

ARTICLE X  
ZONING DISTRICT REGULATIONS

SECTION-10.1 LIST OF ZONES

For the purpose of this Chapter, the Borough of Little Silver is divided into the following sixteen (16) zoning districts:

R-1	Estate Residential Zone
R-1A	Low Density Residential Zone
R-2	Medium Density Residential Zone
R-3	Medium Density Residential Zone
R-3A	Single Family Court Home Zone
B-1	Business Zone
B-2	Business Zone
TH-1	Townhouse Zone
TH-2	Townhouse Zone
P-1	General Professional Development Zone
P-2	General Professional Development Zone
PRD	Planned Residential Zone
I-1	Light Industrial Zone
MP-1	Municipal Purpose Zone
MP-2	Municipal Purpose Zone
ARAH	Age-Restricted Affordable Housing Zone

SECTION-10.2 ZONING MAP

The boundaries of all zoning districts set forth in this Chapter are shown on a map entitled "Zoning Map, Borough of Little Silver, Monmouth County, New Jersey", which is dated July 25, 2006 and which is hereby made a part of this Chapter.

More specifically, the "Zoning Map" is hereby changed as follows:

Block 58/Lots 56, 57, 58, 59 & 60, totaling approximately 4.5 acres in area, is rezoned from the "B-2" Business Zone into the new "ARAH" Age-Restricted Affordable Housing Zone; and

Block 58/Lots 20.01, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54 & 55, totaling approximately 9.7 acres in area, is rezoned from the "R-2" Medium Density Residential Zone into the new "ARAH" Age-Restricted Affordable Housing Zone. The boundaries of all zoning districts set forth in this Chapter are shown in a map entitled "Zoning Map, Borough of Little Silver, Monmouth County, New Jersey" last revised December 2002, which map is hereby made a part of this Chapter.

SECTION-10.3 ZONING BOUNDARIES

- A. Zone boundaries are intended to follow center lines of streets, lot or property lines, or other natural lines such as the center line of water courses, ditches or lagoons, unless such district or zone boundaries are fixed by dimension on the Zoning Map or by description, and shall include contiguous riparian lands subsequently acquired and/or filled, and lands acquired by accretion or stream diversion by natural causes.
- B. Where a zone boundary approximately follows and is not more than twenty (20) feet distant from a lot line, such lot line may be construed to be the zone boundary.

SECTION-10.4 R-1 ESTATE RESIDENTIAL ZONE

A. Permitted Principal Uses

- 1. A single detached house used as a residence and by not more than one family except that rooms may be rented to not more than three people for sleeping purposes only.

B. Required Accessory Uses

- 1. Off street parking subject to the provisions of Section 8.20.
- 2. Each residence shall provide a garage.

C. Permitted Accessory Uses

- 1. Fences and walls subject to the provisions of Section 8.14.
- 2. Private swimming pools subject to the provisions of Section 8.21.
- 3. Signs subject to the provisions of Section 8.26.
- 4. Other customary accessory uses and buildings which are clearly incidental to the principal use and building, including a private garage, boat house or bath house.

D. Conditional Permitted Uses

- 1. Churches and places of religious worship.

E. Prohibited Uses: Other uses not expressly permitted in this section are prohibited.

F. Area Yard and Building Requirements

1. Minimum lot area: 60,000 square feet.
2.
  - a. Minimum lot frontage: 160 feet.
  - b. Minimum corner lot frontage: 160 feet facing both streets.
3. Minimum front setback: 50 feet.
4. Minimum rear yard setback:
  - a. Principal building - 50 feet.
  - b. Accessory building - 15 feet.
5. Minimum side yard setback:
  - a. Principal building - 25 feet for a building and/or structure height of 16 feet and not exceeding 1½ stories. The sideyard setback shall increase one foot for every foot the principal building exceeds 16 feet and 1½ stories up to the maximum permissible height.
  - b. Accessory building - 15 feet.
6. Maximum building and/or structure height: 35 feet and not exceeding 2½ stories. 16 feet for any free standing accessory building.
7. Minimum gross habitable ground floor area: 1,600 square feet.
8. Maximum lot coverage: Twenty-five percent (25%).
9. Maximum impervious surface: Twenty-five percent (25%)
10. Maximum number of bedrooms: Seven (7)

G. Additional Regulations and Standards

1. No building, structure, improvement and/or development, which increases the footprint of any existing structure or building or which enlarges the ground area of development currently existing on the subject property or which is new development, shall be permitted in the Coastal Flood Zone, as defined in Chapter

XIX of the Revised General Ordinances of the Borough of Little Silver. For purposes of this paragraph, the following shall not be considered buildings, structures, improvements and/or development regulated hereby: fences.

SECTION-10.5 R-1A LOW DENSITY RESIDENTIAL ZONE

A. Permitted Principal Uses

1. A single detached house used as a residence and by not more than one family, except that rooms may be rented to not more than three people for sleeping purposes only.

B. Required Accessory Uses

1. Off street parking subject to the provisions of Section 8.20.
2. Each residence shall provide a garage.

C. Permitted Accessory Uses

1. Fences and walls subject to the provisions of Section 8.14.
2. Private swimming pools subject to the provisions of Section 8.21.
3. Signs subject to the provisions of Section 8.26.
4. Other customary accessory uses and buildings which are clearly incidental to the principal use and building, including a private garage, boat house or bath house.

