

Ordinance #10-09
AN ORDINANCE OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 165, LAND DEVELOPMENT REGULATIONS,
OF THE BOROUGH CODE

Topic: Changes to Land Development Regulations for
Floor Area Ratio and Building Height

WHEREAS, Chapter 165 of the Borough Code sets forth the Land Use Regulations for the Borough of Chatham;

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Chatham, County of Morris, and State of New Jersey as follows:

Section 1. Chapter 165 of the Borough Code, Land Development Regulations, Article II, Word Usage and Definitions, is hereby amended and supplemented as follows:

§ 165-10. Definitions

Delete the following definitions in their entirety with no replacement definitions:

FLOOR AREA, GROSS

FLOOR AREA RATIO, GROSS

§ 165-10. Definitions

Insert the following definitions and delete existing definitions where appropriate:

ATTIC – The unfinished space between the ceiling joists or the floor of the top story and the bottom of the roof rafters.

BASEMENT – A portion of a building having more than fifty percent (50%) of its clear height below the average finished contact grade along the outside of the building.

To calculate the average finished contact grade, measurements shall be taken of the clear height at each building corner and at each midpoint between each building corner. Clear height shall be the distance from the foundation sill to the finished contact grade.

To be defined as a basement, the clear height average from these measurements shall be less than half of the distance from the foundation floor to the foundation sill.

BUILDING HEIGHT – Measurement of a proposed building from the original ground elevations as determined from United States Geological Survey Maps, to the points described in (1), (2), or (3) in this definition. The intent of the Code of the Borough of Chatham is to limit height to the specified maximum footage and specified number of stories within the maximum footage.

Building height shall be determined by measuring the height at each corner of the building from the original ground elevation to the points described in (1), (2), or (3) of this definition. The measurements shall then be averaged as to the maximum and minimum vertical distances from the original ground elevations, to:

- (1) For mansard roofs with no other structures thereon except chimneys, to the decline. The mansard may not extend above the decline by more than ten percent (10%) of the building height);
- (2) For gabled, hip and/or gambrel roofs with no other structures thereon except chimneys, to the highest point of any roof surface;
- (3) For all other roof types, including flat roofs, to the top of any roof surface or any structure on the roof, including but not limited to elevators, escalator penthouses, cooling towers, or one foot above any structure housing or screening mechanical or other equipment.

DORMER, GABLE – A window or windows set vertically in a gable projecting from a sloping roof. A window dormer is a small gable where the width is narrow and only a little wider than the window.

DORMER, SHED - A shed dormer is larger gable that has a peak, and may extend the full length of the roof, and contains one or more windows.

FLOOR AREA – The aggregate sum of the horizontal areas of the several floors of the building measured from the exterior face of the exterior walls of all enclosed portions of the building, including but not limited to, closets, stairs, foyers, storage area, interior fireplaces, attics, at- or above-grade attached garages, and detached garages.

FLOOR AREA RATIO – The sum of the horizontal areas of all floors of buildings on a lot divided by the total lot area of the site, expressed as a percentage.

FLOOR AREA FOR B1, B2, B3, B4, B5, and B6 BUSINESS DISTRICTS - The regulations contained in Section 165-22 of the Code of the Borough of Chatham and in this Definitional Section 165-10, which describe Floor Area Ratio and its calculations for Residential Uses, shall be applicable in the B1, B2, B3, B4, B5, and B6 Business Districts of the Borough of Chatham.

FLOOR AREA FOR RESIDENTIAL DISTRICTS

A. On any lot containing a one- or two-family residential dwelling, the sum of the gross horizontal areas of the several floors of a building, calculated by using the exterior faces of the exterior walls of all enclosed portions of the building. The following spaces shall be included in calculating residential floor area:

- (1) Any horizontal floor space contained in any halls, storage areas, above-grade attached garages, and detached garages;
- (2) Any horizontal floor space under the roof of any structure supported by columns, but not having walls, except for a portico (see definition) that does not exceed a horizontal floor or stoop area of twenty-five (25) square feet. The measurement shall be calculated using the outermost extremities of the roof above the columns;
- (3) Any horizontal floor space which has more than twelve (12) feet of clearance above it to the ceiling or roof shall be counted twice (doubled), and any horizontal floor space which has more than twenty (20) feet of clearance above it to the ceiling or roof shall be counted three times (tripled); and
- (4) Any horizontal floor space on a porch other than an open porch. With respect to an open porch (see definition), only fifty percent (50%) of any horizontal floor space shall be included in calculation of residential floor area.

