

ORDINANCE NO. O-26-14

**AN ORDINANCE AMENDING SUBSECTIONS §18-3 AND §18-5,
OF CHAPTER 18 – ZONING
IN THE BOROUGH OF WEST LONG BRANCH**

WHEREAS, a task force reviewed and discussed potential revisions and amendments to Ordinance O-25-3 and O-25-5 regarding maximum floor area ratio, maximum square footage of homes, calculation of building height, maximum rear yard coverage, cabana size, sports courts and garages; and

WHEREAS, as a result of inquiries and requests of residents and developers, the borough tasked its professionals and two members of the governing body to address several provisions in Ordinances O-25-3 and O-25-15, both adopted in 2025; and as a result of meetings and studies undertaken by that group have made recommendations to the Planning Board and the Governing Body for changes to be made to the borough's ordinances, primarily, but not solely, on the issues of maximum floor area ratio and maximum floor area; and

WHEREAS, the Borough Council accepts and agrees to the recommendations made and desires to codify such changes by ordinance amendment;

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.]

SECTION 1

Chapter 18 – Zoning

§18-3. DEFINITIONS.

FLOOR

Shall mean a story of a building

FLOOR AREA

In any and all buildings, the total gross area of all floors as measured from the exterior face of exterior building walls. In residential buildings, Floor Area shall exclude:

- (a) Half story as defined herein not utilized as living space.
- (b) The gross horizontal area, or portions thereof, of an unfinished storage area that is constructed immediately above the first floor of a garage.
- (c) Cellars as defined herein
- (d) Detached accessory structures or buildings

Basements and first floor of garages shall be included as floor area

BASEMENT

Shall mean for the purposes of this Chapter 18 with reference to occupancy or use and to regulate the height and bulk of buildings, the portion of a building in which the ceiling averages more than four (4') feet above the finished grade where such grade meets the outside walls of the building, and has a clear height of six and one-half (6 1/2') feet or more. Such space shall be considered a story. (See "Cellar")

*** Editor's note: The following definitions are not amended but are included in this Ordinance only for reference purposes:*

CELLAR

Shall mean any space in which the ceiling or underside of beams averages less than four (4') feet above the surrounding grade.

FLOOR AREA RATIO (FAR)

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

STORY

Shall mean any covered areas with a clear headroom of six and one-half (6 1/2') feet or more, whether finished or not. A basement shall be considered a story and a cellar shall not.

STORY, HALF

Shall mean that portion of a building under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2') feet above the floor of such half-story. No half story of any residential building, as defined in herein, shall be used as living space.

SECTION 2

§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; as well as the exemptions from same to be applied to certain properties where a major or minor site plan was approved but not developed prior to the enactment of Ordinance O-25-3..*

SECTION 3

Any existing ordinance or part thereof which conflicts with any provisions in this ordinance are repealed to the extent of any inconsistency. Any existing ordinance which is not modified by this ordinance remains in effect.

SECTION 4

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

Introduced:

Passed:

Adopted:

MAYOR

BOROUGH CLERK

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; 1/15/25 by Ord. No. O-25-3]

ZONE CATEGORY	PERMITTED USES	MAXIMUM DENSITY DU per ACRE (1)	MINIMUM LOT SIZE		MINIMUM YARD SETBACK REQUIREMENTS PRINCIPAL BUILDING				PERCENT OF MAXIMUM BUILDING COVERAGE (2)	PERCENT OF MAXIMUM LOT COVERAGE (7)	MAXIMUM FLOOR AREA RATIO (13) (17)	MAXIMUM FLOOR AREA (square feet) (14) (15) (17)	MAXIMUM HEIGHT		
			AREA (square feet)	WIDTH AT BUILDING LINE (feet)	FRONT	REAR	ONE SIDE	BOTH SIDES					PRINCIPAL BUILDING		ACCESSORY BUILDING
					(feet)	(feet)	(feet)	(feet)					Stories	(feet)	(feet) (16)
RESIDENTIAL R-22	One-Family Dwellings		22,500	150	35	35	20	50	23%	30%	0.18-0.22	4,658 5,693	2 1/2	35	15
RESIDENTIAL R-15	One-Family Dwellings		15,000	100	35	25	10	30	25%	38%	0.20-0.25	3,450 4,313	2 1/2	30	15
RESIDENTIAL R-10	One-Family Dwellings	8	10,000	100	35	25	10	30	30%	40%	0.28 0.30	3,220 3,450	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	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
NEIGHBORHOOD / COMMERCIAL N / C	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
HIGHWAY / COMMERCIAL HC	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
OFFICE / PROFESSIONAL OP	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
SENIOR HOUSING OVERLAY SH - 1 (10)	Age Restricted Dwellings (3)	10	5 acres	300	75	100	50	100	25%	50%	N/A	N/A	3	35	15
MULTI-FAMILY-2 OVERLAY HC / MF-2 (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-3 OVERLAY HC / MF-3 (8) (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.
- (17) Any Major or Minor subdivisions approved prior to the effective date of Ordinance No O-25-3 (January 15, 2025) and not yet developed shall be exempt from Maximum Floor Area Ratio and Maximum Floor Area requirements.