D. Conditional Permitted Uses

1. Churches and places of religious worship.

E. Prohibited Uses: Other uses not expressly permitted in this section are prohibited.

F. Area, Yard and Building Requirements

1. Minimum lot area: 40,000 square feet.
2. Minimum lot frontage: 150 feet.

3. Minimum corner lot frontage: 150 feet facing both streets
4. Minimum front setback: 50 feet.
5. Minimum rear yard setback:
  - a. Principal building - 50 feet.
  - b. Accessory building -15 feet.
6. Minimum side yard setback:
  - a. Principal building - 25 feet for a building and/or structure height of 16 feet and not exceeding 1½ stories. The sideyard setback shall increase one foot for every foot the principal building exceeds 16 feet and 1½ stories up to the maximum permissible height.
  - b. Accessory building - 15 feet.
7. Maximum building and/or structure height:  
35 feet and not exceeding 2½ stories.  
16 feet for any free standing accessory building.
8. Minimum gross habitable ground floor area: 1,600 square feet.
9. Maximum lot coverage: Twenty-five percent (25%).
10. Maximum impervious surface: Twenty-five percent (25%).
11. Maximum number of bedrooms: Seven (7)

G. Additional Regulations and Standards

1. No building, structure, improvement and/or development, which increases the footprint of any existing structure or building or which enlarges the ground area of development currently existing on the subject property or which is new development, shall be permitted in the Coastal Flood Zone, as defined in Chapter XIX of the Revised General Ordinances of the Borough of Little Silver. For purposes of this paragraph, the following shall not be considered buildings, structures, improvements and/or development regulated hereby: fences.

SECTION -10.6 R-2 MEDIUM DENSITY RESIDENTIAL ZONE

A. Permitted Principal Uses

1. A single detached house used as a residence and by not more than one family, except that rooms may be rented to not more than three people for sleeping purposes only.

B. Required Accessory Uses

1. Off street parking subject to the provisions of Section 8.20.
2. Each resident shall provide a garage.

C. Permitted Accessory Uses

1. Fences and walls subject to the provisions of Section 8.14.
2. Private swimming pools subject to the provisions of Section 8.21.
3. Signs subject to the provisions of Section 8.26.
4. Other customary accessory uses and buildings which are clearly incidental to the principal use and building, including a private garage, boat house or bath house.

D. DELETED

E. Area, Yard and Building Requirements

1. Minimum lot area: 25,000 square feet.
2. a. Minimum lot frontage: 100 feet.  
b. Minimum corner lot frontage: 150 feet facing both streets.
3. Minimum front setback: 50 feet.
4. Minimum rear yard setback:
  - a. Principal building - 50 feet.
  - b. Accessory building - 15 feet.

5. Minimum side yard setback:
  - a. Principal building - 15 feet.
  - b. Accessory building - 15 feet.
6. Maximum building and/or structure height: 30 feet and not exceeding 2 1/2 stories. 16 feet for any freestanding accessory building.
7. Minimum gross habitable ground floor area: 1,200 square feet.
8. Maximum lot coverage: eighteen percent (18%).
9. Maximum impervious surface: Thirty-five percent (35%).

F. Additional Regulations and Standards

1. No building, structure, improvement and/or development which increases the footprint of any existing structure or building or which enlarges the ground area of development currently existing on the subject property or which is new Development, shall be permitted in the Coastal Flood Zone, as defined in Chapter XIX of the Revised General Ordinances of the Borough of Little Silver. For purposes of this paragraph, the following shall not be considered buildings, structures improvements and/or development regulated hereby: fences.

SECTION-10.7 R-3 MEDIUM DENSITY RESIDENTIAL ZONE

A. Permitted Principal Uses

1. A single detached house used as a residence and by not more than one family, except that rooms may be rented to not more than three people for sleeping purposes only.

B. Required Accessory Uses

1. Off street parking subject to the provisions of Section 8.20.
2. Each residence shall provide a garage.

C. Permitted Accessory Uses

1. Fences and walls subject to the provisions of Section 8.14.
2. Private swimming pools subject to the provisions of Section 8.21.
3. Signs subject to the provisions of Section 8.26.
4. Other customary accessory uses and buildings which are clearly incidental to the principal use and building, including a private garage, boat house or bath house.

D. DELETED

E. Area, Yard and Building Requirements

1. Minimum lot area: 20,000 square feet.
2. a. Minimum lot frontage: 100 feet.  
b. Minimum corner lot frontage: 150 feet facing both streets.
3. Minimum front setback: 30 feet.
4. Minimum rear yard setback:
  - a. Principal building - 50 feet.
  - b. Accessory building - 15 feet.
5. Minimum side yard setback:
  - a. Principal building - 15 feet.
  - b. Accessory building - 15 feet.
6. Maximum building and/or structure height:  
30 feet and not exceeding 2 1/2 stories.  
16 feet for any free standing accessory building.
7. Minimum gross habitable ground floor area: 900 square feet.
8. Maximum lot coverage: eighteen percent (18%).

9. Maximum impervious surface: Thirty-five percent (35%).
10. Maximum number of bedrooms: Seven (7)

G. Additional Regulations and Standards

1. No building, structure, improvement and/or development, which increases the footprint of any existing structure or building or which enlarges the ground area of development currently existing on the subject property or which is new development, shall be permitted in the Coastal Flood Zone, as defined in Chapter XIX of the Revised General Ordinances of the Borough of Little Silver. For purposes of this paragraph, the following shall not be considered buildings, structures, improvements and/or development regulated hereby: fences.

SECTION-10.8 B-1 BUSINESS ZONE

A. Permitted Uses

1. The retail sale of goods which may include the following:
  - a. Grocery Stores and food markets.
  - b. Drug stores.
  - c. Dry goods stores.
  - d. Baked goods stores.
  - e. Packaged liquor stores.
  - f. Flower shops.
  - g. Confectionery stores.
  - h. Household supplies stores.
  - i. Stationery supplies, tobacco and periodical stores.
  - j. Haberdashery, dress goods and notions.
  - k. Hardware, plumbing supplies and electrical supplies.
  - l. Boat supplies and automobile supplies.
  - m. Shops of artisans and craftsmen.
  - n. Furniture and appliance stores.
  - o. Gift shops.

2. Personal service establishments which may include the following:
  - a. Barber shops and beauty shops
  - b. Tailoring and dressmaking shops.
  - c. Dry cleaning and laundry collection shops
  - d. Shoe repair shops.
  - e. Appliance repair shops.
  - f. Radio and television repair shops.
  - g. Art, dancing, music, gymnastics and other similar instructional schools.
  - h. Nursery schools and day nurseries.
3. Private clubs and fraternal organizations.
4. Business and professional offices
5. Restaurants, lunchrooms, and other eating and dining establishments (except that lunch wagons, diners, refreshment or eating places where patrons are served outside of the building and restaurants, eating places or refreshment places of the type known as drive-ins or fast food restaurants, whether patrons are served outside or inside of the building shall not be permitted).
6. Federal, State, County and Municipal buildings and grounds.
7. Essential services.

