

17-8 ZONING DISTRICTS AND ZONING MAPS.

17-8.1 Zoning Districts.

For the purpose of this chapter, the Borough is hereby divided into five (5) **districts** as follows:

1. Residential R-60
2. Residential R-50
3. Residential R-40
4. Multi-Family MF
5. General Business GB
(Ord. No. 90-535; Ord. No. 90-538)

17-8.2 Zoning Map.

The boundaries of these **zoning districts** are established on the map entitled "**Zoning Map of the Borough of Lake Como, Monmouth County, New Jersey**" prepared by Birdsall Engineering, Inc., dated July 21, 2009, which will be made part of this chapter and will also be made part of the Master Plan of the Borough of Lake Como. This map may be found on file in the Office of the Clerk. (Ord. No. 90-535; Ord. No. 90-538; Ord. No. 2009-832)

17-8.3 Interpretation of Boundaries.

Zoning district boundary lines are intended to follow street centerlines; railroad rights-of-way, and lot or property lines as they exist on lots of record at the time of enactment of this chapter unless otherwise indicated by dimensions on the **Zoning Map**. Any dimensions shown shall be in feet and measured horizontally and, when measured from a street, shall be measured from the street right-of-way line even if the centerline of that street is used for the location of a **zoning** district line. The exact location of any disputed **zoning** district boundary line shall be determined by the Board of Adjustment. The **zoning** standards, controls and designations apply to every structure, lot and use within each district, and the district lines extend vertically in both directions from ground level. (Ord. No. 90-535)

17-8.4 Division of Lot in Single Ownership.

Where a **zoning** district boundary line divides a lot other than by following a street, any use permitted in either district may be ex-tended not more than twenty (20') feet into the adjacent district. A use permitted in the **zoning** district so extended shall thereafter be a permitted use in the extended area. A **zoning** district line, however, shall be altered only once by utilizing this section of the chapter, after which the lot use shall be governed by the regulations of the **zoning** district in which it is located after the **zoning** district boundary line adjustment. (Ord. No. 90-535)

17-9 DISTRICT REGULATIONS.

No building or premises shall be used, and no building shall be erected or altered except in conformity with the regulations prescribed for the zone in which such buildings or premises are located. Where a lot is formed from part of a lot already occupied by a building, such subdivision shall be effected in such a manner as not to impair any of the requirements of this chapter with respect to the existing building and all yards and other open space in connection therewith and so that all resulting lots have adequate dimensions consistent with the requirements of the **zoning** district in which they are located and so that all lots have frontage. (Ord. No. 90-535; Ord. No. 90-538)

17-9.1 R-60, R-50 and R-40 Single-Family Residential Districts.

- a. *Principal Permitted Uses on Land and in Buildings.*

1. Single-family detached dwelling units.
 2. Public playgrounds, parks and public purpose uses.
 3. Public and private day schools of elementary and/or high school grade not operated for profit.
- b. *Accessory Uses Permitted.*
1. Private residential swimming pools (see subsection 17-10.11 for standards).
 2. Private residential utility sheds not to exceed ten (10') feet in height and one hundred (100) square feet in area.
 3. Off-street parking and private garages for storage of a maximum of three (3) vehicles. The garage shall not exceed sixteen (16) feet in height.
 4. Fences and walls (see subsection 7-10.4).
 5. Home occupation (see Section 17-7).
- c. *Building Height.* See Section 17-7 for "Building height" and "Building heights for lots of undersized width." The maximum allowable height for buildings on lots with undersized width shall have the maximum allowed building height reduced by the same percentage that the lot is undersized in width (i.e. thirty (30) foot wide lot where forty (40) foot lot is required is only seventy-five (75%) percent of the required width, therefore, the allowed maximum height would be only seventy-five (75%) percent of the normal thirty-five (35) foot height allowed or twenty-six (26) feet inches maximum height).
- d. *Area and Yard Requirements:*

<i>Principal Building</i>	<i>Minimum Requirements</i>		
	R-60	R-50	R-40
Lot Area	6,000 sq. ft.	5,000 sq. ft.	4,000 sq. ft.
Lot Frontage	60 feet	50 feet	40 feet
Lot Width	60 feet	50 feet	40 feet
Lot Depth	100 feet	100 feet	100 feet
Front Yard			
Setback (1)*	25 feet	20 feet	20 feet
Rear Yard			
Setback	25 feet	10 feet	10 feet
Side Yard	5 feet and	5 feet (each)	3 feet
Setback	10 feet		(each)

*(1) The front yard setback for properties on North Boulevard between Main Street and Fernwood Road shall be a minimum of sixty (60) feet.

NOTE:

Front yard setback for all zones (including zones R-60, R-50 and R-40) shall be as above or the average of the front yard setbacks for the block from intersection to intersection on the same side of the street, whichever is less. In addition, open, uncovered first floor decks may extend a maximum height of eight (8) feet into the required front yard area with a minimum front yard setback of either ten (10) feet or the average of the front yard setbacks of existing open decks for the block, whichever is less. (Note: The average setback measurements shall be the responsibility of the applicant and shall be certified by a surveyor, engineer, architect or the Zoning Officer.)

- e. *Maximum Lot Coverage:*
1. Building area coverage shall be limited to a maximum of forty (40%) percent of the total lot area for buildings, including the principal building, accessory buildings and decks. Building

area coverage shall be thirty-five (35%) percent on undersized lots or forty (40%) percent with a garage.

