

ORDINANCE NO. 2013-09 (1124)

ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER § 90 OF THE BOROUGH CODE, ENTITLED “ZONING,” TO REMOVE THE AMOUNT OF STORIES PERMITTED ABOVE AN ATTACHED GARAGE.

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Lavallette, in the County of Ocean, State of New Jersey, as follows:

Deletions are shown by ~~strickethrough~~; additions are shown by underline.

SECTION 1. § 90-24 of the Code of the Borough of Lavallette, entitled “Residence District A - Area, yard and building requirements” is hereby amended and supplemented to modify building height requirements in § 90-24C(3) by removing the amount of stories permitted above an attached garage. Section § 90-24C(3) shall read in its entirety are follows:

(3) The maximum building height of the habitable portions of the following buildings shall be 2 1/2 stories or 28 feet, whichever is less, measured from the top of the sill plate for Zone A type construction to the highest point of the building; and from the top of the lowest horizontal structural member for V type construction to the highest point of the building. Buildings shall contain no more than two floors, over each other, of living area. That half story of a building under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls shall not be more than two feet above the floor and shall have a ridge height of six feet or less. The half story above the two floors of living space shall only be used as storage space or to house mechanical equipment, such as heat or air conditioning. Attached garages are permissible but shall not be used or considered as living area. ~~If a garage is to be a part of the house, there shall be no more than 1 1/2 stories above the garage.~~ A detached private garage shall not exceed 18 feet in height measured from the top of the curb at the center of the front of the building on which the main entrance is located. If there is no curb in front of the building, the height of the detached garage shall be measured from the height of the crown of the center of the road at the center of the front of the building on which the main entrance is located. For oceanfront properties, the height of the detached garage shall be measured from the average height of the municipal boardwalk in front of the property; for oceanfront lots where there is no boardwalk, the height of the detached garage shall be measured from an elevation equivalent to the mean elevation of the curbs on the nearest improved street to the subject detached garage and the next nearest improved street of those streets running parallel to the nearest improved street.

- (a) For elevated buildings as defined in Ordinance §31-5 elevated after the effective date of this section;
- (b) For buildings which are repaired or reconstructed after the effective date of this section as a result of damage of any origin sustained by a building whereby the cost of restoring the building to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred and which buildings are constructed or reconstructed so as to comply with any minimum Base Flood Elevation as established by the Federal Emergency Management Agency or as established in Chapter 31, whichever is more restrictive;
- (c) For new construction or reconstruction for which a permit is issued after the effective date of this section and which new construction or reconstruction is constructed so as to comply with any minimum Base Flood Elevation as established by the Federal Emergency Management Agency or as established in Chapter 31, whichever is more restrictive.

SECTION 2. § 90-37 of the Code of the Borough of Lavallette, entitled “Residence District B - Area, yard and building requirements” is hereby amended and supplemented to modify building height requirements in § 90-37C(3) by removing the amount of stories permitted above an attached garage. Section § 90-37C(3) shall read in its entirety are follows:

(3) The maximum building height of the habitable portions of the following buildings shall be 2 1/2 stories or 28 feet, whichever is less, measured from the top of the sill plate for Zone A type construction to the highest point of the building; and from the top of the lowest horizontal structural member for V type construction to the highest point of the building. Buildings shall contain no more than two floors, over each other, of living area. That half story of a building under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls shall not be more than two feet above the floor and shall have a ridge height of six feet or less. The half story above the two floors of living space shall only be used as storage space or to house mechanical equipment, such as heat or air conditioning. Attached garages are permissible but shall not be used or considered as living area. ~~If a garage is to be a part of the house, there shall be no more than 1 1/2 stories above the garage.~~ A detached private garage shall not exceed 18 feet in height measured from the top of the curb at the center of the front of the building on which the main entrance is located. If there is no curb in front of the building, the height of the detached garage shall be measured from the height of the crown of the center of the road at the center of the front of the building on which the main entrance is located.

