

**§ 348-10.22.1. VOB Village Office-Business Zone. [Added 8-22-2017 by Ord. No. 4554-17]**

A. Permitted uses.

- (1) All uses permitted in the Village Office Zone and the Village Business Zone, as well as the following uses:
  - (a) Brewpubs: microbreweries associated with a restaurant.
  - (b) Nano brewery. **[Amended 12-26-2017 by Ord. No. 4569-17; 3-9-2021 by Ord. No. 4695-21]**
  - (c) Artisan distilleries. **[Amended 12-26-2017 by Ord. No. 4569-17; 3-9-2021 by Ord. No. 4695-21]**
  - (d) Art galleries and museums.
  - (e) Antique and curio shops.
  - (f) Bed-and-breakfast establishments subject to the following limitations:
    - [1] The maximum size of a building used to house guests shall be 5,000 square feet.
    - [2] One parking space shall be provided for each guest room.
    - [3] No more than two adults and two children may be accommodated as guests in any single guest room.
    - [4] Individual cooking facilities for guest rooms are prohibited.
    - [5] The maximum length of stay shall be 14 consecutive nights.

B. Required accessory uses.

- (1) Off-street parking subject to the provisions of § 348-8.20, except that parking requirements shall be modified as follows:
  - (a) A new use that occupies an existing building or portion thereof shall not be required to provide parking, provided that the building is not being expanded to accommodate the new use, and provided that any existing parking previously dedicated to the building or portion thereof remains so dedicated following occupancy by the new use.
  - (b) A new use or building within 500 feet of a public parking facility operated by the Toms River Parking Authority or its successor agencies shall not be required to provide parking, provided that the Authority or its successor agency certifies that sufficient parking spaces are available within the parking facility to accommodate the requirements for the use.
  - (c) All or a portion of required parking may be satisfied through the sharing of off-street parking on a site that is within 1,000 feet subject to a legal

instrument such as a lease or easement and provided that such parking is available during the hours of operation of the use for which it is being provided. **[Amended 8-25-2020 by Ord. No. 4677-20]**

- (2) Off-street loading subject to the provisions of § 348-8.19 in that portion of the zone west of the rear line of the properties fronting on the west side of Main Street south of Irons Street and all properties north of Irons Street zoned VB Village Business, except that a new use that occupies an existing building or portion thereof shall not be required to provide off-street loading, provided that the building is not being expanded to accommodate the new use, and provided that any existing loading area previously dedicated to the building or portion thereof remains so dedicated following occupancy by the new use.
- C. Permitted accessory uses.
- (1) Fences subject to the provisions of § 348-8.13.
  - (2) Signs subject to the provisions of § 348-8.26.
  - (3) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.
  - (4) Outdoor cafes, subject to the provisions of § 348-8.41.
- D. Conditional uses subject to the provisions of Article IX of this chapter.
- (1) Public utilities (§ 348-9.6).
  - (2) Home professional offices subject to the provisions of § 348-9.11.
- E. Area, yard and building requirements.
- (1) Minimum lot area: 5,000 square feet.
  - (2) Minimum lot width: 50 feet.
  - (3) Minimum lot frontage:
    - (a) Interior lot: 50 feet.
    - (b) Corner lot: 75 feet on both streets.
  - (4) Minimum lot depth: 100 feet.
  - (5) Front setback:
    - (a) On Main Street, the required front setback shall be no greater or less than the existing prevailing front setback, plus or minus five feet. The prevailing front setback shall be established in accordance with the definition of "prevailing front setback" provided in § 348-2.3 of this chapter.
    - (b) On all other streets, the minimum front setback shall be five feet, and the

maximum front setback shall be 10 feet.

