

2016-234\_

**AN ORDINANCE AMENDING SECTION XIII (LAND USE AND DEVELOPMENT REGULATIONS) OF THE GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH TO AMEND CERTAIN PROVISIONS REGARDING THE HEIGHT OF PRINCIPAL STRUCTURES.**

BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth, and State of New Jersey that Section XIII (Land Use and Development Regulations) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows:

**PURPOSE**

The purpose of this ordinance is to amend or add certain definitions, general provisions, design standards and general zoning provisions to incorporate changes to building height of principal structures and R-8 Residential Zone as recommended by the Borough of Union Beach Planning Board.

*Chapter XIII (Land Use and Development Regulations) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):*

**SECTION 1**

*Chapter XIII (Land Use and Development Regulations), Section 13-2 (Definitions), Subsection 13-2.3 (Definitions) shall be amended as follows:*

13-2.3 Definitions.

a. As used in this chapter:

1. *“Accessory use or building” to 13. “Building area”* (No Change)

14. “Building height” shall mean the vertical distance measured to the collar tie of a building or to the bottom of the rafters for a flat roof (subject to the exceptions listed in subsection 13-5.12) from the average elevation of the original lot grade or any revised lot grade shown on a site plan, subdivision plan, or plot plan approved by the borough engineer. Such revised lot grade shall not include mounding, terracing, or other devices designed to allow increased building height. Building height for all structures located in the area of special flood hazard as set forth on the National Flood Insurance Rate Maps (FIRM) and/ or Preliminary Flood Insurance Rate Maps (PFIRM) shall be measured from the base flood elevation, ~~or~~ the advisory base flood elevations or the preliminary base flood elevation, whichever is greater. The height of accessory structures shall be measured to the peak of the structure.

15. *“Building line” to 153. “Zoning Officer”* (No Change)

**SECTION 2**

*Chapter XIII (Land Use and Development Regulations), Section 13-10 (Zone District Regulations), Subsection 13.10.4 (R-8 Residential Zone) shall be amended to read as follows:*

13-10.4 R-8 Residential Zone.

*a. through e. (No Change)*

f. Single Family Dwellings – Area, Yard and Building Requirements.

*1. through 7. (No Change)*

8. Maximum building height: 30 feet to the collar tie subject to the provisions of subsection 13-5.12. In any event, the building shall contain not more than two usable floor levels counted vertically at any point in the building above the grade as determined by the average grade elevations on the corners of the building. Building height for all structures located in the area of special flood hazard as set forth on the National Flood Insurance Rate Maps (FIRM) and/ or Preliminary Flood Insurance Rate Maps (PFIRM) shall be measured from the base flood elevation, ~~or~~ the advisory base flood elevations or preliminary base flood elevation, whichever is greater. Attic space shall be for storage only and shall not have stairs other than pull down staircases.

*9. (No Change)*

**SECTION 3**

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4**

The Municipal Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S. 40:49-2.1.

**SECTION 5**

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Introduced: March \_\_\_\_\_, 2016

Passed and Approved: \_\_\_\_\_, 2016

I hereby approve of the  
passing of this ordinance.

\_\_\_\_\_  
Paul J. Smith Jr.  
Mayor

Attest:

\_\_\_\_\_  
Anne Marie Friscia  
Municipal Clerk

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