B. Required Accessory Uses

1. Off street parking subject to the provisions of Section 8.20.
2. Off street loading subject to the provisions of Section 8.19.

C. Permitted Accessory Uses

1. Fences and walls subject to the provisions of Section 8.14.

2. Signs subject to the provisions of Section 8.26.
3. Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

D. Conditional Uses: Subject to the provisions of Article IX of This Chapter.

1. Public Utilities-Section 9.3.
2. Off Tract Parking Lots-Section 9.8.

E. Prohibited Uses: Other uses not expressly permitted in this section are prohibited.

F. Area, Yard and Building Requirements

1. Minimum lot area: 5,000 square feet.
2. Minimum lot frontage: 50 feet.
3. Minimum front setback: 25 feet. No parking areas shall be permitted in front yards.
4. Minimum rear yard setback:
  - a. Principal building-50 feet.
  - b. Accessory building -8 feet.
5. Minimum side yard setback:
  - a. Principal and accessory building - 8 feet.
6. Maximum building and/or structure height:  
30 feet and not exceeding 2 1/2 stories.  
16 feet for any free standing accessory building
7. Minimum unoccupied open space: Forty percent (40%).
8. Minimum floor area of any building: 2,000 square feet.
9. Minimum floor area of any use contained in a multi-use building: 1,000 square feet.

10. Maximum floor area of any use contained in a multi-use building: 3,000 square feet.

11. Maximum Floor Area Ratio (FAH): .30

G. Additional Regulations and Standards

1. No building, structure, improvement and/or development, which increases the footprint of any existing structure or building or which enlarges the ground area of development currently existing on the subject property or which is new development, shall be permitted in the Coastal Flood Zone, as defined in Chapter XIX of the Revised General Ordinances of the Borough of Little Silver. For purposes of this paragraph, the following shall not be considered buildings, structures, improvements and/or development regulated hereby: fences.

SECTION-10.9 B-2 BUSINESS ZONE

A. Permitted Uses

1. The retail sale of goods which may include the following:
  - a. Grocery Stores and food markets.
  - b. Drug stores.
  - c. Dry goods stores.
  - d. Baked goods stores.
  - e. Packaged liquor stores.
  - f. Flower shops.
  - g. Confectionery stores.
  - h. Household supplies stores.
  - i. Stationery supplies, tobacco and periodical stores.
  - j. Haberdashery, dress goods and notions.
  - k. Hardware, plumbing supplies and electrical supplies.
  - l. Boat supplies and automobile supplies.
  - m. Shops of artisans and craftsmen.
  - n. Furniture and appliance stores.
  - o. Gift shops.

2. Personal service establishments which may include the following:
  - a. Barber shops and beauty shops.
  - b. Tailoring and dressmaking shops.
  - c. Dry cleaning and laundry collection shops.
  - d. Shoe repair shops.
  - e. Appliance repair shops.
  - f. Radio and television repair shops.
  - g. Art/dancing, music, gymnastics and other similar instructional schools.
  - h. Nursery schools and day nurseries.
3. Private clubs and fraternal organizations.
4. Business and professional offices.
5. Restaurants, lunchrooms, and other eating and dining establishments (except that lunch wagons, diners, refreshment or eating places where patrons are served outside of the building and restaurants, eating places or refreshment places of the type known as drive-ins or fast food restaurants, whether patron are served outside or inside of the building shall not be permitted).
6. Shops of a plumber, carpenter, boat builder, painter, mason or electrician.
7. Warehouses.
8. Lumber yards.
9. Federal, State, County and Municipal buildings and grounds.
10. Essential services.

B. Required Accessory Uses

1. Off street parking subject to the provisions of Section 8.20
2. Off street loading subject to the provisions of Section 8.19.

C. Permitted Accessory Uses

1. Fences and walls subject to the provisions of Section 8.14.
2. Signs subject to the provisions of Section 8.26.
3. Bulk storage subject to the provisions of Section 8.6.
4. Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

D. Conditional Uses: Subject to the provisions of Article IX of This Chapter

1. Public Utilities - Section 9.3.
2. Motor vehicle service stations - Section 9.4.
3. Motor vehicle repair garage - Section 9.5.

E. Prohibited Uses: Other uses not expressly permitted in this section are prohibited.

F. Area, Yard and Building Requirements

1. Minimum lot area: 5,000 square feet.
2. Minimum lot frontage: 50 feet.
3. Minimum front setback: 25 feet. No parking areas shall be permitted in front yards.
4. Minimum rear yard setback:
  - a. Principal building - 50 feet.
  - b. Accessory building - 8 feet.
5. Minimum side yard setback:
  - a. Principal and accessory building - 8 feet.

6. Maximum building and/or structure height:  
30 feet and not exceeding 2 1/2 stories.
7. DELETED.
8. Minimum unoccupied open space: Forty percent (40%).
9. Minimum floor area of any building: 2,000 square feet.
10. DELETED.
11. Minimum floor area of any use contained in a multi-use building: 1,000 square feet.
12. Maximum floor area of any use contained in a multi-use building: 3,000 square feet.
13. Maximum Floor Area Ratio (FAH): .30

G. Additional Regulations and Standards

1. No building, structure, improvement and/or development, which increases the footprint of any existing structure or building or which enlarges the ground area of development currently existing on the subject property or which is new development, shall be permitted in the Coastal Flood Zone, as defined in Chapter XIX of the Revised General Ordinances of the Borough of Little Silver. For purposes of this paragraph, the following shall not be considered buildings, structures, improvements and/or development regulated hereby: fences.

SECTION -10.10 TH-1 TOWNHOUSE ZONE

A. Permitted Uses

1. Townhouse residential units.
2. Municipal parks, playgrounds, and other municipal buildings.
3. Open space for active and passive recreation.

B. Permitted Accessory Uses

1. Community swimming pools designed for the exclusive use of the residents of the development, subject to the provisions of Section 8.21.