- (c) On Main Street, the area within the required front setback shall be suitably landscaped with a mixture of grass, shrubbery and flowering plants, and no more than 50% of such area shall consist of impervious surfaces. An outdoor cafe may be operated as an accessory use, subject to the requirements of § 348-8.41.
- (6) Minimum rear yard setback:
  - (a) Principal buildings: 25 feet.
  - (b) Accessory buildings: 15 feet.
  - (c) Private swimming pools: 10 feet.
- (7) Minimum side yard setback:
  - (a) Principal building: 15 feet.
  - (b) Accessory building: 10 feet.
  - (c) Private swimming pools: 10 feet.
- (8) Maximum building height: 35 feet subject to the provisions of § 348-5.12. A maximum height of 45 feet is permitted if the first floor is utilized for retail, restaurants, theaters, galleries, nanobreweries and other similar non-office uses only. **[Amended 2-26-2019 by Ord. No. 4622-19]**
- (9) Maximum building coverage: 80%.
- (10) Maximum impervious coverage: 80%.
- F. Architectural design. All building plans for restoration of existing buildings or new development shall conform to the architectural guidelines prepared by the Site Plan Review Advisory Board and approved by the Planning Board.
- G. Cross access easements. The Planning Board may require, as a condition of site plan approval, that the owner convey vehicular cross access easement(s) to adjacent properties located in the Village Office Business Zone.

**§ 348-10.21. VO Village Office Zone.**

A. Permitted uses.

- (1) Single-family dwellings.
- (2) Offices for members of a recognized profession as defined in this chapter.
- (3) Business offices or public utility in that portion of the zone east of the Garden State Parkway only. **[Amended 6-13-1990 by Ord. No. 2748-90; 12-27-2006 by Ord. No. 4064-06]**
- (4) Federal, state, county and municipal offices, including educational offices. **[Amended 2-25-1997 by Ord. No. 3230-97]**
- (5) (Reserved)<sup>1</sup>
- (6) Essential services.
- (7) Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries and adult family care homes for elderly persons and physically disabled adults. **[Added 4-11-1990 by Ord. No. 2729-90; amended 11-26-2002 by Ord. No. 3748-02]**
- (8) Funeral homes, including one dwelling unit, in that portion of the zone east of the Garden State Parkway only. **[Added 4-11-1990 by Ord. No. 2729-90; amended 6-13-1990 by Ord. No. 2748-90]**
- (9) (Reserved)<sup>2</sup>
- (10) Child-care centers. **[Added 8-14-1991 by Ord. No. 2848-91]**
- (11) Adult-care centers. **[Added 9-24-1996 by Ord. No. 3196-96]**
- (12) Veterinary clinics or hospitals. **[Added 10-14-2014 by Ord. No. 4459-14]**

B. Required accessory uses.

- (1) Off-street parking subject to the provisions of § 348-8.20.
- (2) Off-street loading subject to the provisions of § 348-8.19.

C. Permitted accessory uses.

- (1) Fences subject to the provisions of § 348-8.13.
- (2) Private swimming pools subject to the provisions of § 348-8.21.

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1. Editor's Note: Former Subsection A(5), listing medical and dental clinics, as amended, was repealed 12-27-2006 by Ord. No. 4064-06.

2. Editor's Note: Former Subsection A(9), which listed churches and places of worship, as amended, was repealed 12-27-2006 by Ord. No. 4064-06.

- (3) Signs subject to the provisions of § 348-8.26.
  - (4) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.
- D. Conditional uses subject to the provisions of Article IX of this chapter.
- (1) Churches and places of worship (§ 348-9.5).
  - (2) Public utilities in that portion of the zone east of the Garden State Parkway only. **[Amended 6-13-1990 by Ord. No. 2748-90]**
  - (3) (Reserved)<sup>3</sup>
  - (4) (Reserved)<sup>4</sup>
  - (5) (Reserved)<sup>5</sup>
  - (6) (Reserved)<sup>6</sup>
- E. Area, yard and building requirements.
- (1) Minimum lot area: 7,500 square feet.
  - (2) Minimum lot width: 75 feet.
  - (3) Minimum lot frontage:
    - (a) Interior lot: 75 feet.
    - (b) Corner lot: 100 feet on both streets.
  - (4) Minimum lot depth: 100 feet.
  - (5) Minimum front setback: 35 feet.
  - (6) Minimum rear yard setback:
    - (a) Principal buildings: 25 feet.
    - (b) Accessory buildings: 15 feet.
    - (c) Private swimming pools: 10 feet.
  - (7) Minimum side yard setback:
    - (a) Principal buildings: 15 feet.