2. Impervious area coverage shall be limited to a maximum of sixty (60%) percent of the total lot area including buildings, decks, sidewalks, driveways, patios, etc. (Note: Dry-laid brick pavers, gravel and open "boardwalk" decking over a pervious sub-base shall for this definition be calculated as fifty (50%) percent impervious.)
3. In addition, the impervious area coverage for any required front yard area shall be further limited to a maximum of fifty (50%) percent of the required front yard area. (Note: The dry-laid brick pavers, gravel and open "boardwalk" decking reduction listed above shall not be valid for the required front yard calculation.)

(Ord. No. 90-535; Ord. No. 94-599; Ord. No. 2005-753; Ord. No. 2010-842)

17-9.2 Multi-Family.

a. *Principal Permitted Uses on the Land and in Buildings.*

1. Garden apartments (see subsection 17-10.3 for additional standards).
2. Townhouses (see subsection 17-10.12 for additional standards).
3. Single-family detached dwelling units.

b. *Accessory Uses Permitted.*

1. Playgrounds, conservation areas and parks.
2. Off-street parking (see subsection 17-10.7).
3. Fences and walls (see subsection 17-10.4).
4. Public swimming pools designed to be used collectively by persons for swimming and bathing purposes as part of any garden apartment or townhouse development.

c. *Maximum Building Height.* See Section 17-7 "Building height."

d. *Area and Yard Requirements.*

1. The minimum tract size shall be one (1) acre including the areas of existing streets and water areas within; the tract boundary lines provided they total no more than two (2%) percent of the tract area. All plans shall delineate the boundaries of the portion(s) of the tract devoted to each use.

Lot Area	1 acre
Lot Frontage	350 feet
Lot Width	350 feet
Lot Depth	N/A
Side Yard	25 feet
Front Yard	40 feet to any external street
Rear Yard	50 feet

No separate free-standing building shall be closer than ten (10) feet to any other building on a site and no building shall be designed or located so that the distance from any window of any room used for human habitation is less than thirty (30) feet from the wall of any structure on the site, such distance to be measured by a line perpendicular to the plane of the surface of said window.

2. Minimum yard areas shall be measured horizon-tally in feet and shall be measured away from the front, side and rear of each building. The total minimum distance between buildings shall be the sum of the two (2) abutting yard areas.

3. Land area equal to at least two hundred fifty (250) square feet for each dwelling unit shall be specified on the site plan and improved by the developer as active recreation areas for use by the residents of the development.
 4. All portions of the tract not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formations, contours, existing foliage and the planting of conifers and/or deciduous trees native to the area in order to either maintain or re-establish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas. The established grades on any site shall be planned for both aesthetic and drainage purposes. The grading plan, drainage facilities and landscaping shall be coordinated to prevent erosion and silting as well as assuring that the capacity of any natural or manmade drainage system is sufficient to handle the water generated and anticipated both from the site and contributing upstream areas.
 5. For single-family detached dwelling units see "Area and Yard Requirements" for the single-family residential zone.
- e. *Gross Floor Area Minimums.*
1. Garden Apartments:

(a) Efficiency unit	550 square feet
(b) One-bedroom unit	750 square feet
(c) Two-bedroom unit	900 square feet
 2. Townhouses:

(a) One-bedroom unit	850 square feet
(b) Two-bedroom unit	1,050 square feet
(c) Three-bedroom unit	1,250 square feet
- Each additional bedroom shall require that a minimum of one hundred fifty (150) additional square feet to be added to the gross floor area of an apartment and two hundred (200) additional square feet be added to the gross floor area of a townhouse.
- No building shall contain more than one (1) two-bedroom unit for each four (4) one-bedroom units; for the purpose of this chapter, a bedroom is defined as a room which is or can be used primarily for sleeping.
- f. *Density.* Garden apartments and/or townhouses shall not exceed a density of sixteen (16) units per acre.
 - g. *Minimum Off-Street Parking.* Two (2) spaces for each apartment or townhouse dwelling unit.
 - h. *Minimum Off-Street Loading.* Adequate trash and garbage pick-up locations shall be provided within a totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination of the three.
 - i. *Signs.* See subsection 17-10.10.
(Ord. No. 90-535; Ord. No. 2010-842)

17-7 DEFINITIONS

Building height shall mean the vertical dimension of a building measured from curb grade at the center point of the street frontage or, in the absence of a curb, measured from the curb grade closest to the center point of the street frontage to the highest point of the roof. Maximum height for flat roofs shall be thirty (30) feet and zero (0) inches and maximum height for all other roof types shall be thirty-five (35) feet and zero (0) inches. All buildings shall be a maximum of two and one-half (2 1/2) stories in height unless otherwise noted.

Building height for accessory building. See Accessory building height:

Accessory building height shall mean in all zones shall be no greater than a maximum of one (1) story and shall not exceed twelve (12) feet for any accessory structure that is one hundred (100) square feet or less in area; and shall not exceed sixteen (16) feet in height for accessory structures that exceed one hundred (100) square feet in area. The height of accessory buildings shall be measured from the average grade at the base of the structure.

Building height for lots of undersized width shall mean the maximum height for principal buildings on lots of under-sized width shall be reduced proportionally to the width of the lot (i.e. if a lot has a width that is twenty (20%) percent less than the required width, then the maximum building height would also be reduced by the twenty (20%) percent.