2. Clubhouses and other recreational facilities, provided such facilities are for the exclusive use of the residents of the development. The nature of said uses shall be limited to facilities which are accessory and appurtenant to the principal townhouse use.
  3. Signs subject to the provision of Section 8.26.
  4. Fences, walls, and hedges subject to Section 8.14.
  5. Off-street parking subject to the provisions of Section 8.20.
  6. Decks and patios.
  7. Trailers of contractors actively engaged in work provided that said trailers are located on the tract, completion of said construction.
- C. Prohibited Uses: Other uses not expressly permitted in this section are prohibited.
- D. Area, Yard and Building Requirements
1. Minimum tract size - 25 acres.
  2. Maximum density - 5.5 (5 1/2) units per buildable acre. Net buildable acre shall mean that portion of the tract not classified as "wetlands".
  3. Minimum tract frontage - 250 feet.
  4. Maximum principal building coverage-The maximum coverage by principal buildings shall not exceed 15 percent, exclusive of permitted accessory structures.
  5. Building and/or structure height - the maximum height shall not exceed 30 feet and 2 1/2 stories.
  6. Number of units in a building - There shall be a minimum of 4 units and a maximum of 8 units per building.
  7. Number of Bedrooms: There shall be a maximum number of seven (7) bedrooms in each unit.

8. Parking - There shall be a minimum of 3 spaces/units exclusive of driveways and garages. The minimum stall size shall be 8 1/2' x 8'.

E. Setback Requirements

1. Minimum setback from a municipal boundary - 90 feet to any principal or accessory structure.
2. Minimum setback from a collector road for principal structures - 50 feet.
3. Minimum setback from any tract boundary line or other right-of-way lines - 50 feet.
4. Minimum setback from the curb of an interior street - 20 feet.
5. Minimum distance between principal structures shall be 40 feet.
6. Minimum rear yard - 50 feet.
7. Minimum front yard - 20 feet.

F. Standards for Patios and Decks

1. Location - Patios and decks shall be restricted to the rear yard areas of townhouse units; they may not encroach upon the municipal setback of 90 feet.
2. Maximum size - No patio or deck shall exceed 225 square feet, nor extend more than 15 feet from the rear wall of a townhouse unit.
3. Impervious coverage - When decks are located above grade, no impervious coverage shall be placed below the deck. Boards shall be spaced so as to permit the free flow of water.
4. Decks or patios less than 3 feet above grade may encroach upon the 50 foot rear yard requirement.

G. Building Design Standards

Townhouse development in the TH-1 Zone shall provide sufficient horizontal and vertical offsets to create visually attractive buildings and building clusters which relate to the tract's topography and natural features. A uniform design theme shall be incorporated which uses a consistent system of surface material, trim design and colors which serve to unify the site's development and blend with the environment.

H. Applicability of Other Ordinances

Unless contrary to this ordinance, all other rules, regulations, procedures, and standards of the Borough of Little Silver are applicable to development within the TH-1 zone district.

I. Additional Regulations and Standards

1. No building, structure, improvement and/or development, which increases the footprint of any existing structure or building or which enlarges the ground area of development currently existing on the subject property or which is new development, shall be permitted in the Coastal Flood Zone, as defined in Chapter XIX of the Revised General Ordinances of the Borough of Little Silver. For purposes of this paragraph, the following shall not be considered buildings, structures, improvements and/or development regulated hereby: fences.

SECTION 10.11 P-1 GENERAL PROFESSIONAL DEVELOPMENT ZONE

A. Permitted Uses

1. Offices for members of a recognized profession as defined in this chapter.
2. Offices of a business or public utility not involving the retail sale of goods.
3. Single family detached dwellings.
4. DELETED
5. Federal, State, County and Municipal Offices.
6. DELETED
7. Essential services.

B. Required Accessory Uses

1. Off-street parking subject to the provisions of Section 8.20.
2. Off-street loading subject to the provisions of Section 8.19.

C. Permitted Accessory Uses

1. Fences and Walls subject to the provisions of Section 8.14.
2. Signs subject to the provisions of Section 8.26.

3. Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

D. Conditional Uses: Subject to the Provisions of Article IX of this Chapter.

1. Public utilities (Section 9.3).

E. Prohibited Uses: Other uses not expressly permitted in this section are prohibited.

F. Area, Yard and Building Requirements

1. Minimum lot area: 40,000 Square Feet

2. Minimum lot frontage: 225 Feet

3. Minimum front setback: 25 Feet. No parking shall be permitted in front yards.

4. Minimum rear yard setback:

a) Parking Building- 30 Feet

b) Accessory Building- 8 Feet

5. Minimum side yard setback:

a) Principal Building- 12 Feet

b) Accessory- 8 Feet

6. Maximum building and/or structure height:  
30 Feet and not exceeding 2 1/2 stories

7. DELETED

8. Minimum unoccupied open space: Forty percent (40%)

9. Maximum Floor Area Ratio: .30.

G. Additional Regulations and Standards

1. No building, structure, improvement and/or development, which increases the footprint of any existing structure or building or which enlarges the ground area of development currently existing on the subject property or which is new development, shall be permitted in the Coastal Flood Zone, as defined in Chapter XIX of the Revised General Ordinances of the Borough of Little Silver. For purposes of this paragraph, the following shall not be considered buildings, structures, improvements and/or development regulated hereby: fences.

SECTION-10.12 P-2 GENERAL PROFESSIONAL DEVELOPMENT ZONE

A. Permitted Uses

1. Offices for members of a recognized profession as defined in this Chapter.
2. Offices of a business or public utility not involving the retail sale of goods.
3. Single family detached dwellings.
4. DELETED
5. Federal, State, County and Municipal Offices.
6. DELETED
7. Essential services.

B. Required Accessory Uses

1. Off-street parking subject to the provisions of Section 8.20.
2. Off-street loading subject to the provisions of Section 8.19.

