

**TOWNSHIP OF OCEAN
MONMOUTH COUNTY, NEW JERSEY
ORDINANCE NO. 2538**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 21 –
THE COMPREHENSIVE LAND DEVELOPMENT ORDINANCE OF THE
TOWNSHIP OF OCEAN**

WHEREAS, the Planning Board of the Township of Ocean, Monmouth County, State of New Jersey, adopted a Fourth Round Housing Plan Element and Fair Share Plan (“HEFSP”) pursuant to N.J.S.A. 40:55D-28 on June 12, 2025, to address its cumulative Fourth Round affordable housing obligations pursuant to the New Jersey Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as amended by P.L. 2024, c.2; and

WHEREAS, the Governing Body of the Township of Ocean endorsed the Fourth Round HEFSP by resolution on June 12, 2025; and

WHEREAS, the Plan was filed with the Superior Court and Affordable Housing Dispute Resolution Program (“Program”) in compliance with the FHA; and

WHEREAS, in a letter dated August 31, 2025, Fair Share Housing Center (“FSHC”) filed a challenge to the Township’s HEFSP, with such letter docketed by the Court on September 2, 2025; and

WHEREAS, pursuant to informal discussions between the Township and FSHC and by virtue of the Program mediation conferences/session with the parties, the Township of Ocean and FSHC executed a Fourth Round Mediation Agreement on January 9, 2026 (“Mediation Agreement”), to resolve the challenge; and

WHEREAS, the Mediation Agreement specifies that the Township shall address the statutory requirement for 25% of a municipality’s Unmet Need for overlay zoning in part with the adoption of inclusionary overlay ordinances on the “Multifamily Inclusionary Overlay MIR-2 Zone” and “English Manor” sites to add multifamily residential development as a permitted use at a density of 12.5 units per acre for townhomes and 15 units per acre for multi-family apartment flats; and

WHEREAS, the proposed ordinance establishing the Multifamily Inclusionary Overlay MIR-2 Zone and the English Manor Inclusionary Overlay Zone has been prepared in accordance with the executed Mediation Agreement and with the Township’s adopted HEFSP; and

WHEREAS, the Municipal Land Use Law at N.J.S.A. 40:55D-62a requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; and

WHEREAS, the Ocean Township Council formally refers this Ordinance to the Planning Board for examination, discussion, and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-15 and in accordance with N.J.S.A.40:55D-62.1;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Ocean, in the County of Monmouth and the State of New Jersey, that Chapter 21, the Comprehensive Land Development Ordinance of the Township of Ocean is hereby amended and supplemented as follows:

SECTION 1. Article IV, “Zoning Provisions”, §21-17, “Establishment of Zones”, of the Land Development Ordinance of the Township of Ocean, is hereby amended to read as follows:

§21-17 Establishment of Zones.

A. For purpose of this chapter, the Township of Ocean is divided into zones known as:

R-1	Low Density Single Family Residential Zone
R-1T	Low Density Single Family Residential Transitional Zone
R-2	Low Density Single Family Residential Zone
R-3	Medium Density Single Family Residential Zone
R-4	Medium Density Single Family Residential Zone
R-4HO	Medium Density Single Family Residential/ Home Professional Office Zone
R-5	High Density Single Family Residential Zone
R-6	High Density Single Family Residential Zone
R-7	Garden Apartment Residential Zone
R-3/PRD	Planned Residential Development Zone
AR3-PRD	Affordable Housing Zone
MIR-1	Multifamily Residential Zone
T-1	Transitional Office/Residential Zone
C-1	Neighborhood Commercial Zone
C-2	Highway Commercial Zone
C-3	General Commercial Zone
C-4	Regional Commercial Zone
C-5	Limited Commercial Zone
C-7	Community Mixed-Use District
I-1	Light Industrial Zone

