

ORDINANCE NO. 2026-10

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND
SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF
MANTOLOKING, SO AS TO AMEND CHAPTER 30 ENTITLED
“LAND USE REGULATIONS”**

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Borough Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled “Land Use Regulations” so as to amend § 30-2 entitled “Definitions” so as to amend subsection C. so as to repeal and replace the definitions for “Accessory Structure” “ Dwelling” “Existing Grade” “Habitable Floor” “Hardscaping” and “Lot Coverage” so that they shall read as follows:

ACCESSORY STRUCTURE — A building or structure subordinate to and customarily incidental to the principal building or structure on the same lot. Where an accessory building is attached to the principal building by a habitable area, the accessory building shall be considered a part of the principal building. Once attached by a habitable space to the principal building, the accessory structure/use is eliminated.

DWELLING — Any building or portion thereof designed or used exclusively for one (1) or more dwelling units.

- A. **DWELLING UNIT** — A building or part thereof having cooking, sleeping and sanitary facilities designed for or occupied by one (1) family and which is entirely separated from any other "dwelling unit" in the building by vertical walls or horizontal floors, unpierced except for access to the outside or a common cellar-
- B. **DWELLING, SINGLE-FAMILY** — A building designed for or containing one (1) dwelling unit.
- C. **DWELLING, TWO-FAMILY** — A building designed for or containing two (2) dwelling units which are entirely separated from each other by vertical walls or horizontal floors, unpierced except for access to the outside or a common cellar-

EXISTING GRADE — The surface elevation of the land prior to the start of any land disturbance associated with any planned development project which is used to determine allowable heights of pools, decks, fences, freestanding walls, retaining walls and accessory structures.

HABITABLE FLOOR — A floor of the dwelling that is code compliant at the time of construction. It could include living space, mechanical spaces or



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rooms, elevators, laundry rooms, hallways and the like. The total area for each habitable floor used for calculating the bulk requirement for the Second Habitable Floor to First Habitable Floor Ratio shall be measured from the face of the exterior walls for each respective floor. A covered porch is included as part of the habitable floor for calculating the Second Habitable Floor to First Habitable Floor Ratio. Open uncovered decks, exterior stairs, and exterior landings are not included in the habitable floor calculations. If parking is not integrated underneath the first habitable floor, an attached garage must be two (2) stories tall for it to be considered part of the first habitable floor. The second story of an attached garage may be utilized for habitation.

HARDSCAPING — Any non-living components of a yard or landscape, including paver walkways or patios with any associated decorative retaining walls and the like, asphalt, concrete, and all else placed on or in the surface of the land.

LOT COVERAGE —

- A. That portion of the lot covered by impervious surfaces, i.e., the ratio of the total area of all impervious surfaces to the lot area. Including
- (1) All area under a solid roof, whether or not the area is enclosed with walls (i.e., entrance porches, balconies, breezeways, carports, etc.);
 - (2) Detached structures;
 - (3) Impermeable or impervious areas;
 - (4) The total area under a permanent awning that has leg supports or extends more than three feet out from a building.
 - (5) When a roof eave or other type of roof extension is more than two and one-half (2 1/2) feet out from a building, the area extending more than two and one-half (2 1/2) feet out from the building.
 - (6) Decks which are more than eight (8) inches above existing grade.
 - (7) Retaining wall caps, greater than twelve (12) inches in width.
 - (8) Decorative walls, greater than twelve (12) inches in width.
 - (9) Freestanding Walls
- B. Lot coverage does not include: Decks which are less than eight (8) inches above existing grade; Swimming pools; Areas covered with gravel, crushed stone, lawns or other vegetation; Steps and stair platforms attached to principal structures over a permeable area up to two hundred (200) square feet in area in both front and rear yards and seventy-five (75) square feet in only one (1) side yard area; Bulkhead access stairs/ramps over a permeable area up to 25 square feet in area.



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SECTION 2. The Borough Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled “Land Use Regulations” so as to amend § 30-2 entitled “Definitions” so as to amend subsection C. so add and arrange alphabetically the following definitions:

BREEZEWAY - A structure usually at grade and open or semi-enclosed that acts as a passageway, similar to a hallway connecting two buildings or sections of a building at the first floor or ground level designed to provide air circulation and provide shelter while moving between structures. Variations of breezeways include:

- Open Breezeway; Completely open on the sides with just a roof overhead.
- Screened Breezeway; Enclosed with screens to maintain airflow.
- Semi-Enclosed Breezeway; Has walls and typically includes windows or other openings for ventilation but the space is not conditioned with a heating, and/or air conditioning system

BUILDING FOOTPRINT - A two-dimensional (2D) plan view of the outline of the exterior face of the exterior walls of a structure, including all bump-outs, bays, cantilevers, and overhangs that constitute the greatest extent of the limits of the structure.