- (a) For elevated buildings as defined in Ordinance §31-5 elevated after the effective date of this section;

- (b) For buildings which are repaired or reconstructed after the effective date of this section as a result of damage of any origin sustained by a building whereby the cost of restoring the building to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred and which buildings are constructed or reconstructed so as to comply with any minimum Base Flood Elevation as established by the Federal Emergency Management Agency or as established in Chapter 31, whichever is more restrictive;
- (c) For new construction or reconstruction for which a permit is issued after the effective date of this section and which new construction or reconstruction is constructed so as to comply with any minimum Base Flood Elevation as established by the Federal Emergency Management Agency or as established in Chapter 31, whichever is more restrictive.

SECTION 3. § 90-44 of the Code of the Borough of Lavallette, entitled “Residence District C - Area, yard and building requirements” is hereby amended and supplemented to modify building height requirements in § 90-44C(3) by removing the amount of stories permitted above an attached garage. Section § 90-44C(3) shall read in its entirety are follows:

(3) The maximum building height of the habitable portions of the following buildings shall be 2 1/2 stories or 28 feet, whichever is less, measured from the top of the sill plate for Zone A type construction to the highest point of the building; and from the top of the lowest horizontal structural member for V type construction to the highest point of the building. Buildings shall contain no more than two floors, over each other, of living area. That half story of a building under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls shall not be more than two feet above the floor and shall have a ridge height of six feet or less. The half story above the two floors of living space shall only be used as storage space or to house mechanical equipment, such as heat or air conditioning. Attached garages are permissible but shall not be used or considered as living area. If a garage is to be a part of the house, there shall be no more than 1 1/2 stories above the garage. A detached private garage shall not exceed 18 feet in height measured from the top of the curb at the center of the front of the building on which the main entrance is located. If there is no curb in front of the building, the height of the detached garage shall be measured from the height of the crown of the center of the road at the center of the front of the building on which the main entrance is located. For oceanfront properties, the height of the detached garage shall be measured from the average height of the municipal boardwalk in front of the property; for oceanfront lots where there is no boardwalk, the height of the detached garage shall be measured from an elevation equivalent to the mean elevation of the curbs on the nearest improved street to the subject detached garage and the next nearest improved street of those streets running parallel to the nearest improved street.

- (a) For elevated buildings as defined in Ordinance §31-5 elevated after the effective date of this section;
- (b) For buildings which are repaired or reconstructed after the effective date of this section as a result of damage of any origin sustained by a building whereby the cost of restoring the building to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred and which buildings are constructed or reconstructed so as to comply with any minimum Base Flood Elevation as established by the Federal Emergency Management Agency or as established in Chapter 31, whichever is more restrictive;
- (c) For new construction or reconstruction for which a permit is issued after the effective date of this section and which new construction or reconstruction is constructed so as to comply with any minimum Base Flood Elevation as established by the Federal Emergency Management Agency or as established in Chapter 31, whichever is more restrictive.

SECTION 4. § 90-50 of the Code of the Borough of Lavallette, entitled “Residence District D - Area, yard and building requirements” is hereby amended and supplemented to modify building height requirements in § 90-50B(3) by removing the amount of stories permitted above an attached garage. Section § 90-50B(3) shall read in its entirety are follows:

(3) The maximum building height of the habitable portions of the following buildings shall be 2 1/2 stories or 28 feet, whichever is less, measured from the top of the sill plate for Zone A type construction to the highest point of the building; and from the top of the lowest horizontal structural member for V type construction to the highest point of the building. Buildings shall contain no more than two floors, over each other, of living area. That half story of a building under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls shall not be more than two feet above the floor and shall have a ridge height of six feet or less. The half story above the two floors of living space shall only be used as storage space or to house mechanical equipment, such as heat or air conditioning. Attached garages are permissible but shall not be used or considered as living area. If a garage is to be a part of the house, there shall be no more than 1 1/2 stories above the garage.

- (a) For elevated buildings as defined in Ordinance §31-5 elevated after the effective date of this section;
- (b) For buildings which are repaired or reconstructed after the effective date of this section as a result of damage of any origin sustained by a building whereby the

cost of restoring the building to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred and which buildings are constructed or reconstructed so as to comply with any minimum Base Flood Elevation as established by the Federal Emergency Management Agency or as established in Chapter 31, whichever is more restrictive;

- (c) For new construction or reconstruction for which a permit is issued after the effective date of this section and which new construction or reconstruction is constructed so as to comply with any minimum Base Flood Elevation as established by the Federal Emergency Management Agency or as established in Chapter 31, whichever is more restrictive.