CBO	Cannabis Business Overlay Zone
O-1/20	Office/Limited Commercial Zone
O-1/40	Office-Research Zone
O-1/80	Office-Research-Limited Commercial Zone
SRI	Recreation Activities Zone
AH-G	Affordable Housing Golf Course Residential Inclusionary Overlay Zone
	<u>Multifamily Inclusionary Overlay MIR-2 Zone</u>
	<u>English Manor Inclusionary Overlay Zone</u>

SECTION 2. Article IV, “Zoning Provisions”, §21-18, “Official Zoning Map”, of the Land Development Ordinance of the Township of Ocean is hereby amended to read as follows:

§21-18.1 Amendments

If, in accordance with the provisions of this chapter, and the Revised Statutes of the State of New Jersey, changes are made in the zone boundaries or other matters portrayed in the map by the governing body, such changes shall be made thereon promptly by the Clerk after such amendment has taken affect as provided by law. For each such change in the map, note shall be made thereof in the revision box, of the date of revision, zone affected by the revision and of a brief identifying description of the revision. These changes are to be endorsed upon the map on the effective date of the amendment.

- a. Map Amendments. The Official Zoning Map, as designated in § 21-18 of the Comprehensive Land Development Ordinance of the Township of Ocean, is hereby amended as follows:

1. through 35. No change

36. The Zoning Map shall be amended to create the “Multifamily Inclusionary Overlay MIR-2 Zone” for Block 207, Lots 9, 10 and 11; Block 208, Lot 2; Block 209, portion of Lot 9, Lot 10, 11, portion of 13, portion of 15.01, portion of 17, and portion of 18, and portions of the Lawrence Ave, Albert Ave, and Thomas Ave Township rights-of-way to be vacated, and the “English Manor Inclusionary Overlay Zone” for Block 139, Lot 1 and Unnamed Street (between Block 139, Lot 1 and Block 140 Lot 65.02) right-of-way to be vacated, to create realistic opportunities for housing that is affordable to very low-, low-, and moderate-income households.

SECTION 3. Article IV, “Zoning Provisions”, of the Land Development Ordinance of the Township of is hereby amended to add the following:

§21-32D. Multifamily Inclusionary Overlay MIR-2 Zone

§21-32D.1. Purpose.

The purpose of this Multifamily Inclusionary Overlay MIR-2 Zone is to create an overlay zone for certain properties within the existing R-4 Medium Density Single-Family Residential Zone, the O-1/40 Office-Research Zone, and the C-3 General Commercial Zone for Block 207, Lots 9, 10 and 11; Block 208, Lot 2; Block 209, portion of Lot 9, Lot 10, 11, portion of 13, portion of 15.01, portion of 17, and portion of 18, and portions of the Lawrence Ave, Albert Ave, and Thomas Ave Township rights-of-way to be vacated, as shown on the Official Tax Maps of the Township of Ocean, County of Monmouth. This overlay zone is created pursuant to the terms of a Fourth Round Mediation Agreement executed on January 9, 2026 and between the Township of Ocean and Fair Share Housing Center (“FSHC”) in the Matter of the Fourth Round Declaratory Judgment Application of the Township of Ocean, County of Monmouth, Docket No. MON-L-393-25. The provisions set forth herein shall permit both a townhouse density at 12.5 du/ac and a multi-family apartment flat density at 15 du/ac.

§21-32D.2. Conflicting Provisions.

Provisions of this Multifamily Inclusionary Overlay MIR-2 Zone Ordinance shall supersede any provision of the Township of Ocean Land Development Ordinance as currently amended and/or supplemented, which conflicts with, or is contrary to, the provisions set forth in this overlay zone section.

§21-32D.3. Definitions.

For purposes of this section, the terms below have the following meanings:

APARTMENT FLAT — A dwelling unit consisting of a single story or level, which may be at ground level or above a ground level unit and shall be located in a building type that also includes townhouses.

LOT LINE, FRONT — Any lot line, or segment thereof, that is collinear with the right-of-way line of a public thoroughfare.

LOT LINE, REAR — The lot line (or lines) of a tract to be developed pursuant to the multifamily residential overlay provisions of the ordinance which is opposite and generally parallel to the lot line, front, of the tract from which primary access to the development obtains.

