be paid to the Borough in connection with an application under this Chapter shall be governed by the following schedule:

**§ 18-14.1. Application Fees. [Ord. #513; Ord. #0-97-16, S 4; Ord. #0-04-19]**

The amount of fees to be paid to the Borough in connection with an application under this Chapter shall be governed by the following schedule:

a. Subdivision Approval.

1. Minor Subdivision Applications (Three or Less Lots with No Improvements):

(a) Each informal (concept plan) review: ~~\$100.00~~ \$200.00

(b) Application fee: ~~\$ 25.00~~ \$100.00

(c) Plan review fee (per lot): ~~\$100.00~~ \$200.00

2. Major Subdivision Applications:

- (a) Each informal review: \$300.00 plus \$50.00 per lot
- (b) Preliminary application fee: ~~\$500.00~~ \$600.00
- (c) Preliminary plat review fee (per lot): ~~\$200.00~~ \$300.00
- (d) Final plat application fee: \$400.00
- (e) Final plat review fee (per lot): \$100.00

b. Site Plan Approval.

1. Each informal review: \$300.00

2. Preliminary application fee: ~~\$300.00~~ \$400.00

3. Preliminary approval fees:

(a) Residential:

(1) For each new dwelling unit, add: \$25.00

(2) For each remodeled, reconstructed, refurbished or rehabilitated dwelling unit, add:  
\$15.00

(3) For each new or additional parking space:

(A) First 100 spaces, add: \$25.00

(B) Over 100 spaces, add: \$10.00

(4) For each reconstructed, surfaced or improved existing paved parking space, add:  
~~\$5.00~~ \$10.00

(b) Other uses. The sum of ~~\$100.00~~ \$200.00 plus:

1. For each full 1,000 square feet of lot area: ~~\$20.00~~ \$50.00

2. For each full 500 square feet of proposed new gross floor area: ~~\$20.00~~ \$50.00

3. For each proposed new or additional parking space: \$25.00

4. For each 1,000 square feet of remodeled existing gross floor area: \$10.00

5. For each reconstructed, resurfaced or improved existing paved parking space: \$15.00

6. For each proposed freestanding sign: \$50.00

(c) Final approval: Fifty percent of the fees for preliminary approval noted above.

c. Variances.

1. Appeals:

(a) Single family residential uses: ~~\$35.00~~ \$100.00

(b) Other: ~~\$75.00~~ \$150.00

2. Interpretation of the zoning regulations or map: ~~\$50.00~~ \$100.00

3. Hardship or bulk variance (40:55D-70c or d) for single-family residential uses:

(a) Per variance: ~~\$25.00~~ \$50.00

(b) Minimum: ~~\$75.00~~ \$100.00

4. Use Variance:

(a) Proposed single-family residential uses: ~~\$100.00~~ \$200.00 Plus site plan cost as required.

(b) Other: \$500.00 Plus site plan cost as required.

5. Conditional uses: \$250.00 Plus site plan cost as required.

d. The above application fees and charges are nonrefundable and are for purposes of offsetting administrative and clerical costs, exclusive of the legal, planning, engineering and other professional fees, costs and expenses which may be incurred and which are provided for hereinafter.

e. Any other application, including extensions of preexisting approvals: \$200 plus site plan costs as required.

f. Resubmission Fee. The fee required will be 1/2 of the original fee for such type of application, unless the work involved is minor. In that event, the Board can consider a reduction of the resubmission fee upon the recommendation of the Administrative Officer that the fee proposed for the resubmission is excessive in light of the work involved in reviewing the resubmission.

g. Tax Map Revision Fees. A fee of \$50 or \$10 per lot, whichever is greater, shall be charged for

minor subdivisions and final plats of major subdivisions to the Borough Tax Map.

- h. Stenographic Fee. An initial fee of \$175 per application shall be paid as reimbursement to the appropriate Board for stenographic services. In the event additional stenographic fees are incurred, the fees will be billed against the escrow deposit on an as-billed basis.

AND BE IT FURTHER ORDAINED that the attached "Development Regulations— Documents Required to be Submitted, together with related forms are hereby adopted for use in development applications.