BUILDING FOOTPRINT, CONNECTION OF WINGS - The connection of two discernable wings or sections of a building footprint for habitable conditioned space as depicted in the sketch in Figure 1 below.



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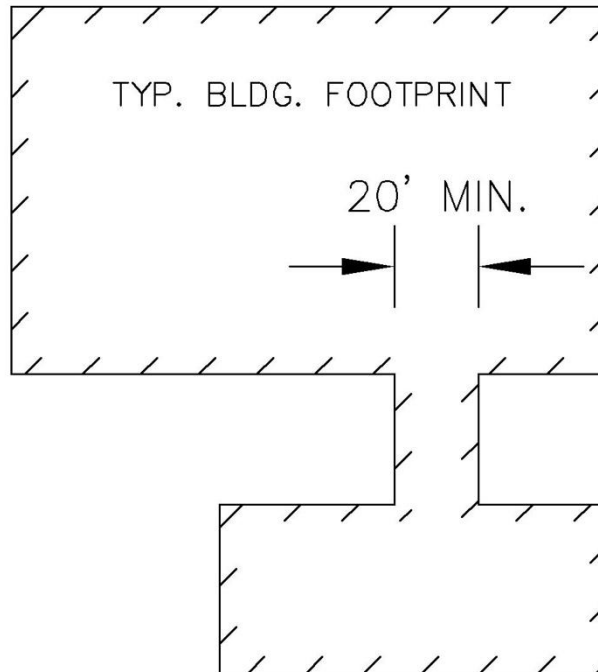


Figure 1 –Building Wing Connections

Not to Scale

FREESTANDING WALL – A combination of materials that stand on its own foundation and is not anchored to a building or other permanent structure and has similar or equal bottom of wall grade elevations on each side of the wall.

GARAGE, ATTACHED - A garage space that is an integral portion or section of a principal dwelling unit. A garage connected to a principal dwelling unit by a breezeway is not considered an attached garage. Any garage not considered or defined as an attached garage shall be considered an accessory structure.

HABITABLE AREA - A fully enclosed conditioned space with a roof, floor, and sides. An enclosed passageway, such as an unconditioned breezeway, shall not constitute a habitable area.

RETAINING WALL - A structure erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper level to the lower.

RETAINING WALL – DECORATIVE - A structure 18 inches or less in height designed and utilized as a landscape feature to contain garden beds or patios.

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SECTION 3. The Borough Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled “Land Use Regulations” so as to amend § 30-3 entitled “General provisions” so as to amend subsection N entitled “Accessory use and accessory structures” so as to amend (1)(a) in its entirety so that it shall read as follows:

- (a) No accessory use or uses shall occupy a lot area in excess of fifty (50%) percent of the floor area of a dwelling on the lot or in excess of the floor area of the first floor of a dwelling having more than one (1) floor. A private garage, to be deemed an accessory use, shall not exceed fifteen (15) feet in height on any lot.

SECTION 4. The Borough Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled “Land Use Regulations” so as to amend § 30-3 entitled “General provisions” so as to amend subsection N. entitled “Accessory use and accessory structures” so as to amend (2)(d) and (g) in their entirety so that they shall read as follows:

- (d) Accessory structures shall not exceed fifteen (15) feet in height above the existing surrounding grade at the highest point along the base of the accessory structure. Cupolas shall meet the requirements for building heights and are not exempt.
- (g) Air-conditioning, generators and HVAC units shall be located within the building envelope and must be landscaped or screened with lattice, open board fence, shrubbery and/or plantings, which still allows for the circulation of air and dispersal of fumes, as to lessen the visual impact of the unit(s).

SECTION 5. The Borough Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled “Land Use Regulations” so as to amend § 30-3 entitled “General provisions” so as to amend subsection N. entitled “Accessory use and accessory structures” so as to add a new subsection (2)(k) which shall read as follows:

- (k) A detached structure may not become attached to the principal dwelling unless the detached structure conforms to the principal building setback and lot coverage requirements.