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3. Editor's Note: Former Subsection D(3), which listed home professional offices as a permitted conditional use in the VO Zone, was repealed 2-9-1982 by Ord. No. 2068.

4. Editor's Note: Former Subsection D(4), concerning trailers as a conditional use, was repealed 2-8-1989 by Ord. No. 2633-89. For current provisions concerning trailers, see Ch. 308, Fire Prevention and Protection, Art. VIII.

5. Editor's Note: Former Subsection D(5), Community residences for the developmentally disabled, added 12-26-1978 by Ord. No. 1801, was repealed 11-26-2002 by Ord. No. 3748-02.

6. Editor's Note: Former Subsection D(6), Community shelters for victims of domestic violence, added 4-11-1990 by Ord. No. 2729-90, was repealed 11-26-2002 by Ord. No. 3748-02.

- (b) Accessory buildings: 10 feet.
- (c) Private swimming pools: 10 feet.
- (8) Maximum building height: 35 feet, subject to the provisions of § 348-5.12. **[Amended 6-11-1985 by Ord. No. 2329-85; 4-25-2001 by Ord. No. 3597-01; 12-27-2006 by Ord. No. 4064-06; 2-26-2019 by Ord. No. 4622-19]**
- (9) Minimum gross habitable floor area:
  - (a) One-bedroom house: 860 square feet.
  - (b) Two-bedroom house: 960 square feet.
  - (c) Three-bedroom house: 1,060 square feet.
  - (d) Four-or-more-bedroom house: 1,160 square feet.
- (10) Floor area for office building: minimum 1,000 square feet; maximum 4,000 square feet above grade level. **[Amended 6-13-1990 by Ord. No. 2748-90; 12-27-2006 by Ord. No. 4064-06]**
- (11) Maximum lot coverage by buildings: 25%. **[Amended 12-9-2003 by Ord. No. 3843-03]**
- (12) Minimum unoccupied open space: 15%.
- (13) Maximum floor area ratio for office buildings: 0.30. **[Added 12-27-2006 by Ord. No. 4064-06]**
- F. Architectural design. All building plans for the restoration of existing buildings or new development shall conform to the architectural guidelines prepared by the Site Plan Review Advisory Board and approved by the Planning Board.
- G. (Reserved)<sup>7</sup>
- H. Cross access easements. The Planning Board may require, as a condition of site plan approval, that the owner convey vehicular cross access easement(s) to adjacent properties located in the Village Office Zone. **[Added 4-26-1983 by Ord. No. 2166-83]**

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7. Editor's Note: Former Subsection G, Alternate regulations for restoration of existing buildings and/or new development, was repealed 12-27-2006 by Ord. No. 4064-06.

**§ 348-10.22. VB Village Business Zone.**

A. Permitted uses.

- (1) The retail sale of goods, which may include the following:
  - (a) Grocery stores.
  - (b) Drugstores.
  - (c) Dry goods stores.
  - (d) Meat and poultry stores.
  - (e) Baked goods stores.
  - (f) Packaged liquor stores.
  - (g) Flower shops.
  - (h) Confectionary stores.
  - (i) Household supplies stores.
  - (j) Stationery supplies, tobacco and periodical stores.
  - (k) Haberdashery, dress goods and notions.
  - (l) Hardware, plumbing supplies and electrical supplies.
  - (m) Boat supplies.
  - (n) Shops of artisans and craftsmen.
  - (o) Furniture and appliance stores.
  - (p) Gift shops.
- (2) Personal service establishments, which may include the following but shall not include tattoo parlors and body piercing: **[Amended 12-27-2006 by Ord. No. 4064-06]**
  - (a) Barbershops and beauty shops.
  - (b) Tailoring and dressmaking shops.
  - (c) Dry-cleaning and laundry collection shops, but not including self-service laundries.
  - (d) Shoe repair shops.
  - (e) Appliance repair shops.
  - (f) Radio and television repair shops.
  - (g) Art, music, dancing, gymnastics and other similar instructional schools.

