

**ORDINANCE NO. 2014-10 (1135)**

**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 MODIFY SETBACK REQUIREMENTS FOR UNDERSIZED LOTS BORDERING ON STATE HIGHWAY ROUTE 35 SOUTHBOUND.**

**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 ~~striketrough~~; 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 establish setback requirements for undersized lots that border State Highway Route 35 Southbound. Section § 90-24A is hereby amended to add section § 90-24A(3). Section § 90-24A(3) shall read in its entirety are follows:

§ 90-24A. Setback Requirements.

- (3) For all undersized parcels within Residential District A bordering on the eastside of State Highway Route 35 Southbound, no dwelling shall be built, constructed or place unless the front yard or setback of said building from the property line is at least 15 feet; the side setback is at least 5 feet from one side and at least 5 feet from the other side property line; and the rear setback is at least 20 feet from the rear property line.

**SECTION 2.** § 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 permit building on undersized lots in Residential District A based upon certain provisions of the Zoning Code. Section § 90-24I is hereby amended and shall read in its entirety as follows:

§ 90-24. Area, yard and building requirements.

- I. No building shall be erected on any lot within Residence District A unless such lot shall have a minimum average lot width of 50 feet and a minimum lot depth of 100 feet. For the purposes of this subsection, average lot widths shall be determined by taking the distance between the side lot lines measured at the front building line. Building on an undersized lot, a lot that does not meet the required lot width and/or lot depth as provided above, must comply with all provisions contained in this Article and § 90-84.

**SECTION 3.** § 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 permit building on undersized lots in Residential District B based upon certain provisions of the Zoning Code. Section § 90-37H is hereby amended and shall read in its entirety as follows:

§ 90-37. Area, yard and building requirements.

- H. No building shall be erected on any lot within Residence District B unless such lot shall have a minimum average lot width of 50 feet and a minimum lot depth of 100 feet or a minimum average lot width of 45 feet and 5,000 square feet in total area. For the purposes of this subsection, average lot widths shall be determined by taking the distance between the side lot lines measured at the front building line. Building on an undersized lot, a lot that does not meet the required lot width and/or lot depth as provided above, must comply with all provisions contained in this Article and § 90-84.

**SECTION 4.** § 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 establish setback requirements for undersized lots that border the eastside of State Highway Route 35 Southbound. Section § 90-44A is hereby amended to add section § 90-44A(3). Section § 90-44A(3) shall read in its entirety are follows:

§ 90-44A(3) Setback Requirements.

- (3) For all undersized parcels within Residential District C bordering on the eastside of State Highway Route 35 Southbound, no dwelling shall be built, constructed or placed unless the front yard or setback of said building from the property line is at least 15 feet; the side setback is at least 4 feet from one side and at least 4 feet from the other side property line; and the rear setback is at least 20 feet from the rear property line.

**SECTION 5.** § 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 permit building on undersized lots in Residential District C based upon certain provisions of the Zoning Code. Section § 90-44I is hereby amended and shall read in its entirety as follows:

§ 90-44. Area, yard and building requirements.

- I. No building shall be erected on any lot within Residence District C unless such lot shall have a minimum average lot width of 40 feet and a minimum lot depth of 85 feet. For the purposes of this subsection, average lot widths shall be determined by taking the distance between the side lot lines measured at the front building line. Building on an undersized lot, a lot that does not meet the required lot width and/or lot depth as provided above, must comply with all provisions contained in this Article and § 90-84.

**SECTION 6.** § 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 permit building on undersized lots in Residential District D based upon certain provisions of the Zoning Code. Section § 90-50F is hereby amended and shall read in its entirety as follows:

§ 90-50. Area, yard and building requirements.

F. No building shall be erected on any lot within Residence District D unless such lot shall have a minimum average lot width of 40 feet and a minimum lot depth of 100 feet. For the purposes of this subsection, average lot widths shall be determined by taking the distance between the side lot lines measured at the front building line. Building on an undersized lot, a lot that does not meet the required lot width and/or lot depth as provided above, must comply with all provisions contained in this Article and § 90-84.

**SECTION 7.** § 90-55 of the Code of the Borough of Lavallette, entitled “B-1 Business District” is hereby amended and supplemented to permit building on undersized lots in B-1 Business District based upon certain provisions of the Zoning Code. Section § 90-55G is hereby amended and shall read in its entirety as follows:

§ 90-55. B-1 Business District.

G. Minimum size of lot. No building shall be erected on any lot within the B-1 Business District unless such lot shall have a minimum average lot width of 50 feet and a minimum lot area of 5,000 square feet. For the purposes of this subsection, average lot widths shall be determined by taking the distance between the side lot lines measured at the front building line. Building on an undersized lot, a lot that does not meet the required lot width and/or lot depth as provided above, must comply with all provisions contained in this Article and § 90-84.

**SECTION 8.** § 90-56 of the Code of the Borough of Lavallette, entitled “B-2 Downtown Business District” is hereby amended and supplemented to permit building on undersized lots in B-2 Business District based upon certain provisions of the Zoning Code. Section § 90-55G is hereby amended and shall read in its entirety as follows:

§ 90-56. B-2 Downtown Business District.

G. Minimum size of lot. No building shall be erected on any lot within the B-2 Downtown Business District unless such lot shall have a minimum average lot width of 50 feet and a minimum lot area of 5,000 square feet. For the purposes of this subsection, average lot widths shall be determined by taking the distance between the side lot lines measured at the front building line. Building on an undersized lot, a lot that does not meet the required lot width and/or lot depth as provided above, must comply with all provisions contained in this Article and § 90-84.

**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 portion hereof.

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

**BOROUGH OF LAVALLETTE  
NOTICE**

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NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting held on November 17, 2014. It was further considered for second reading and final passage at a meetings of the Borough Council held on the 22<sup>nd</sup> day of December, 2014 at 7:00 pm in the Lavallette First Aid Building, 1207 Bay Boulevard, 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 22<sup>nd</sup> day of December, 2014 and shall take effect upon publication as required by law.

(SEAL)

  
**CHRISTOPHER F. PARLOW**  
Municipal Clerk

APPROVED:

  
**WALTER G. LaCICERO**  
Mayor

Date: December 22, 2014

| LaCicero  | Moved | Second | Aye | Nay | Abstain | Absent |
|-----------|-------|--------|-----|-----|---------|--------|
| Borowski  |       |        | ✓   |     |         |        |
| Filippone |       | ✓      | ✓   |     |         |        |
| Zalom     |       |        | ✓   |     |         |        |
| Stogdill  |       |        | ✓   |     |         |        |
| Finter    |       |        | ✓   |     |         |        |
| Lamb      | ✓     |        | ✓   |     |         |        |