LOT LINE, SIDE — Any lot line that is not a lot line, front, or a lot line, rear.

§21-32D.4. Permitted Uses.

- a. Permitted principal uses in the Multifamily Inclusionary Overlay MIR-2 Zone shall

include:

1. Multi-family residential development with townhouses, stacked townhouses, and apartment flats.
- b. Accessory buildings not to exceed 20 feet in height, structures and uses including:
 1. Private residential off-street parking shall be provided pursuant to N.J.A.C 5:21, the New Jersey Site Improvement Standards..
 2. Decks, balconies, patios and open porches subject to the requirements of this chapter.
 3. Outdoor recreational uses for residents and their guests.
 4. Fences and hedges.
 5. Satellite dish antennas attached to a principal structure, not to exceed three feet in diameter or extend above the top of the roof of the building.
 6. Other customary accessory uses and structures that are clearly incidental to the permitted principal structures and uses.
- c. Required use. Affordable housing is required to be provided, in accordance with the provisions of the Township of Ocean Revised General Ordinances, Chapter 21, Article III, §21-9B, as follows:
 1. Twenty percent of the total number of dwellings produced shall be affordable to low-and moderate-income households and in accordance with the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1.
 2. At least 53% of the total number of affordable units produced distributed proportionally across all bedroom counts shall be affordable to low-income households, including very-low-income households. The remaining 47% may be affordable to moderate-income households.
 3. At least 13% of the total number of affordable units produced shall be affordable to very-low-income households pursuant to N.J.S.A. 52:27D-329.1.
 4. The affordable units shall not be age restricted.
- d. Required Vacation of Paper Street. The portions of the Lawrence Ave, Albert Ave, and Thomas Ave Township rights-of-way shall be vacated and incorporated into the gross acreage of the site for the purposes of density, setbacks, buffers, circulation, and other bulk standards and provisions in this chapter.

§21-32D.5. Townhouse and Multifamily Apartment Flat Development Standards

The following bulk standards shall apply to the development of any property located in the Multifamily Inclusionary Overlay MIR-2 Zone:

- a. More than one primary building may be constructed per lot.
- b. Minimum gross lot area: 4 acres.
- c. Minimum lot frontage: 100 feet.
- d. Minimum lot depth: 125 feet.
- e. Minimum front yard setback: 20 feet.
- f. Minimum side yard setback: 15 feet.
- g. Minimum rear yard setback: 30 feet.
- h. Minimum setback for a deck, patio, balcony or open porch: 15' to any lot line
- i. Minimum setback from pavement of internal roadway: 24 feet from front of building, excluding roof soffits, the fascia of which shall be permitted to have setbacks of 22 feet.
- j. Minimum setback from perimeter property lines of entire site: 25 feet.
- k. Maximum principal building height: 45 feet from the garage floor to the highest roof point.
- l. Maximum number of levels of living space: 3.
- m. Maximum building coverage: 25% of total lot area.
- n. Maximum impervious lot coverage: 65% of total lot area.
- o. Maximum density: 12.5 units per gross acre for townhouses and 15 units per gross acre for multi-family apartment flats.
- p. Maximum number of dwellings per building: 12 dwellings.
- q. Minimum number of dwellings per building: 4 dwellings.
- r. Maximum length of building: 210 feet.
- s. Minimum distances between buildings:
 - 1. Front to front: 50 feet.
 - 2. Rear to front: 50 feet.
 - 3. Front to side: 50 feet.
 - 4. Rear to rear: 50 feet excluding building eaves which shall be permitted to

extend a maximum of 24 inches beyond the primary vertical planes of the building walls below.

