

ORDINANCE 1210-2013

**AN ORDINANCE AMENDING ARTICLE 10, SECTIONS 1008(c),
1009(c), AND 1010(c) OF THE LAND USE ORDINANCE OF THE
BOROUGH OF MOUNTAINSIDE**

WHEREAS, the Mayor and Council of the Borough of Mountainside, County of Union, and State of New Jersey have determined that upon recommendation by the Borough Engineer that there is a need to amend the residential zone building height standard for the residential zoning districts in the Borough.

WHEREAS, by Ordinance 1197-2012, the Borough previously amended such height restrictions in order to exercise more control over changes made to existing construction in the residential zoning districts.

WHEREAS, upon further recommendation by the Borough Planner, the Mayor and Council have determined that it is in the interest of the Borough to amend the Required Conditions for the residential zoning districts to include a Floor Area Ratio ("FAR") regulations.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: Article 10, Section 1003 of the Borough Code be and the same is hereby amended by adding new subsection (aa):

(aa) Floor Area Ratio Regulation. A floor area ratio is calculated by dividing the habitable floor area of a dwelling by the lot area. Habitable floor area shall not include garage space, basement whether finished or unfinished, attic space, an open porch or breezeway.

AND BE IT FURTHER ORDAINED THAT Subsection 1008 (c) (1) of the Borough Code be and the same is hereby deleted and that there be substituted the following new Section 1008(c)(1):

(1) Height. No building shall exceed a maximum of two and one-half (2 1/2) stories or thirty-five (35) feet in height, whichever is the lesser.

AND BE IT FURTHER ORDAINED THAT new Subsection 1008(c)(8):

(8) Floor Area Ratio. A floor area ratio for the R-1 Zone shall be .225.

The maximum floor area ratio (FAR) for any residential zone shall be 0.225.

AND BE IT FURTHER ORDAINED THAT Subsection 1009(c)(1) of the Borough Code be and the same is hereby deleted and that there be substituted the following new Section 1009(c)(1):

(1) Height. No building shall exceed a maximum of two and one-half (2 1/2) stories or thirty-five (35) feet in height, whichever is the lesser.

AND BE IT FURTHER ORDAINED THAT new Subsection 1009(c)(8):

(8) Floor Area Ratio. A floor area ratio for the R-2 Zone shall be .225.

AND BE IT FURTHER ORDAINED THAT Subsection 1010. (c) (1) of the Borough Code be and the same is hereby deleted and that there be substituted the following new Section 1010(c)(1):

(1) Height. No building shall exceed a maximum of two and one-half (2 1/2) stories or thirty-five (35) feet in height, whichever is the lesser.

AND BE IT FURTHER ORDAINED THAT new Subsection 1009(c)(8):

(8) Floor Area Ratio. A floor area ratio for the R-3 Zone shall be .225.

AND BE IT FURTHER ORDAINED THAT all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

This ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.