**SECTION 2**

This Ordinance shall take effect immediately upon passage and publication according to law

Introduced:            January 2, 2025  
Passed:                January 15, 2025  
Adopted:              January 15, 2025

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
BOROUGH CLERK

# ZONING MAP

## BOROUGH OF WEST LONG BRANCH

### Monmouth County, New Jersey



#### Zoning Districts

- R-22 NC O P I
- R-15
- R-10
- SH
- SH-1
- MF
- MF-1
- MF-2
- MF-3
- MF-4
- RP
- HC

Low Density Residential Medium-Density Residential Senior Housing Overlay Residential Senior Housing-1 Residential Overlay Multi-

Family Residential Multi-Family-1 Residential Multi-Family-2 Residential Multi-Family-3 Residential Overlay Multi-

Multi-Family-4 Residential Overlay Residential/Professional Highway Commercial Neighborhood Commercial Office Professional Institutional

R-15

Monmouth University 71

R-22

Facilities

- West Long Branch Facility Park
- School
- Cemetery Fire/EMS

Overlay Districts

Prepared: February 2, 2024

Sources: New Jersey Department of Environmental Protection GIS data (parcels, hydrography);  
West Long Branch tax assessment data

Date	Ordinance Number
2/24/15	O-8915-3
12/5/12	O-12-2
3/16/11	O-11-3

Adopted Ordinances: O-09-10, O-10-19

THOMAS PLANNING ASSOCIATES, LLC  
 Professional Planning and GIS Consultants  
 P.O. Box 362  
 Brielle, N.J. 08730-0362  
 T. Andrew Thomas, P.P.  
 tel: (732) 536-8711  
 info@tpa-nj.com



ZONING  
18 Attachment 2

**BOROUGH OF WEST LONG BRANCH**  
**SCHEDULE OF AREA, YARD, BUILDING (BULK) AND UNIT REQUIREMENTS**  
**(Section 18-5.1)**

[Amended 12-1-2021 by Ord. No. O-21-17; 9-20-2023 by Ord. No. O-23-13; 9-20-23 by Ord. No. O-23-14; -24 by Ord. No. O-25-3 ]

ZONE CATEGORY	PERMITTED USES	MAXIMUM DENSITY (+) DU per ACRE (1)	MINIMUM LOT SIZE		MINIMUM YARD <u>SETBACK</u> REQUIREMENTS PRINCIPAL BUILDING				PERCENT OF MAXIMUM BUILDING COVERAGE (2)	PERCENT OF MAXIMUM LOT COVERAGE (7)	MAXIMUM FLOOR AREA RATIO (13)	MAXIMUM FLOOR AREA (square feet) (14) (15)	MAXIMUM HEIGHT		
			AREA (square feet)	WIDTH AT BUILDING LINE (square feet)	FRONT (feet)	REAR (feet)	ONE SIDE (feet)	BOTH SIDES (feet)					PRINCIPAL BUILDING (Stories)	PRINCIPAL BUILDING (feet)	ACCESSORY BUILDING (feet) (16)
RESIDENTIAL R-22	One-Family Dwellings		22,500	150	35	35	20	50	23%	30%	0.18	4,658	2 1/2	35	15
RESIDENTIAL R-15	One-Family Dwellings		15,000	100	35	25	10	30	25%	38%	0.20	3,450	2 1/2	30	15
RESIDENTIAL R-10	One-Family Dwellings	8	10,000	100	35	25	10	30	30%	40%	0.28	3,220	2 1/2	30	15
SENIOR HOUSING SH	Age Restricted Dwellings (3)	8	5 acres	300	75	100	50	100	25%	50%	N/A	N/A	3	35	15
MULTI-FAMILY MF	Multi-Family Dwellings	8	2 acres	250	75	75	75	150	25%	50%	N/A	N/A	2 1/2	35	15
MULTI-FAMILY MF-1	Multi-Family Dwellings	(4)	10 acres	500	50	(5)	(5)	(5)	30%	50%	N/A	N/A	3	2 stories - 37 (6) 3 stories - 48 (6)	30
RESIDENTIAL / PROFESSIONAL RP	Uses as set forth in Section 18-4.2.		22,500	150	35	35	20	50	30%	50%	N/A	N/A	2	30	15
<i>Standards Apply to Professional Uses Only Appearing Immediately Above this Statement For Residential Uses, see Subsection 18-4.2a2.</i>															
INSTITUTIONAL I NEIGHBORHOOD / COMMERCIAL N / C	Uses as set forth in Section 18-4.3		5 acres	300	70	70	40	100	30%	50%	N/A	N/A	2	35	15
COMMERCIAL HIGHWAY / COMMERCIAL HC OFFICE / PROFESSIONAL OP	Uses as set forth in Section 18-4.4		22,500	150	35	20	10	25	30%	65%	N/A	N/A	2	30	15
COMMERCIAL HC OFFICE / PROFESSIONAL OP	Uses as set forth in Section 18-4.5		5 acres	300	150	70	25	50	30%	65%	N/A	N/A	2	30	15
SENIOR HOUSING OVERLAY SH - 1 (10)	Uses as set forth in Section 18-4.10		10 acres	500	100	70	75	150	30%	65%	N/A	N/A	3	40	15
MULTI-FAMILY-2 OVERLAY HC / MF-2 (10)	Age Restricted Dwellings (3)	10	5 acres	300	75	100	50	100	25%	50%	N/A	N/A	3	35	15
MULTI-FAMILY-3 OVERLAY HC / MF-3 (8) (10)	Highway Commercial / Multi-Family Dwellings	10	18 acres	500	100	50	50	100	30%	50%	N/A	N/A	2	35(12)	25
MULTI-FAMILY-4 OVERLAY RP / MF-4 (9) (10)	Highway Commercial / Multi-Family Dwellings	10	10 acres	300	100	50	50	100	30%	50%	N/A	N/A	2	30	25
MULTI-FAMILY-4 OVERLAY RP / MF-4 (9) (10)	Residential Professional / Multi-Family Dwellings	8	3.5 acres	300	100	50	50 (11)	100 (11)	30%	50%	N/A	N/A	2	30	15