5. Rear to side: 50 feet.

6. Side to side: 15 feet.

§21-32D.6. Other Provisions

- a. A structure shall not have more than two connected townhouse units on one facade without providing a variation in setback of at least three feet.
- b. Each structure shall be visually harmonious with all other structures on site. A unified architectural vocabulary shall be employed with varied design elements to ensure proper building scale and order.
- c. No individually registered commercial vehicle longer than 22 feet in length or 10 feet in height measured from the highest point of said vehicle excluding exhaust stacks and antennas, or having a registered weight of 18,000 pounds or more, shall be stored or parked on any lot or portion of a lot nor parked on any street overnight situated in this residential zone.
- d. Fences, patios, decks, balconies, open porches or similar outside facilities to the rear of each unit may only be constructed by the original developer or by the homeowners' association and only after a set of architectural standards is approved by the municipal agency and administered by the original developer or the homeowners' association.
- e. There shall be, within each townhouse and multifamily apartment flat unit, adequate area for the temporary storage of recyclable materials, as required in this chapter.
- f. If a common trash storage/collection area is proposed, there shall be a trash and recyclable storage area completely surrounded by a six-foot-high solid architectural fence with front solid gates. All outside trash and recyclables shall be stored in this area and shall not be in public view over the fence height. All accessory apparatuses, such as propane tanks, shall be similarly enclosed.
- g. Common areas of any tract utilized for any development shall be deeded to a homeowners' association consisting of the property owners within the development, for their use, control, management and maintenance.
- h. On-site emergency vehicle access/circulation: Every on-site street and/or common access/ circulation drive shall meet, or exceed NFPA requirements for a fire access road.
- i. Off-street parking shall be provided pursuant to N.J.A.C. 5:21 the New Jersey Residential Site Improvement Standards.
- j. Landscaping is subject to the regulations of §21-47, except as otherwise specified in this chapter.

- k. The buffer requirements of §21-47.1.d.1 shall not apply. Where a building, parking space, drive aisle or drainage structure is located within 100 feet of an adjacent lot, a solid fence shall be constructed in accordance with the requirements of § 21-48. Unless located in the required front yard, such fence shall be six feet in height.
- l. All internal and external improvements found necessary in the public interest, including, but not limited to, streets, driveways, parking areas, sidewalks, curbs, gutters, lighting, shade trees, water mains, water systems, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures and the like, shall be installed in accordance with the standards set forth for major subdivisions of land. All curb-to-curb pavement widths shall comply with standards set forth in N.J.A.C 5:21, the NJ Residential Site Improvement Standards.. No building permit shall be issued unless and until adequate performance guarantees of proper installation of such improvements shall have been posted in accordance with municipal ordinances.
- m. There shall be no direct access of driveways from any dwelling unit onto a public street.
- n. Affordable multi-family residential units shall be integrated throughout the development and not separated from market rate units.
- o. No driveway of a unit may access an existing roadway directly. All driveways must access internal roadways of the development.

SECTION 4. Article IV, “Zoning Provisions”, of the Land Development Ordinance of the Township of is hereby amended to add the following:

§21-32E. English Manor Inclusionary Overlay Zone

§21-32E.1. Purpose.

The purpose of this English Manor Inclusionary Overlay Zone is to create an overlay zone for certain properties within the existing R-4 Medium Density Single-Family Residential Zone and the R-1 Low Density Single Family Residential Zone for Block 139, Lot 1 and Unnamed Street (between Block 139, Lot 1 and Block 140 Lot 65.02) right-of-way to be vacated as shown on the Official Tax Maps of the Township of Ocean, County of Monmouth. This overlay zone is created pursuant to the terms of a Fourth Round Mediation Agreement executed on January 9, 2026 and between the Township of Ocean and Fair Share Housing Center (“FSHC”) in the Matter of the Fourth Round Declaratory Judgment Application of the Township of Ocean, County of Monmouth, Docket No. MON-L-393-25. The provisions set forth herein shall permit both a townhouse density at 12.5 du/ac and a multi-family apartment flat density at 15 du/ac.

§21-32E.2. Conflicting Provisions.

Provisions of this English Manor Inclusionary Overlay Zone Ordinance shall supersede any provision of the Township of Ocean Land Development Ordinance as currently amended and/or supplemented, which conflicts with, or is contrary to, the provisions set forth in this overlay zone section.

