

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING  
AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 348  
(LAND USE AND DEVELOPMENT REGULATIONS) OF THE  
TOWNSHIP CODE

**BE IT ORDAINED** by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey as follows:

1. Section 348-8.20 (Offstreet Parking ), to add new Subsection S (Banked parking) to read as follows:

**§ 348-8.20 Offstreet parking.**

**S. Banked Parking**

Where the total number of off-street parking spaces required by this Section may not be immediately required for a particular use, a banked parking/staged development plan may be permitted which requires that only a portion of the parking area, but not less than sixty-five percent (65%) of the required spaces be completed initially, subject to the following regulations:

- (1) The site plan shall clearly indicate both that portion of the parking area to be initially paved and the total parking needed to provide the number of spaces required.
- (2) The site plan shall provide for adequate drainage of both the partial and total parking areas in accordance with the drainage, lighting and landscaping sections of this Ordinance.
- (3) The portion of the parking area not to be paved initially shall be landscaped in accordance with this Ordinance.
- (4) *Separate from the performance bond, a temporary land banked parking bond will be provided for the full value of the outstanding parking for a two-year period. Prior to the expiration of the two-year period, the applicant may either install the additional parking shown on the site plan and apply for release of the temporary land banked parking bond, or, apply for an administrative hearing to the Board of jurisdiction for release of the temporary land banked parking bond based on the current functionality of the site.*
- (5) *Any change of use on a site for which the Board of jurisdiction has approved land-banked parking, which requires more parking spaces than are provided on the site plan, shall require submission of a new site plan.*

2. Section 348-10.15.5 (Barrier Island Residential Zone 5) to amend Subsection E (Area, yard and building requirements) to amend Paragraph (9), "Maximum building height", to read as follows:

**§ 348-10.15.5 R-B-5 Barrier Island Residential Zone 5.**

**E. Area, yard and building requirements.**

- (9) Maximum building height: 25 feet subject to the provisions of § 348-5.12. In any event, the building shall not contain more than one usable floor level counted vertically at any point in the building above

Oliver Carlisle

the grade level as determined by the average grade elevation of the corners of the building. Habitable attic space, roof decks with enclosed storage space and other architectural treatments above the counted usable floor(s) may be approved by the Zoning Officer, subject to prior approval by the homeowners association.

3. Section 348-10.27 (RHB Rural Highway Business Zone) ) to amend Subsection E (Area, yard and building requirements) to amend Paragraph 8 (Maximum building height) to read as follows:

**§ 348-10.27 Rural Highway Business Zone.**

E. Required accessory uses.

(8) The maximum building height shall be determined as follows:

- a. Maximum building height for scientific or research laboratories or medical service facilities on tracts of 5 acres or greater: 45 feet plus an additional foot of height for every 10 feet of additional front setback from any street over the 100 foot minimum front yard setback to a maximum of 70 feet in height, subject to the provisions of § 348-5.12.
  - b. Maximum building height for all other uses: 45 feet, subject to the provisions of § 348-5.12.
4. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 348 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.
  5. If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.
  6. This Ordinance shall take effect following its final passage by the Township Council, approval by the Mayor and twenty days after publication as required by law.

# TOMS RIVER TOWNSHIP NOTICE

## ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 348 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE TOWNSHIP CODE

**PURPOSE: TO AMEND AND SUPPLEMENT VARIOUS  
SECTIONS OF CHAPTER 348 (LAND USE AND  
DEVELOPMENT REGULATIONS) OF THE  
TOWNSHIP CODE**

**NOTICE IS HEREBY GIVEN** that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on September 8, 2020 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on October 13, 2020 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's Office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE  
TOWNSHIP CLERK

APPROVED AS TO FORM:



KENNETH B. FITZSIMMONS  
TOWNSHIP ATTORNEY  
MUNICIPAL BUILDING  
33 WASHINGTON STREET  
TOMS RIVER, NJ 08753