- B. The following shall not be included in calculating residential floor area:
- (1) Any horizontal floor space which does not have at least seven (7) feet of clearance above the floor rafters, or floor to the ceiling, or floor to the bottom of a roof rafter, or floor to a ridge rafter;
 - (2) Any horizontal floor space contained in a basement (see definition) or on a deck;
 - (3) Below-grade attached garages.

HEIGHT – See “Building Height” within this Definitional Section 165-10.

PORTICO – A standing or walkway area with a roof supported by columns at an entrance to a building.

RIDGE RAFTER – The ridge board at the top of roof framing to which the rafters are attached.

STORY – The space between the upper surface of any floor and the next upper surface of the floor or roof above, except that the topmost story shall be that portion of a building included the upper and the ceiling or roof above.

A “half story” is a portion of a building between the upper surface of a floor and the roof above where the enclosed space has an average clear height of not more than five (5) feet.

To calculate the average clear height of a building level, height measurements shall be taken at each corner of the interior space and at the midpoint between each corner, from the upper surface of the floor to the next upper surface of the floor or roof above. The measurements shall then be averaged, and if the average is more than five (5) feet, the building level shall be considered a story.

If gable and/or shed dormers are included on sloping roofs, the calculation of average clear height shall include height measurements at the interior corners of each dormer.

Story height may be calculated from accurately-drawn building elevations where all front, back, and side elevations are shown with dimensions and the upper surface floor and roof above for each story or half-story are clearly and accurately depicted.

REVISED TABLES/SECTIONS:

Section 2. Chapter 165 of the Borough Code, Land Development Regulations, Article IV, Residential District Regulations, is hereby amended and supplemented as follows:

§ 165-14. R-1, R-2, R-3 and R-4 Residential Districts.

C. Maximum building height.

Change the following:

- (1) No dwelling or school shall exceed thirty-five (35) feet and two-and-one-half (2.5) stories in height.

E. Area, yard, and building requirements for residential districts.

Add the following:

	R-1 District	R-2 and R-4 District	R-3 District	Two-Family Dwellings R-4 District	Churches* and Schools**
Maximum Height	35 ft. and 2.5 stories	35 ft. and 2.5 stories	35 ft. and 2.5 stories	35 ft. and 2.5 stories	*165-14(C)(2) **165-14(C)(1)

All other provisions shall remain unchanged.

§ 165.15. G-1 Residential district.

C. Maximum building height.

- (1) No garden apartment building shall exceed thirty-five (35) feet in height nor shall it have more than two stories.

All other provisions shall remain unchanged.

Section 3. Chapter 165 of the Borough Code, Land Development Regulations, Article V, Business District Regulations, is hereby amended and supplemented as follows:

§ 165-22. Area, yard and building requirements for business districts.

All provisions shall remain as stated except as follows:

	B-1	B-2	B-3	B-4	B-5	B-6
Maximum Height	35 ft.	35 ft.	35 ft.	40 ft.	40 ft.	35 ft.

§ 165-23. General requirements.

Add the following:

H. Any structure on a roof must be screened from view in a manner consistent with the building's architecture.

§ 165-32. General requirements.

Add the following:

F. Any structure on a roof must be screened from view in a manner consistent with the building's architecture.

Section 4. Chapter 165 of the Borough Code, Land Development Regulations, Article VIII AFD-1, AFD-1.1, AFD-2 and ARD-3 Affordable Housing Districts, is hereby amended and supplemented as follows:

§ 165-44. Other requirements.

A. Building height.

(1) No building shall be more than three stories or 42 feet in height in the AFD-1 District.

(2) No building shall be more than three stories, excluding basements used solely for parking, storage, or utilities, nor may such building exceed 40 feet in height, in the AFD-1.1 District.

(3) No building shall be more than 2 ½ stories or 35 feet in height in the AFD-2 and the AFD-3 Districts.

Section 5. All other provisions of Chapter 165 not amended or supplemented herein remain in full force and effect.

Section 6. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 7. This Ordinance shall take effect on upon passage and publication in accordance with applicable law.

MAYOR V. NELSON VAUGHAN, III

Date signed: _____

Introduced: _____, **2010**

Adopted: _____, **2010**

Attest:

SUSAN CALJEAN, RMC
BOROUGH CLERK
Borough of Chatham, New Jersey