C. Permitted Accessory Uses

1. Fences and Walls subject to the provisions of Section 8.14.
2. Signs subject to the provisions of Section 8.26.
3. Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

D. Conditional Uses: Subject to the Provisions of Article IX of this Chapter

1. Public utilities (Section 9.3).

E. Prohibited Uses: Other uses not expressly permitted in this section are prohibited.

F. Area, Yard and Building Requirements

1. Minimum lot area: 10,000 Square Feet.
2. Minimum lot frontage: 100 Feet.
3. Minimum front setback: 20 Feet. No parking shall be permitted in front yards.
4. Minimum rear yard setback:
  - a) Principal Building - 30 Feet.
  - b) Accessory Building - 8 Feet.
5. Minimum side yard setback: Principal and accessory buildings - 8 Feet.
6. Maximum building and/or structure height:  
30 Feet and not exceeding 2 1/2 stories.
7. DELETED
8. Minimum unoccupied open space: Forty percent (40%).
9. Maximum Floor Area Ratio: .30.

G. Additional Regulations and Standards

1. No building, structure, improvement and/or development, which increases the footprint of any existing structure or building or which enlarges the ground area of development currently existing on the subject property or which is new development, shall be permitted in the Coastal Flood Zone, as defined in Chapter XIX of the Revised General Ordinances of the Borough of Little Silver. For purposes of this paragraph, the following shall not be considered buildings, structures, improvements and/or development regulated hereby: fences.

SECTION-10.13 I-1 INDUSTRIAL ZONE

A. Permitted Uses

1. Light manufacturing as defined in this Chapter.
2. The warehousing and storage of goods and products.
3. Wholesaling or distributing establishments, except for used automobiles.
4. Scientific or research laboratories.
5. Executive or administrative offices of an industrial or business concern which are not normally involved in conducting business with the general public.
6. Federal, State, County and Municipal buildings and grounds.
7. Essential services.

B. Required Accessory Uses

1. Off-street parking subject to the provisions of Section 8.20.
2. Off-street loading subject to the provisions of Section 8.19.

C. Permitted Accessory Uses

1. Fences and Walls subject to the provisions of Section 8.14.
2. Signs subject to the provisions of Section 8.26.
3. Bulk storage subject to the provisions of Section 8.6.
4. Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

D. Conditional Uses: Subject to the Provisions of Article IX of this Chapter

1. Public utilities (Section 9.3).
2. Motor vehicle repair garages (Section 9.5).

E. Prohibited Uses: Other uses not expressly permitted in this section are prohibited.

F. Area, Yard and Building Requirements

1. Minimum lot area: 20,000 Square Feet.
2. Minimum lot frontage: 100 Feet.
3. Minimum front setback: 25 Feet.
4. Minimum rear yard setback: None.
5. Minimum side yard setback: None.
6. Maximum building and/or structure height:  
25 Feet and not exceeding 2 1/2 stories.
7. Maximum lot coverage: Forty percent (40%).
8. Minimum unoccupied open space: Ten percent (10%).

G. Additional Regulations and Standards

1. No building, structure, improvement and/or development, which increases the footprint of any existing structure or building or which enlarges the ground area of development currently existing on the subject property or which is new development, shall be permitted in the Coastal Flood Zone, as defined in Chapter XIX of the Revised General Ordinances of the Borough of Little Silver. For purposes of this paragraph, the following shall not be considered buildings, structures, improvements and/or development regulated hereby: fences.

SECTION-10.14 ANIMALS

"The keeping of horses, sheep, goats, cattle or other animals, except small domesticated animals, is prohibited, except within a plot containing over two acres and except within an enclosure distant at least 50' from each lot line. The keeping of chickens or other fowl is prohibited, except on a plot of one half acre or more and except within an enclosure distant at least 50' from each lot line."

SECTION-10.15 PLANNED RESIDENTIAL DEVELOPMENT ZONE

A. Permitted Uses. Residential uses as follows:

1. Single-family detached
2. Patio homes/zero lot line development
3. Townhouses

4. Garden apartment units
5. Quadruplex units
6. Semi-detached dwellings

B. Required Accessory Uses. Off street parking subject to the following standards:

1. 2-Bedroom units - 2
2. 3-Bedroom units - 3
3. 4-Bedroom units - 3.5 spaces

Note: One (1) car driveways count as .5 spaces  
Two (2) car driveways count as 1 space  
One (1) car garage counts as 1 space  
Two (2) car garage counts as 2 spaces

4. In addition to the above requirements, visitors parking shall be provided at the rate of 1 space for each 4 units in common areas.

C. Permitted Accessory Uses

1. Active and passive recreation amenities designed primarily for use by residents of the planned residential development. These facilities include uses such as private clubhouses, tennis courts, pools, decks and patio area. Maximum height of accessory recreation structure shall be two stories and 35 feet exclusive of architectural details including but not limited to spires, cupolas, belfries and chimneys.
2. Signs subject to Section 8.26.

D. Prohibited Uses: Other uses not expressly permitted in this section are prohibited.

E. Area, Yard and Building Requirements

1. Single-family detached: Subject to R-1 Zone District (Section 10.4) regulations except as follows:
  - (a) Maximum Building and/or Structure Height:  
35 feet and not exceeding 2 1/2 stories.
  - (b) Maximum Lot Coverage: 30 percent.
  - (c) Maximum Number of Bedrooms per Unit: Four (4) bedrooms

2. Patio Homes/Zero Lot Line. If patio home/zero lot line is not to be fee simple, the area and dimensional requirements remain the same. An "imaginary" subdivision overlay shall be used to establish ordinance compliance.
- (a) Minimum Lot Area: 4,000 square feet
  - (b) Minimum Lot Frontage: 40 feet
  - (c) Minimum Front Yard Setback: 20 feet
  - (d) Minimum Rear Yard Setback: 20 feet  
(10 feet if the rear yard abuts common open space).
  - (e) Minimum Side yard Setback: Windowless wall, 0 feet; other, 12 feet (roof eaves may overhang an adjacent lot by not more than 18 inches)
  - (f) Maximum Building Height: 2 1/2 stories; 35 feet
  - (g) Maximum Lot Coverage: 50 percent
  - (h) Maximum Number of Bedrooms per Unit: Three (3) bedrooms

3. Townhouses/Garden Apartments/Quadruplex/Semi-detached Dwellings:

- (a) Minimum distances between or for buildings shall be as follows:
  - (1) Front to front, 75 feet (exclusive of garage)
  - (2) Rear to rear, 50 feet
  - (3) Side to side, 23 feet
  - (4) Building to curb line of private street, 20 feet
  - (5) Building to municipal street, 50 feet
  - (6) Building to parking area, 12 feet
  - (7) Maximum number of bedrooms: Three (3)
- (b) Maximum building length for garden apartments and townhouse units; 200 feet

The Planning Board may reduce the distances referred to in Section D.3 by not more than one-third (1/3) if there is an angle of 20 degrees or more between the buildings and if extensive landscaping or buffers are placed between buildings. Said deviation shall be considered a design standard waiver, which waiver shall be granted where the deviation encourages creative and innovative design.