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SECTION 6. The Borough Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled “Land Use Regulations” so as to amend § 30-3 entitled “General provisions” so as to amend subsection O. which shall be entitled “Building height, roofs and building footprint” so as to amend subsection (5) in its entirety and add a new subsection (6) and (7) which shall read as follows:

- (5) Cupolas shall meet the requirements for building heights and are not exempt.
- (6) The connection of two discernable wings or sections of a building footprint for habitable conditioned space shall have a minimum building footprint width of twenty (20) feet or greater as depicted in the sketch in Figure 1 in the Definitions of Article I of Chapter 30. The connection point between two sections or wings of a building shall be conditioned space as defined as Habitable Area in the Definitions of Article I of Chapter 30. A discernable wing or section of a building footprint does not include architectural accent features, ornamental elements, covered porches, open decks, balconies, building bump outs, or any unconditioned space.
- (7) Any connection of two discernable wings or sections of a building footprint for habitable conditioned space greater than ten (10) feet in length shall be enclosed from the ground level to the roof. The enclosure can be constructed of walls, screening, louvers, etc. for the portion of the connection below the Design Flood Elevation (DFE). The connection cannot be open or unenclosed for the portion below the DFE.

SECTION 7. The Borough Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled “Land Use Regulations” so as to amend § 30-3 entitled “General provisions” so as to amend subsections P. through T. in their entirety so that it shall read as follows:

P. Fences and walls.

- (1) In all residential zones, fences and freestanding walls may be erected or maintained along or adjacent to a lot line to a height not more than four (4) feet in the required side, rear and front yards, and as follows:
 - a. Where rear lot lines of residential lots are abutting each other, the rear line fencing shall not exceed six (6) feet in height. Retaining walls are limited to a maximum height of four (4) feet along the rear lot lines of residential abutting lots.
 - b. A fence not exceeding six (6) feet in height may be erected upon the easterly boundary of lots abutting the westerly boundary of Route 35 between Herbert Street and Lyman Street.
 - c. Fence height measurement shall not include finials or gate posts. Finials shall not be higher than six (6) inches over permitted fence height. Gate posts shall not be higher than eighteen (18) inches over permitted fence height. A maximum



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of two (2) gate posts is permitted at each entry. Lights on gate posts (one (1) on each post) are permitted and the dimension of the light shall be included in the height measurement. Gate posts may be used only at a gated location.

- d. For all properties, except for oceanfront properties, retaining walls may be erected or maintained along or adjacent to a lot line to a height not more than four (4) feet in the required side, rear, and front yards, including a single wall or a tiered retaining wall system. For all oceanfront properties, retaining wall may be erected and maintained without height restrictions.
- (2) Entry or garden archways shall be permitted. Entry or garden archways shall not exceed eight (8) feet in height. Entry archways shall be permitted in setback areas. Garden archways may be permitted within the building envelope.
 - (3) Fences not within the setback, i.e., fences within the building envelope, shall be limited to a maximum height of six (6) feet.
 - (4) Prior to the construction or installation of any fence or freestanding wall within the Borough, an application for a permit, with the required fee, shall be submitted to the Zoning Officer. See Appendix C of this chapter.
 - (5) Fence and freestanding wall heights will be measured from existing pre-construction grade. No grading will be permitted to raise the level of the fence or freestanding wall.
 - (6) No fence shall be erected of barbed wire, razor wire, or topped with metal spikes, or any other sharp material or design feature.
 - (7) The finished side of all fences and freestanding walls shall be constructed to face toward the adjacent property.
 - (8) The exposed face of a freestanding wall above the adjacent grade must be constructed of decorative stone, decorative block, stucco, wood, and/or brick veneer.
 - (9) The application shall provide the proposed location of the fence and/or freestanding wall, its dimensions, the material of which it is to be constructed and any other information requested by the Zoning Officer in order to allow him or her to make an informed decision as to whether the proposed fence and/or freestanding wall is in conformity with this chapter.
 - (10) Upon review of the application, the Zoning Officer shall within ten (10) days either issue a permit for construction or installation of such fence and/or freestanding wall or deny the application with written reasons provided therefor. If the Zoning Officer fails to act upon the application as required herein, then the permit shall be deemed to have been issued by the Zoning Officer's inaction.
 - (11) No owner shall replace any existing fence and/or freestanding wall without first obtaining a permit from the Zoning Officer. Prior to permit closeout, a final field inspection will be performed by the



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Zoning Officer to verify that the new fencing and/or freestanding wall was constructed in accordance with the approved permit.

- (12) No owner may replace more than 16 linear feet of an existing fence in a consecutive 12 month period unless the fence's height complies with the provisions of this subsection. An owner may replace 16 linear feet or less of an existing fence in a consecutive 12 month period at the same height of the existing fence, even if the height does not comply with the provisions of this subsection.

