

**ORDINANCE NO. 08-30**

**AN ORDINANCE OF THE TOWNSHIP OF LACEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 335 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LACEY ENTITLED "ZONING" SO AS TO AMEND SECTIONS 3B ENTITLED "WORD USAGE & DEFINITIONS", SECTION 335-15 ENTITLED "HEIGHT AND LOCATION OF ACCESSORY BUILDINGS IN RESIDENCE ZONE", SECTION 335-81 ENTITLED "ENFORCEMENT", SECTION 335-93, TABLE 4 ENTITLED "OTHER PERTINENT RESTRICTIONS" AND CREATING A NEW SECTION 335-15.1 ENTITLED "STORAGE STRUCTURES".**

**BE IT ORDAINED**, by the Mayor and Township Committee of the Township of Lacey, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** Chapter 335 of the Township Code of the Township of Lacey, entitled "Zoning," is hereby amended and supplemented so as to amend §335-3B, entitled "Word Usage & Definitions," so as to add the following:

**§ 335-3B Word Usage & Definitions**

A. STORAGE STRUCTURE - Any container with or without wheels, storage unit, shed-like container or other portable structure that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.

**SECTION 2.** Chapter 335 of the Township Code of the Township of Lacey, entitled "Zoning," is hereby amended and supplemented so as to amend §335-15, entitled "Height and Location of Accessory Buildings in Residence Zones," so as to amend §335-15(E) and §335-15(F) which shall read as follows:

**§335-15 Height and Location of Accessory Buildings in  
Residence Zones**

E. No permanent accessory structure shall be permitted in the front yard of any lot as defined in §335-15.

F. In the case of a lot abutting two or more streets, permanent detached accessory building shall not be located nearer the street line than the required front yard setback on such street.

**SECTION 3.** Chapter 335 of the Township Code of the Township of Lacey, entitled “Zoning” is hereby amended and supplemented so as to provide a new Section 335-15.1, entitled “Storage Structures”, which shall read in its entirety as follows:

**§ 335-15.1 Storage Structures**

A storage structure may be utilized as a temporary structure within the Township of Lacey when in compliance with the standards in this section. Any use of such structures within the Township of Lacey not in compliance with the subsection shall be unlawful and subject to fines and penalties as permitted under this Code.

A. Use of storage structures shall only be permitted where a permit has been issued by the Township Zoning Officer.

1. Applications for the permitted use of a storage structure may be obtained from the Zoning Office, and a zoning application shall be submitted when requesting use of a storage structure along with a plot plan showing its location on the site and detailing the distance of said structure from property lines, other buildings and structures, fire hydrants, Fire Department connections and utilities.

2. All storage structures shall be placed in driveways unless otherwise approved by the Zoning Officer.

3. No storage structures will be located within the minimum setback of the zone unless otherwise approved by the Zoning Official.

B. Length of time structures may be on property: extensions.

A storage structure may be located as temporary structure on property within the Township of Lacey for a period not exceeding 30 days in duration from time of delivery to time of removal in circumstances where a construction permit for the property has not been issued. Where exceptional circumstances exist, the Zoning Office may alter the permit to extend the time where these structures may be permitted on property.

In such circumstances where a construction permit has been issued for the property, the storage structure may be located as a temporary structure on property, for a period not exceeding ninety (90) days, with the right to three thirty (30) day extensions if deemed necessary and appropriated by the Zoning Office. In on event may a storage structure be located on property for a period in excess of one hundred eighty (180) days in any twelve-month period. Extensions beyond the one hundred eighty days may be granted by the Township of Lacey Committee. The property owner seeking said extension must apply to the Township of Lacey Committee at the time that the last 30-day extension is applied for.

C. No more than two storage trailers may be located within a residential zone of the Township of Lacey at one time: such structures shall be individually limited to the duration time period established herein.

D. No storage structures located within the Township of Lacey shall contain toxic or hazardous materials.

**SECTION 4.** Chapter 335 of the Township Code of the Township of Lacey, entitled "Zoning," is hereby amended and supplemented so as to amend §335-81, entitled "Enforcement," which shall read as follows:

**§ 335-81 Enforcement**

The provisions of this chapter shall be administered and enforced by the Zoning Officer, or where such Zoning Officer shall not have been appointed, then these duties shall be performed by the Construction Official. Additionally, these duties shall be performed by the Code Enforcement Officer. All references made to the

Zoning Officer shall apply to the Construction Official of the Township as well. The Zoning Officer shall not issue any permit for any structure or use, which does not conform to the provisions of this chapter. It shall be the duty of the Zoning Officer, upon the filing with him of any plans for the construction, alteration or repair of any structure, to require the owner or agent of the owner of such structure or land to certify, in writing, the use or intended use of any structure or land so to be constructed, altered or repaired and he shall thereupon determine if such structure or use is permitted by the provisions of this chapter or any other ordinance. In case he shall determine that such structure or use, or both, is nonconforming, he shall notify such owner or agent, in writing, to that effect, stating in what respect such building or use is a nonconforming structure or use.

**SECTION 5** Chapter 335 of the Township Code of the Township of Lacey, entitled "Zoning," is hereby amended and supplemented so as to amend §335-93, entitled "Schedules of limitations," so as to amend §335-93, Table 4, "R-75B" to provide as follows:

**§ 335-93 Schedules of limitations**

Zone	Maximum Bldg. Lot Coverage (%)	Maximum Bldg. Height (feet)	Minimum Gross 1st Floor Living Area (Sq. Ft)
R-75B	35% Prince/+5 Access	35	864


**SECTION 6.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 7.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 8.** This ordinance shall take effect after second reading and publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Lacey held on the 9<sup>th</sup> day **October, 2008**, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 23<sup>rd</sup> day of **October, 2008**, at **7:00** p.m., at the Municipal Building located on Lacey Road in Forked River, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

  
VERONICA LAUREIGH, CMC, AAE  
Township Clerk, Township of Lacey