(c) Maximum number of units in a structure:

- (1) Townhouse (6)
- (2) Garden Apartment (10)
- (3) Quadruplex (4)
- (4) Semi-detached (2)

F. Tract Standards and Regulations

1. Minimum Tract Area: 40 acres (tract shall not be deemed to be divided by minor or private streets).
2. Minimum Tract Buffer: 50 feet from all adjacent property and street lines (exclusive of internal streets). Buffer area may be reduced to not less than 30 feet where the Planning Board deems sufficient buffering and/or screening is provided to protect adjoining development.
3. Minimum Open space: 25 per cent of tract area.
4. Maximum Tract Density: 4.5 units per gross acre.
5. Maximum Number of Units: The maximum number of units permitted in the PRD Zone will be 205 units.
6. Public streets shall meet standards set forth in the Municipal Subdivision Ordinance.
7. Private streets shall meet the following minimum width standards:
  - (a) Collector street - 26 feet
  - (b) Secondary street - 20 feet
  - (c) All parking shall be prohibited on collector and secondary streets.

G. Additional Regulations and Standards

1. No building, structure, improvement and/or development, which increases the footprint of any existing structure or building or which enlarges the ground area of development currently existing on the subject property or which is new development, shall be permitted in the Coastal Flood Zone, as defined in Chapter XIX of the Revised General Ordinances of the Borough of Little Silver. For purposes of this paragraph, the following shall not be considered buildings, structures, improvements and/or development regulated hereby: fences.

SECTION-10.16 TH-2 TOWNHOUSE ZONE

A. Permitted Uses

1. Townhouse residential units.
2. Municipal parks, playgrounds, and other municipal buildings.
3. Open space for active and passive recreation.

B. Permitted Accessory Uses

1. Community swimming pools designed for the exclusive use of the residents of the development, subject to the provisions of Section 8.21.
2. Clubhouses and other recreational facilities provided such facilities are for the exclusive use of the residents of the development. The nature of said uses shall be limited to facilities which are accessory and appurtenant to the principal townhouse use.
3. Signs subject to the provision of Section 8.26.
4. Fences, walls, and hedges subject to Section 8.14.
5. Off-street parking subject to the provisions of Section 8.20.
6. Decks and patios.
7. Trailers of contractors actively engaged in work provided that said trailers are located on the tract, until completion of said construction.

C. Prohibited Uses: Other uses not expressly permitted in this section are prohibited

D. Area, Yard and Building Requirements:

1. Minimum tract size - 5 acres.
2. Maximum density - 4.5 (4 1/2) units per acre.
3. Minimum tract frontage - 100 feet.
4. Maximum principal building coverage - The maximum coverage by principal buildings shall not exceed 25 percent, exclusive of permitted accessory structures.
5. Maximum impervious coverage - 60%.
6. Building and/or structure height- The maximum height shall not exceed 30 feet and 2.5 stories.
7. Number of units in a building- There shall be a minimum of 4 units and a maximum of 8 units per building.
8. Parking - There shall be a minimum of 2.5 spaces/units inclusive of driveways and garages. Driveway spaces shall be counted as .5 (1/2) stalls.
9. Maximum number of units per access point - 24 units.
10. Center line length of cul-de-sac shall be minimum of 100 feet or no longer than 1,000 feet and should provide access to no more than twenty-four dwelling units.
11. Maximum number of bedrooms per unit: 3 bedrooms

E. Setback Requirements

1. Minimum setback from a collector road for principal structures - 50 feet.
2. Minimum setback from any tract boundary line or other right-of-way lines- 25 feet from commercial property/boundary, 50 feet from residential property boundary except where the boundary abuts the front yard where the setback will be 20 feet.
3. Minimum setback from the curb of an interior street- 20 feet.
4. Minimum distance between principal structures shall be; building front to building front - 60 feet, building side to building side - 25 feet.

5. Minimum rear yard - 50 feet.
6. Minimum front yard - 20 feet.

F. Standard for Patios and Decks:

1. Location - Patios and decks shall not encroach upon the municipal setbacks.
2. Maximum size - No patio or deck shall exceed 225 square feet, nor extend more than 15 feet from the rear wall of a townhouse unit.
3. Impervious coverage - When decks are located above grade, no impervious coverage shall be placed below the deck. Boards shall be spaced so as to permit the free flow of water.

G. Building Design Standards

Townhouse development in the TH-2 Zone shall provide sufficient horizontal and vertical offsets to create visually attractive buildings and building clusters which relate to the tract's topography and natural features. A uniform design theme shall be incorporated which uses a consistent system of surface material, trim design and colors which serve to unify the site's development and blend with the environment.

H. Applicability of Other Ordinances

Unless contrary to this ordinance, all other rules, regulations procedures, and standards of the Borough of Little Silver are applicable to development within the TH-2 Zone district.

I. Contribution to Little Silver Lower Income Housing Trust Fund

It shall be a condition of approval of development of this property in this zone that the developer contributes \$125,000.00 to the Little Silver Lower Income Housing Trust Fund. Said contribution shall be reduced by \$5,208.33 per unit in the event approval is obtained for less than 24 units as permitted by Ordinance. Said contribution shall be paid on a pro rata basis as each unit is issued a Certificate of Occupancy.