WEST LONG BRANCH CODE

**NOTES:**

- (1) D.U. = Dwelling Units. Density is Dwelling Units per gross acre for the development tract.
- (2) "Building coverage" as defined in section 18-3 – Definitions.
- (3) All residential development shall be age restricted. Multi-family dwellings shall have a maximum density of ten (10) dwelling unit per gross acre. One family dwellings shall comply with the R-15 Zoning District regulations.
- (4) The number of dwelling units shall not exceed 180 of which 15 percent shall be low and moderate income housing units per Settlement Agreement in the matter of WLBVP v. West Long Branch.
- (5) Yard Setbacks for the Court Approved Inclusionary Multi-Family Housing site on Lot 28 in Block 70 on Monmouth Road: Building setbacks shall be 50 feet adjacent to residential development on Parker Road (Block 70 Lots 28-30); 50 feet adjacent to Shore Regional High School (Block 70 Lot 27); and 25 feet adjacent to Glenwood Cemetery (Block 70 Lot 16).
- (6) Lofts shall be permitted per WLBVP vs. West Long Branch Settlement Agreement and shall not be deemed to be a "story" provided that maximum permitted building heights are not exceeded.
- (7) "Lot coverage" as defined in section 18-3 – Definitions.
- (8) In the Highway Commercial / Multi-Family-3 Overlay Zone (HC/MF-3) highway commercial uses shall utilize the minimum lot size, minimum yard requirements, percent of maximum lot coverage, percent of maximum impervious surface coverage and maximum height as indicated in the Highway Commercial (HC) Zone.
- (9) In the Residential / Professional / Multi-Family-4 Overlay Zone (RP / MF-4) highway commercial uses shall utilize the minimum lot size, minimum yard requirements, percent of maximum lot coverage, percent of maximum impervious surface coverage and maximum height as indicated in the Residential / Professional (RP) Zone.
- (10) Approved September 25, 2012 by Superior Court, Law Division, Monmouth County; WLBVP, LLC vs Borough of West Long Branch and Planning Board of West Long Branch.
- (11) The side yard for buildings shall be developed in accordance with the RP / MF-4 Multi-Family Overlay Zone regulations above adjacent to residential zones, provided, however, that the side yard may be reduced to a distance not be less than the setback of the structure existing as of November 1, 2012.
- (12) Within side yard setbacks the following are permitted: roof overhangs (up to one foot); privacy fences (pursuant to fence regulations Subsection 18-7.2 of this chapter); and steps to grade and patios at grade up to 13 feet. The required twenty-five-foot planted buffer shall not include any structures.
- (13) See definition of "floor area ratio"
- (14) See definition of "floor area"
- (15) Both the Maximum Floor Area Ratio limitation and the Maximum Floor Area limitation shall apply to single-family dwellings in the subject zones, but the lesser floor area derived from application of the two limitations shall control.
- (16) An accessory building shall have a 3-foot reduction to the maximum building height on accessory buildings and pool cabanas for flat roofs. As an example, if the accessory building maximum height measures 15 feet, a flat roof shall have a maximum height of 12 feet.