Q. Retaining Walls.

- (1) The exposed face and cap of a retaining wall above the lowest adjacent grade must be constructed of decorative stone, decorative block, stucco, wood, and/or brick veneer.
- (2) The height of a retaining wall shall be measured from the lowest adjacent grade at the base of the wall along the exposed face to the top of the wall including the cap.
- (3) A retaining wall, including the cap, cannot be greater than six (6) inches above the highest adjacent grade.
- (4) Retaining walls shall be subject to the provisions of Section 30-35 Surface Water Management and Chapter 16 – Flood Hazard Areas

R. Flagpoles

- (1) Flagpoles may be installed on any property within the Borough.
- (2) Flagpoles are not considered an accessory structure under the Land Use Regulations of the Borough of Mantoloking.
- (3) Flagpoles shall not exceed the allowable maximum height of the primary structure for the subject zone district as measured at the highest roof ridge line.
- (4) A flagpole shall not be permitted within ten (10) feet of any property line.
- (5) Prior to installation of a flagpole within the Borough, an application for a zoning permit, with the required fee, shall be submitted to the Zoning Officer.
- (6) Flag poles on vacant land may not exceed 35 feet in height.

S. Garage, attached.

- (1) An attached garage as defined in this Chapter shall be subject to the same bulk zoning standards required for a principal use in the corresponding zone.
- (2) Conditioned space above an attached garage which is an integral part of the house and contains a connection point complying with the design standards in this Chapter may be used for habitation.
- (3) The habitable area above an attached garage which is a discernable wing of the principal dwelling shall not have;



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- i. Any kitchen/cooking facilities.
- ii. Any separate utility meters associated with it.
- iii. Egress and ingress stairways and/or elevators directly to and from the exterior or to the garage space from the second story habitable space above an attached garage.
- iv. An exterior stairway and/or elevator or interior stairway and/or elevator to the lower ground level from a hallway connecting the habitable space above an attached garage to the principal dwelling unit.

T. Landscaping.

(1) All applications for development, including single-family residential construction, shall incorporate plant species which are native to New Jersey and indigenous to the barrier island and coastal areas into the proposed landscaping plan.

(2) Landscaping plans for all development shall incorporate a minimum of 30% of the total proposed planting counts as native New Jersey flora indigenous to the barrier island and coastal areas.

(3) The below list are acceptable flora for indigenous plantings, but the below list is not the only potential plantings and is not intended to be a fully comprehensive list that would limit other potential indigenous plantings to be implemented into a landscape design. Applicants can provide information and plant species in addition to the below list which would be subject to the review and approval by the Township Engineer for other acceptable indigenous plants:

Groundcover and Perennial Flowers

- Common Milkweed (*Asclepias Syriaca*)
- Butterfly Weed (*Asclepias Tuberosa*)
- Swamp Sunflower (*Helianthus Angustifolius*)
- Blackeyed Susan (*Rudbeckia Hirta*)
- Beach Pea (*Lathyrus Japonicus*)
- Seaside Goldenrod (*Solidago Sempervirens*)

Grasses

- American Beachgrass (*Ammophila Breviligulata*)
- Saltmeadow Cordgrass (*Spartina Patens*)
- Purple Lovegrass (*Eragrostis Spectabilis*)
- Common Rush (*Juncus Effusus*)

Shrubs

- Inkberry (*Ilex Glabra*)
- Groundsel Bush (*Baccharis Halimifolia*)
- Beach Plum (*Prunus Maritima*)



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Arrowwood (*Viburnum Dentatum*)
Swamp Azalea (*Rhododendron Viscosum*)

Trees

American Holly (*Ilex Opaca*)
Eastern Red Cedar (*Juniperus Virginiana*)
Pitch Pine (*Pinus Rigida*)
Scrub Oak (*Quercus Illicifolia*)
Black Willow (*Salix Nigra*)

SECTION 8. The Borough Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled “Land Use Regulations” so as to amend § 30-5 entitled “Residential zones” so as to amend subsection A(1) to add an additional sentence so that it shall read as follows:

- (1) Principal permitted use. Single-family detached dwelling; minimum floor area one thousand five hundred (1,500) square feet. Separate dwelling units are not permitted above detached and/or attached garages.

SECTION 9. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 10. 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 11. This ordinance shall take effect after second reading and publication as required by law.



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INTRODUCED
April 21, 2026

ADOPTED
May 19, 2026