

**REPORT ON LAND USE CODE AMENDMENTS  
ORDINANCE NO. 2020-05  
CREATING § 15-8.17 OF THE TOWNSHIP LAND  
USE & DEVELOPMENT CODE**

**RESOLUTION OF APPROVAL 2020-09  
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

**WHEREAS**, the Township of Little Egg Harbor has conducted a comprehensive study of its land use ordinances in connection with the periodic review of its Master Plan; and

**WHEREAS**, the Mayor and Township Committee have passed, on first reading, Land Use and Development Ordinance No. 2020-05 (see attached) which amends and supplements Chapter 15 of the Code of the Township of Little Egg Harbor, entitled "Land Use and Development," specifically, by creating a new § 15-8.17, to be entitled "Portable buildings," and

**WHEREAS**, Land Use and Development Ordinance No. 2020-05 has been referred to the Planning Board of Little Egg Harbor Township, in accordance with the referral powers provided by *N.J.S.A.* 40:55D-26 and 64; and

**WHEREAS**, the Planning Board has fully examined Township Ordinance No. 2020-05 and recommends it be adopted by the Township of Little Egg Harbor.

**NOW, THEREFORE, BE IT RESOLVED**, by the Little Egg Harbor Township Planning Board that Land Use and Development Ordinance No. 2020-05 be and hereby is recommended for adoption by the governing body of the Township of Little Egg Harbor, without further comment.

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution shall be forwarded to the Mayor and Township Committee, and to the Township Clerk.

  
**George Garbaravage, Board Chairman**

**CERTIFICATION**

I, **Robin Schilling**, Secretary of the Little Egg Harbor Township Planning Board, certify that the foregoing Resolution was duly adopted at a meeting held on June 25, 2020, a quorum being present and voting in the majority.

  
**Robin Schilling, Board Secretary**

**ORDINANCE NO. 2020 - 05**

**AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, CREATING CHAPTER 15, ENTITLED "LAND USE DEVELOPMENT" OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LITTLE EGG HARBOR, SO AS TO CREATE SECTION 15-8.17, ENTITLED "PORTABLE BUILDINGS"**

**BE IT ORDAINED**, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** The Township Code of the Township of Little Egg Harbor is hereby created and supplemented so as to create Chapter 15 entitled "Land Use Development" so as to create §15-8.17 entitled "Portable buildings", which shall read as follows:

**§15-8.17 Portable buildings**

**A. Definitions.** The following definitions shall apply to this section:

**PORTABLE STORAGE STRUCTURE** - A trailer, portable temporary container, or portable structure with or without axles and wheels used for storage activity at a site.

**B. Location.** Portable storage structures are permitted as set forth herein.

**C. Permit required; application; fee.** Before a portable storage container or construction trailer is placed on any property, the owner, tenant or contractor working on the subject property must submit an application for a development permit approving such placement from the Zoning Officer. If the permit application is made by a tenant or contractor, written permission of the owner of the subject property for the placement of such trailer or structure on the subject property must be provided to the Zoning Officer before a permit is issued. Permits shall be issued for a time period of 60 days. The fee for the permit shall be \$50.

**D. Number of portable storage structures.** Only two portable storage structures may be placed at any residential property at one time. Commercial properties may have as many portable storage structures as the bulk requirements of the Zoning Code will permit.

**E. Size of portable storage container.** A portable storage container may not exceed 10 feet in height, eight feet in width or 20 feet in length.

**F. Placement and condition.** Portable storage containers are prohibited from being placed in streets, public rights-of-way, or on unimproved surfaces in the front yard of a property and may

only be placed upon driveways, side and rear yards if such locations meet the requirements of this section. All such locations must be paved, off-street surfaces at the farthest accessible point from the street, and all must comply with the applicable minimum yard accessory structure setback requirements for any accessory structures in the zone in which such portable storage container is located. If the property does not have a driveway, or cannot meet the standards described herein, the Zoning Officer may, as part of the permit approval process, approve the placement of a container in the front yard. If such portable storage container is to be permitted to be located in the front yard, it must be kept at the farthest accessible point from the street, and the surrounding area must be maintained in a weed-free condition. Wherever portable storage containers may be placed, they shall be subject to all property maintenance standards applicable to accessory structures. No portable storage container shall be allowed to remain outside in a state of disassembly or disrepair.

**G. Violations and penalties.**

- (1) Any portable storage structure or construction trailer placed in violation of this section or which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of the Code Enforcement Officer, Zoning Officer or a law enforcement officer for removal of such temporary structure for safety reasons, shall be punishable, upon conviction thereof, by a fine not to exceed \$2,000 for each violation committed hereunder.
- (2) The owner of the subject property shall be afforded a fifteen-day period to cure or abate such violation. Every day that a violation continues after service of written notice by certified and/or regular mail on the owner of the subject property as shown in the latest tax duplicate shall be deemed a separate offense. The court may also order the removal of the violation by the Township, and the cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the temporary storage structure was located and upon approval by the Superior Court, may be filed as a lien against such property by the Township Clerk.


**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** 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 4.** 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 Little Egg Harbor held on the 12<sup>th</sup> day of March, 2020, and will be considered for second and final passage at a meeting of the Township Committee to be held on the    day of 2020, at 7:00 p.m. at the Municipal Building located at 665 Radio Road, Little Egg Harbor, 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.

  
**DIANA K. MCCRACKEN, RMC, Clerk**  
Township of Little Egg Harbor

**Introduction**

**Second Reading & Adoption**