§21-32E.3. Definitions.

For purposes of this section, the terms below have the following meanings:

APARTMENT FLAT — A dwelling unit consisting of a single story or level, which may be at ground level or above a ground level unit and shall be located in a building type that also includes townhouses.

LOT LINE, FRONT — The lot line of a tract to be developed pursuant to the multifamily residential overlay provisions of the ordinance on which the primary entrance of the principal building faces.

LOT LINE, REAR — The lot line (or lines) of a tract to be developed pursuant to the multifamily residential overlay provisions of the ordinance which is opposite and generally parallel to the lot line, front, of the tract from which primary access to the development obtains.

LOT LINE, SIDE — Any lot line that is not a lot line, front, or a lot line, rear.

§21-32E.4. Permitted Uses.

- a. Permitted principal uses in the English Manor Overlay Zone shall include:
 1. Multi-family residential development with townhouses, stacked townhouses, and apartment flats.
- b. Accessory buildings not to exceed 15 feet in height, structures and uses including:
 1. Private residential off-street parking subject to the requirements of this chapter.
 2. Decks and open porches subject to the requirements of this chapter.
 3. Outdoor recreational uses for residents and their guests.
 4. Fences and hedges.
 5. Satellite dish antennas attached to a principal structure, not to exceed three feet in diameter or extend above the top of the roof of the building.
 6. Other customary accessory uses and structures that are clearly incidental to the permitted principal structures and uses.

- c. Required use. Affordable housing is required to be provided, in accordance with the provisions of the Township of Ocean Revised General Ordinances, Chapter 21, Article III, §21-9B, as follows:
1. Twenty percent of the total number of dwellings produced shall be affordable to low-and moderate-income households and in accordance with the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1.
 2. At least 53% of the total number of affordable units produced distributed proportionally across all bedroom counts shall be affordable to low-income households, including very-low-income households. The remaining 47% may be affordable to moderate-income households.
 3. At least 13% of the total number of affordable units produced shall be affordable to very-low-income households pursuant to N.J.S.A. 52:27D-329.1.
 4. The affordable units shall not be age restricted.
- d. Required Vacation of Paper Street. The unnamed street right-of-way located between Block 139, Lot 1 and Block 140, Lot 65.02 extending from Logan Road to English Lane shall be vacated and incorporated into the gross acreage of the site for the purposes of density, setbacks, buffers, circulation, and other bulk standards and provisions in this chapter.

§21-32E.5. Townhouse and Multifamily Apartment Flat Development Standards

The following bulk standards shall apply to the development of any property located in the English Manor Inclusionary Overlay Zone:

- a. More than one primary building may be constructed per lot.
- b. Minimum gross lot area: 0.75 acres.
- c. Minimum lot frontage: 100 feet.
- d. Minimum lot depth: 100 feet.
- e. Minimum front yard setback: 30 feet.
- f. Minimum side yard setback: 15 feet.
- g. Minimum rear yard setback: 20 feet.
- h. Minimum setback from pavement of internal roadway: 24 feet from front of building, excluding roof soffits, the fascia of which shall be permitted to have setbacks of 22 feet.
- i. Minimum setback from perimeter property lines of entire site: 10 feet.

- j. Maximum principal building height: 45 feet from the garage floor to the highest roof point.
- k. Maximum number of levels of living space: 3.
- l. Maximum building coverage: 50% of total lot area.
- m. Maximum impervious lot coverage: 80% of total lot area.
- n. Maximum density: 12.5 units per gross acre for townhouses and 15 units per gross acre for multi-family apartment flats.
- o. Maximum number of dwellings per building: 10 dwellings.
- p. Minimum number of dwellings per building: 5 dwellings.
- q. Maximum length of building: 200 feet.
- r. Minimum distances between buildings:
 - a. Front to front: 50 feet.
 - b. Rear to front: 50 feet.
 - c. Front to side: 50 feet.
 - d. Rear to rear: 50 feet excluding building eaves which shall be permitted to extend a maximum of 24 inches beyond the primary vertical planes of the building walls below.
 - e. Rear to side: 50 feet.
 - f. Side to side: 20 feet.