J. Additional Regulations and Standards

1. No building, structure, improvement and/or development, which increases the footprint of any existing structure or building or which enlarges the ground area of development currently existing on the subject property or which is new

development, shall be permitted in the Coastal Flood Zone, as defined in Chapter XIX of the Revised General Ordinances of the Borough of Little Silver. For purposes of this paragraph, the following shall not be considered buildings, structures, improvements and/or development regulated hereby: fences.

SECTION -10.17 R-3A SINGLE FAMILY COURT HOME ZONE

A. Permitted Uses:

1. Single Family Detached Homes in accordance with the standards of the R-3 Zone.
2. Single Family Court Homes in accordance with the standards below.

B. Required Accessory Uses:

1. Off-street minimum parking for at least 2 cars, one in an attached private garage plus at least one car in a private driveway measuring at least 12 ft. wide by 24ft long per unit.

C. Permitted Accessory Uses:

1. Fences and walls subject to the provisions of Section 8.20.
2. Signs subject to the provisions of Section 8.26.

D. Prohibited Uses: Other uses not expressly permitted in this section are prohibited

E. Single Family Court Home Area, Yard and Building Requirements:

1. Maximum Gross Density - 3.5 dwelling units per acre.
2. Minimum Tract Size - 7 Ac.
3. Maximum Building Height - 2-1/2 stories and 30 ft.
4. Minimum Front Yard of Individual Court Home Lots:
  - a. From Motor Court - 24 ft.
  - b. From Residential Access Street - 25 ft.

5. Minimum Rear Yard of Court Home Lots - 25 ft.  
(In the case of a unit with two potential rear yards, one official rear yard shall be designated by the applicant and the other shall be considered a side yard).
6. Minimum Distance Between Buildings:
  - a. Side to side along residential access street 25 ft
  - b. Side to side within each court-cul-de-sac or along a contiguous roadway - 20 ft. minimum
  - c. Rear to rear - 50 ft.
  - d. Front to front - 70 ft.
  - e. Front to rear - 15 ft.
  - f. Front to side - 15 ft.
7. Court Home Lot Size:

The Single Family Court Home Development shall be designed so as to provide for an average lot size of 5,250 sq. ft. In no event shall any lot contain less than 2,800 sq. ft.
8. Maximum Building Coverage:
  - a. Gross Tract Building Coverage - 15%
  - b. Court Home Lot Building Coverage - 40%
9. Minimum Gross Habitable Floor Area:
  - a. Ground Floor Area - 750 sq. ft.
  - b. Total Floor Area - 1,700 sq. ft.
10. Minimum Common Open Space - 45% of gross tract area.

11. Minimum Distance of Dwelling to Tract Boundary:
  - a. 25 ft. to railroad lines
  - b. 40 ft. to all other tract lines
12. Buffer - 25 ft. planted buffer including a fence or wall acceptable to the Planning Board adjacent to existing single family homes, non-residential uses and railroads.
13. Ownership of Open Space:

The ownership of open space may be any of the following or any combination thereof:

- a. The Borough of Little Silver subject to the acceptance by the Governing Body.
  - b. Homeowner Association upon approval of the bylaws by the Planning Board.
  - c. Individual lot owner(s) provided that all common open space lands are encumbered by conservation easements approved by the Planning Board.
14. Maximum number of bedrooms per unit: Four (4) bedrooms

F. Additional Regulations and Standards.

1. No building, structure, improvement and/or development, which increases the footprint of any existing structure or building or which enlarges the ground area of development currently existing on the subject property or which is new development, shall be permitted in the Coastal Flood Zone, as defined in Chapter XIX of the Revised General Ordinances of the Borough of Little Silver. For purposes of this paragraph, the following shall not be considered buildings, structures, improvements and/or development regulated hereby: fences.

SECTION -10.18 MUNICIPAL PURPOSES ZONE – 1 ("MP-1" Zoning District)

A. Permitted Uses:

1. Municipal offices, buildings, facilities or uses.

SECTION -10.19 MUNICIPAL PURPOSES ZONE -- 2 ("MP-2" Zoning District)

A. Permitted Uses:

1. Municipal offices, buildings, facilities or uses.

SECTION-10.20 AGE-RESTRICTED AFFORDABLE HOUSING ZONE

A. Minimum Tract Size

Age-restricted affordable housing developments are permitted on tracts of land at least 14.0 acres in size within the "ARAH" Age-Restricted Affordable Housing zoning district.

B. Age Restrictions

1. Except as permitted under the requirements of "Housing For Older Persons", as set forth in 42.U.S.C.3601 et seq. of the Federal Housing Act, as amended, and regulations promulgated thereunder, all dwelling units within an age-restricted affordable housing development shall be deed restricted by the master deed for occupancy by households with at least one (1) person fifty-five (55) years of age or older and with no person less than nineteen (19) years of age, provided that visitors less than nineteen (19) years of age are permitted for no more than eight (8) weeks during any twelve (12) month time period.
2. The wording of the required master deed restriction shall be submitted by the applicant to the Planning Board for review as part of the application for final site plan approval, and the wording shall be reviewed, modified as necessary, and finally approved by the Borough Council and incorporated within a developer's agreement between the developer and the Borough Council as a condition of any final approval granted by the Planning Board for an age-restricted affordable housing development.
3. The wording of the required master deed restriction as finally approved by the Borough Council shall be recited in the Master Deed and the Homeowners' Association by-laws, which also shall be reviewed and approved by the Borough Council and Planning Board as a condition of any final approval granted by the Planning Board for an age-restricted affordable housing development.

C. Maximum Density, Number & Location of Dwelling Units Permitted

1. The density of the development shall not exceed 2.8 dwelling units per gross acre of the entire tract, provided that, in any case, no more than 39 dwelling units shall be permitted.
2. Except for the parking area and pathway network required via Subsection 10.20 F. of this ordinance herein below, all development of the dwelling units and related uses and improvements shall be constructed only on Block 58/Lots 56, 57, 58, 59 & 60.