SECTION 5. § 90-55 of the Code of the Borough of Lavallette, entitled “B-1 Business District” is hereby amended and supplemented to modify the residential building height requirements in § 90-55C(2)(c) by removing the amount of stories permitted above an attached garage. Section § 90-55C(2)(c) shall read in its entirety are follows:

- (2) Residential use.

- (c) The maximum building height of the habitable portions of the following buildings shall be 2 1/2 stories or 28 feet, whichever is less, measured from the top of the sill plate for Zone A type construction to the highest point of the building; and from the top of the lowest horizontal structural member for V type construction to the highest point of the building. Buildings shall contain no more than two floors, over each other, of living area. That half story of a building under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls shall not be more than two feet above the floor and shall have a ridge height of six feet or less. The half story above the two floors of living space shall only be used as storage space or to house mechanical equipment, such as heat or air conditioning. Attached garages are permissible but shall not be used or considered as living area. ~~If a garage is to be a part of the house, there shall be no more than 1 1/2 stories above the garage.~~ A detached private garage shall not exceed 18 feet in height measured from the top of the curb at the center of the front of the building on which the main entrance is located. If there is no curb in front of the building, the height of the detached garage shall be measured from the height of the crown of the center of the road at the center of the front of the building on which the main entrance is located.

- [1] For elevated buildings as defined in Ordinance §31-5 elevated after the effective date of this section;
- [2] For buildings which are repaired or reconstructed after the effective date of this section as a result of damage of any origin sustained by a building whereby the cost of restoring the building to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred and which buildings are constructed or reconstructed so as to comply with any minimum Base Flood Elevation as established by the Federal Emergency Management Agency or as established in Chapter 31, whichever is more restrictive;
- [3] For new construction or reconstruction for which a permit is issued after the effective date of this section and which new construction or reconstruction is constructed so as to comply with any minimum Base Flood Elevation as established by the Federal Emergency Management Agency or as established in Chapter 31, whichever is more restrictive.

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 portion hereof.

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

NOTICE OF PENDING ORDINANCE

ORDINANCE NO. 2013-09 (1124)

ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER § 90 OF THE BOROUGH CODE, ENTITLED “ZONING,” TO REMOVE THE AMOUNT OF STORIES PERMITTED ABOVE AN ATTACHED GARAGE.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Borough of Lavallette, in the County of Ocean, State of New Jersey, held on the **19th** day of **August 2013**. It will be further considered for final passage after the public hearing thereon, at a meeting of said governing body to be held in the Lavallette First Aid Building, 1207 Bay Boulevard, Lavallette, New Jersey on the **7th** day of **October 2013** at 7 pm or soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

A copy of this ordinance has been posted on the bulletin board upon which public notices are being posted in the Temporary Administrative Trailer of the Borough located in the parking lot of the Lavallette Fire House during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Borough who shall request such copies, at the office of the Borough Clerk in said Borough of Lavallette, in the County of Ocean, New Jersey

CHRISTOPHER F. PARLOW
Municipal Clerk

**BOROUGH OF LAVALLETTE
NOTICE**

ORDINANCE NO. 2013-09 (1124)

ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER § 90 OF THE BOROUGH CODE, ENTITLED “ZONING,” TO REMOVE THE AMOUNT OF STORIES PERMITTED ABOVE AN ATTACHED GARAGE.

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting held on August 19, 2013. It was further considered for second reading and final passage at a meetings of the Borough Council held on the 7th day of October, 2013 at 7:00 pm at the Gymnasium in the Lavallette Elementary Building located at 105 Brooklyn Avenue, Lavallette, New Jersey at which time and place persons desiring to be heard upon the same were given the opportunity to be heard.

Said Ordinance was duly adopted on the 23rd day of September, 2013 and shall take effect upon publication as required by law.

(SEAL)

APPROVED:

CHRISTOPHER F. PARLOW
Municipal Clerk

WALTER G. LaCICERO
Mayor

Date: September 23, 2013