§21-32E.6. Other Provisions

- a. Subject to the development standards set forth in this Inclusionary Overlay Zone Ordinance, and notwithstanding the provisions of any other ordinance, market-priced units may be constructed anywhere in the Inclusionary Overlay Zone permitted by the New Jersey Department of Environmental Protection, including flood hazard areas. Subject to the development standards set forth in this Inclusionary Overlay Zone Ordinance, and notwithstanding the provisions of any other ordinance, moderate-income units may be constructed anywhere in the Inclusionary Overlay Zone permitted by the New Jersey Department of Environmental Protection, except they may only be constructed on the portion of the zone outside the flood hazard area delineated by the New Jersey Department of Environmental Protection. Documents showing the location of proposed units with regard to NJDEP-approved floodway and flood hazard areas shall be disclosed to all prospective buyers prior to the entry of a contract for sale.
- b. A structure shall not have more than two connected townhouse units on one facade without providing a variation in setback of at least three feet.

- c. A structure shall not have more than two connected townhouse units on one facade without providing a reasonable variation in the facade architecture.
- d. No individually registered commercial vehicle longer than 22 feet in length or 10 feet in height measured from the highest point of said vehicle excluding exhaust stacks and antennas, or having a registered weight of 18,000 pounds or more, shall be stored or parked on any lot or portion of a lot nor parked on any street overnight situated in this residential zone.
- e. Fences, patios, or similar outside facilities to the rear of each unit may only be constructed by the original developer or by the homeowners' association and only after a set of architectural standards is approved by the municipal agency and administered by the original developer or the homeowners' association.
- f. There shall be, within each townhouse and multifamily apartment flat unit, adequate area for the temporary storage of recyclable materials, as required in this chapter.
- g. There shall be a trash and recyclable storage area completely surrounded by a six-foot-high solid architectural fence with front solid gates. All outside trash and recyclables shall be stored in this area and shall not be in public view over the fence height. All accessory apparatuses, such as propane tanks, shall be similarly enclosed.
- h. Common areas of any tract utilized for any development shall be deeded to a homeowners' association consisting of the property owners within the development, for their use, control, management and maintenance.
- i. On-site emergency vehicle access/circulation: Every on-site street and/or common access/ circulation drive shall meet, or exceed NFPA requirements for a fire access road.
- j. Off-street parking is required subject to the regulations of §21-45.
- k. Landscaping is subject to the regulations of §21-47, except as otherwise specified in this chapter.
- l. The buffer requirements of §21-47.1.d.1 shall not apply. Where a building, parking space, drive aisle or drainage structure is located within 100 feet of an adjacent lot, a solid fence shall be constructed in accordance with the requirements of § 21-48. Unless located in the required front yard, such fence shall be six feet in height.
- m. All internal and external improvements found necessary in the public interest, including, but not limited to, streets, driveways, parking areas, sidewalks, curbs, gutters, lighting, shade trees, water mains, water systems, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures and the like, shall be installed in accordance with the standards set forth for major subdivisions of land. All curb-to-curb pavement widths shall not be less than 30 feet. No building permit shall be issued unless and until adequate performance

guarantees of proper installation of such improvements shall have been posted in accordance with municipal ordinances.

- n. There shall be no direct access of driveways from any dwelling unit onto a public street.
- o. Affordable multi-family residential units shall be integrated throughout the development and not separated from market rate units.
- p. No driveway of a unit may access an existing roadway directly. All driveways must access internal roadways of the development.

SECTION 6. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. Severability. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 8. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Talarico	Mayor Napolitani
Motion to Approve	X				
Motion to Second			X		
Approved	X		X		X
Opposed		X		X	
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

*I hereby certify that this is a true copy of an Ordinance adopted by the Township of Ocean Governing Body at their meeting held on **March 12, 2026.***

Jessie M. Joseph
Jessie M. Joseph, RMC/CMC
Township Clerk