- (3) Business and professional offices and banks and financial institutions.
  - (4) Restaurants, lunchrooms, bars and other eating and drinking establishments, but not including drive-in restaurants.
  - (5) Publication of newspapers and periodicals.
  - (6) Federal, state, county and municipal buildings and grounds, but excluding schools.
  - (7) Essential services.
  - (8) Funeral homes, including one dwelling unit. **[Added 4-11-1990 by Ord. No. 2729-90]**
  - (9) Churches and places of worship. **[Added 8-14-1991 by Ord. No. 2848-91]**
  - (10) Child-care centers. **[Added 8-14-1991 by Ord. No. 2848-91]**
  - (11) Theaters and related performing arts venues. **[Added 8-14-1991 by Ord. No. 2848-91; amended 8-22-2017 by Ord. No. 4554-17]**
  - (12) Offices and facilities for businesses in the communications and information industry in that portion of the zone south of West Water Street. **[Added 9-28-1994 by Ord. No. 3055-94]**
  - (13) Adult-care centers. **[Added 9-24-1996 by Ord. No. 3196-96]**
  - (14) Schools for vocational instruction. **[Added 2-25-1997 by Ord. No. 3230-97]**
  - (15) Dwelling units on the second floor and higher only, subject to the provisions of § 348-8.39. **[Added 12-27-2006 by Ord. No. 4064-06]**
  - (16) Veterinary clinics or hospitals. **[Added 10-14-2014 by Ord. No. 4459-14]**
  - (17) Brewpubs: microbreweries associated with a restaurant. **[Added 8-22-2017 by Ord. No. 4554-17]**
  - (18) Nano brewery. **[Added 8-22-2017 by Ord. No. 4554-17; amended 12-26-2017 by Ord. No. 4569-17; 3-9-2021 by Ord. No. 4695-21]**
  - (19) Artisan distilleries. **[Added 8-22-2017 by Ord. No. 4554-17; amended 12-26-2017 by Ord. No. 4569-17; 3-9-2021 by Ord. No. 4695-21]**
  - (20) Art galleries and museums. **[Added 8-22-2017 by Ord. No. 4554-17]**
  - (21) Antique and curio shops. **[Added 8-22-2017 by Ord. No. 4554-17]**
- B. Required accessory uses. **[Amended 4-11-1990 by Ord. No. 2729-90; 9-24-1996 by Ord. No. 3196-96; 12-18-2007 by Ord. No. 4123-07]**
- (1) Off-street parking subject to the provisions of § 348-8.20, except that parking requirements shall be modified as follows:



- (a) A new use that occupies an existing building or portion thereof shall not be required to provide parking, provided that the building is not being expanded to accommodate the new use, and provided that any existing parking previously dedicated to the building or portion thereof remains so dedicated following occupancy by the new use.
  - (b) A new use or building within 500 feet of a public parking facility operated by the Toms River Parking Authority or its successor agencies shall not be required to provide parking, provided that the Authority or its successor agency certifies that sufficient parking spaces are available within the parking facility to accommodate the requirements for the use.
- (2) Off-street loading subject to the provisions of § 348-8.19 in that portion of the zone west of the rear line of the properties fronting on the west side of Main Street south of Irons Street and all properties north of Irons Street zoned VB Village Business, except that a new use that occupies an existing building or portion thereof shall not be required to provide off-street loading, provided that the building is not being expanded to accommodate the new use, and provided that any existing loading area previously dedicated to the building or portion thereof remains so dedicated following occupancy by the new use.
- C. Permitted accessory uses.
- (1) Fences subject to the provisions of § 348-8.13.
  - (2) Signs subject to the provisions of § 348-8.26.
  - (3) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.
  - (4) Outdoor cafes, subject to the provisions of § 348-8.41. **[Added 12-27-2006 by Ord. No. 4064-06]**
- D. Conditional uses subject to the provisions of Article IX of this chapter.
- (1) Public utilities (§ 348-9.6).
  - (2) (Reserved)<sup>1</sup>
  - (3) (Reserved)<sup>2</sup>
  - (4) Hotels and motels (§ 348-9.15) only in that portion of the Village Business Zone located south of West Water Street. **[Added 11-25-1986 by Ord. No. 2453-86]**
  - (5) (Reserved)<sup>3</sup>