D. Permitted Principal & Accessory Uses

1. Townhouses, which shall include 32 market-rate units.
2. Garden Apartments, which shall include 7 units set aside for occupancy by qualified "low" and "moderate" income households in accordance with all applicable requirements and restrictions specified in the "Uniform Housing Affordability Controls" document (N.J.A.C. 5:80-26.1, et seq.) as adopted by the New Jersey Council On Affordable Housing (COAH).
3. Conservations areas, public parks, and common open spaces in accordance with Subsection 10.20 F. herein below.
4. Off-street parking in accordance with the provisions of Subsection 10.20 G. herein below.
5. Signs in accordance with the provisions of Subsection 10.20 H. herein below.
6. Balconies and patios.
7. Courtyards, which shall be patios enclosed on all sides by building walls and/or fences, walls or hedges not exceeding five feet (5') in height, except for decorative elements specifically approved by the Planning Board which shall not exceed seven feet (7') in height and two feet (2') in width.
8. A sales/construction trailer as may be specifically approved by the Planning Board, provided that such trailer shall be removed by the developer prior to the issuance by the Borough of the last Certificate of Occupancy.

9. Trailers of contractors actively engaged in construction of the development, in locations specifically approved by the Planning Board, and provided that such trailers are removed when the related construction activity is completed.

E. Building Site Design Requirements

1. All buildings shall be setback at least thirty-five feet (35') from Oceanport Avenue, at least thirty feet (30') from Eastview Avenue, and at least twenty-five feet (25') from all other perimeter boundaries of the portion of the overall tract being developed, and no parking shall be permitted in these setback areas.
2. Buildings shall be separated by at least twenty feet (20'), except that buildings shall be separated side to side by at least forty feet (40') and rear to rear by at least thirty-five feet (35').
3. Non garaged parking spaces shall be no closer than fifteen feet (15') to any building.
4. No building shall exceed a length of two hundred ten feet (210').
5. No building shall exceed forty feet (40') and three (3) stories in height from existing grades, nor thirty-five feet (35') and three (3) stories in height from proposed grades.
6. Each townhouse unit shall have an attached 2-car garage, which shall not be permitted to be converted to living space, and this restriction shall be included in the Homeowners' Association by-laws and the deeds to the townhouse units.
7. Buildings shall be designed with horizontal and vertical offsets to create a visually attractive development, and shall be oriented in clusters which relate to the tract's topography and natural features.

F. Conservation Areas, Parks And Common Open Spaces

1. Lots 20.1, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54 & 55 in Block 58, totaling approximately 9.7 acres or approximately sixty-eight percent (68%) of the total tract acreage, shall be offered for dedication to the Borough of Little Silver for conservation/park purposes.

- a. The land area required to be offered for dedication to the Borough shall include a paved parking area for twenty-five (25) vehicles on an unencumbered portion of the site along Eastview Avenue as approved by the Planning Board and NJDEP.
  - b. Additionally, the land area to be offered for dedication to the Borough shall include a pathway network as approved by the Planning Board and NJDEP, which pathway network shall connect to the adjacent "Challenger Field" recreation area owned by the Borough.
2. All common open space not offered to and/or not accepted by the Borough of Little Silver shall be owned and maintained by a Homeowners' Association as provided in N.J.S.A. 40:55D-43.
- a. All residents in the development shall be required to be members of the association.
  - b. The association shall be responsible for maintaining and repairing all common elements within the residentially developed portion of the tract, which elements shall be listed in any resolution of site plan approval and which shall be set forth in the Homeowners' Association document and the public offering statement, and shall be incorporated by reference in the contract of sale and deed for each dwelling unit.
  - c. Except as permitted by law, the association shall not be dissolved, nor shall it dispose of any common open space by sale or otherwise.

G. Off-Street Parking

Off-street parking requirements shall be governed by the New Jersey Residential Site Improvement Standards (RSIS), as follows:

- |    |                              |                      |
|----|------------------------------|----------------------|
| 1. | 1-Bedroom Townhouses:        | 1.8 spaces per unit. |
| 2. | 2-Bedroom Townhouses:        | 2.3 spaces per unit. |
| 3. | 3-Bedroom Townhouses:        | 2.4 spaces per unit. |
| 4. | 2-Bedroom Garden Apartments: | 2.0 spaces per unit. |

H. Signs

1. One (1) free-standing permanent monument sign shall be permitted at the entrance to the development along Eastview Avenue; the sign shall not exceed eighteen (18') square feet in area, shall not exceed five feet (5') in height, and shall be setback at least five feet (5') from the street right-of-way.
2. Temporary signs shall be permitted as may be specifically approved by the Planning Board.

I. Courtyards, Balconies, Patios & Decks

1. Courtyards, balconies and patios may extend up to ten feet (10') into any required setback area.
2. Paved patios shall not exceed two hundred seventy-five (275') square feet in area, although additional area may be included in the courtyard enclosure.
3. Decks are not permitted.

J. Streetscape & Landscaping

1. All undeveloped portions of the tract shall be left in their natural state or shall be landscaped as specifically approved by the Planning Board.
2. All landscaped areas, other than any surface water management facility, shall be served by an automatic sprinkler system, and the operation (including water) and maintenance of the system shall be the sole responsibility, and at the sole expense, of the Homeowners' Association.
3. The developer shall install decorative sidewalks and lighting along the residentially developed portions of Eastview Avenue and Oceanport Avenue, consistent with the style of lighting and the paver block pattern used along Prospect Avenue in the "B-1" Business Zone.

K. Other Applicable Requirements

1. The entire tract of land shall be subject to a unified application for development under the ownership (legal or beneficial) of one (1) entity or individual for purposes of obtaining all required approvals from the Planning Board.
2. The outdoor parking or storage of recreational facilities or boats shall not be permitted anywhere within an Age-Restricted Affordable Housing development.

3. A Developer's Agreement shall be entered into between the Borough and the developer to address any off-tract improvements required for the proposed development.
4. All other provisions of the Land Use And Development Ordinance of the Borough of Little Silver not in conflict with the provisions specified herein for the "ARAH" Age-Restricted Affordable Housing zoning district shall apply to any age-restricted affordable housing development."