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1. Editor's Note: Former Subsection D(2), concerning theaters as a conditional use, was repealed 8-14-1991 by Ord. No. 2848-91. See now Subsection A(11).

2. Editor's Note: Former Subsection D(3), concerning trailers as a conditional use, was repealed 2-8-1989 by Ord. No. 2633-89. For current provisions concerning trailers, see Ch. 308, Fire Prevention and Protection, Art. VIII.

3. Editor's Note: Former Subsection D(5), which listed multifamily dwellings, added 11-25-1986 by Ord. No. 2453-86, was

- (6) Bed-and-breakfast establishments subject to the provisions of § 348-9.30. **[Added 12-27-2006 by Ord. No. 4064-06]**
- (7) Home professional offices subject to the provisions of § 348-9.11. **[Added 12-27-2006 by Ord. No. 4064-06]**

E. Area, yard and building requirements.

- (1) Minimum lot area: 5,000 square feet.
- (2) Minimum lot width: 50 feet.
- (3) Minimum lot frontage:
  - (a) Interior lot: 50 feet.
  - (b) Corner lot: 75 feet on both streets.
- (4) Minimum lot depth: 100 feet.
- (5) Front setback:
  - (a) On Courthouse Lane, Legion Court, Main Street, Hyers Street, Robbins Street and Washington Street, the required front setback shall be no greater or less than the existing prevailing front setback, plus or minus five feet. The prevailing front setback shall be established in accordance with the definition of “prevailing front setback” provided in § 348-2.3 of this chapter.
  - (b) On all other streets, the minimum front setback shall be five feet, and the maximum front setback shall be 10 feet.
  - (c) On Washington Street, the area within the required front setback shall be suitably landscaped with a mixture of grass, shrubbery and flowering plants, and no more than 50% of such area shall consist of impervious surfaces. An outdoor cafe may be operated as an accessory use in such location, subject to the requirements of § 348-8.41.
- (6) Minimum rear yard setback:
  - (a) Principal and accessory buildings: 20 feet.
- (7) Minimum side yard setback: none required.
- (8) Maximum building height: 50 feet subject to the provisions of § 348-5.12. A maximum height of 55 feet is permitted if the first floor is utilized for retail, restaurants, theaters, galleries, nanobreweries and other similar non-office uses only. Minimum required setback for five-story buildings: fourth and fifth floors shall be set back 10 feet from the edges of the maximum building footprint of the first three floors to maintain a pedestrian scale. **[Amended**

**8-22-2017 by Ord. No. 4554-17; 2-26-2019 by Ord. No. 4622-19]**

- (9) Maximum lot coverage by buildings: 80%. **[Amended 12-9-2003 by Ord. No. 3843-03]**
  - (10) Minimum unoccupied open space: none required.
  - (11) Off-street parking spaces: none required in that portion of the zone east of the rear line of the properties fronting on the west side of Main Street and south of Snyder Avenue. **[Amended 4-11-1990 by Ord. No. 2729-90]**
  - (12) Off-street loading spaces: none required in that portion of the zone east of the rear line of the properties fronting on the west side of Main Street and south of Snyder Avenue. **[Amended 4-11-1990 by Ord. No. 2729-90]**
- F. Architectural design. All building plans for restoration of existing buildings or new development shall conform to the architectural guidelines prepared by the Site Plan Review Advisory Board and approved by the Planning Board.<sup>4</sup>

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4. Editor's Note: Former Subsection G, Alternate regulations for restoration of existing buildings and/or new development, which immediately followed this subsection, was repealed 12-27-2006 by Ord. No. 4064-06.