

**BOROUGH OF STONE HARBOR
CAPE MAY COUNTY, NEW JERSEY
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING CHAPTER 560 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF STONE HARBOR CREATING THE
RESIDENTIAL D ZONING DISTRICT**

WHEREAS, Section 560 of the Zoning Ordinance (the "Ordinance") of the Borough of Stone Harbor (the "Borough") currently establishes four residential zoning districts; and

WHEREAS, included in the Borough's Residential C Zoning District regulations are special provisions governing properties having street frontage on Linden Lane; and

WHEREAS, the Stone Harbor Master Plan Reexamination Report adopted June 2019 (the "Master Plan") recommended the creation of a new residential zoning district to regulate and provide for the responsible development and improvement of properties located on Linden Lane; and

WHEREAS, the Borough desires that the Ordinance be revised to implement the recommendations of the Master Plan, all in accordance with the provisions set forth below.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Stone Harbor, Cape May County, New Jersey, as follows:

Section 1. Section 560-5. Classes of districts. is amended (added text underlined and deleted text is ~~stricken~~) as follows:

For the purposes of this chapter, the Borough is divided into ~~nine~~ ten classes of districts as follows:

- A. Residential A District (§ 560-13).
- B. Residential B District (§ 560-14).
- C. Residential B Parking B-P District (§ 560-15).
- D. Residential C District (§ 560-16).
- E. Residential D District ((§ 560-17).
- F. Business District (§ 560-18).
- G. Waterfront Business District (§ 560-19).
- H. Light Industry District (§ 560-22).
- I. Public Use P District (§ 560-23).
- J. Conservation Management CM District (§ 560-24).

Section 2. Section 560-6. Zoning Map. is amended (added text underlined and deleted text is ~~stricken~~) as follows:

The districts and their boundaries shall be as shown on the Zoning Map, dated June 1, 2006, together with approved revisions, and originally prepared by Remington, Vernick and Walberg Engineers, and as revised from time to time by the Borough Engineer, on file in the office of the

Administrative Officer, hereinafter to be referred to as the "Zoning Map of the Borough of Stone Harbor."

Section 3. Section 560-10 Definitions. is amended to add the following definitions alphabetically:

BUILDING HEIGHT

A. In all residential zones (Residential A, B, B-P, C, and D), "building height" shall be defined as the vertical measurement from design flood elevation as defined in Chapter 300 of the Borough Code to the uppermost point of a building, except as otherwise provided.

B. In all other zones, "building height" shall be defined as the vertical measurement from the curb level to the uppermost point of a building, except as otherwise provided.

Section 4. Section 560-16 D (2) Supplemental regulations. is amended (added text underlined and deleted text is ~~stricken~~) as follows:

- (2) For lots having street frontage only on Bower Court, Stone Court, or Weber Court ~~or Linden Lane~~, the requirements set forth in § **560-16B** above shall be amended as follows, provided that the provisions of § **560-16B** not altered by this subsection shall remain unaffected:
- (a) Minimum lot area: 1,400 square feet.
 - (b) Minimum lot frontage: none.
 - (c) Maximum building height: 15 feet above base flood elevation.
 - (d) Maximum number of stories: one.

Section 5. Section 560-17 is created as follows:

560-17 Residential D Zoning District.

A. Use Regulations. In the Residential D Zoning District, lands, buildings, and premises may be used for the following purposes:

- 1. Principal Permitted Use: Single Family Dwellings
- 2. Permitted Accessory Use: Accessory Storage Building (Shed)
- 3. Conditional Uses: None

B. Area Regulations. Development in the Residential D District shall be subject to the following area regulations.

- 1. Minimum requirements

TABLE I Minimum Requirements	
Lot Area	925 Square Feet
Lot Frontage	25 Feet
Setbacks (Principal Structure)	
Front Yard	First Floor (up to DFE +10') - 5 Feet Second Floor (Above DFE +10') - 3 Feet from the front face of the structure
Side Yards (each)	5 Feet,
Rear Yard	5 Feet
Setbacks (Accessory Structure)	Side Yard: 3 feet Rear Yard: 3 feet Front Yard: the greater of the front setback to the principal structure on the subject lot or 5 feet.

2. Maximum Limitations

TABLE II Maximum Limitations	
Building Coverage	40%

Lot Coverage	85%,
Building Height	Prohibited (Flat Roof) 22' (Peaked Roof) with 6"/12" minimum roof slope
Habitable Stories	Two
Building Length	30 feet
Second floor habitable area	Not to exceed 30% of the total lot area, subject to item D Supplemental Regulations #3 below

C. Conditional Use Regulations. Not Applicable.

D. Supplemental Regulations

1. No accessory buildings shall be permitted, except that each principal structure shall be permitted one (1) accessory storage building (shed) which (i) shall not exceed one (1) story; (ii) shall not exceed an overall height of eight (8') feet (flat roof) or twelve (12') feet (pitched roof) measured from the curb level to the uppermost point of the roof; and (iii) shall be a minimum of five feet (5') from the principal structure. No cooking facilities, sink, shower, clothes washing or drying machine, or toilet shall be installed in any accessory shed. No accessory shed may be utilized for dwelling purposes.

2. A pitched roof with or without dormers may be located within the front yard setback of any second floor area (greater than 10' above Design Flood Elevation); provided that (i) any roof located in the second floor front yard setback area shall have a maximum pitch of 6"/12"; (ii) no more than two dormers shall be permitted; (iii) dormers shall be subject to a minimum front yard setback of five (5') feet; and (iv) the combined width of dormers shall not exceed forty (60%) percent of the building total frontage.

3. This section applies to second floor. Front decks on the 2nd floor shall be permitted as long as said decks do not extend beyond the front face of the structure. Flat roofs to accommodate any front facing decks shall be at design flood plus 10' and no higher, inclusive of decks.

The area allocated to stairways or stairways with elevator shall be included as habitable area for the first floor only. Above the first floor, a maximum exemption in habitable area per floor shall be 100 square feet for stairs only or 125 square feet for stairs and elevator.

4. All new construction and all renovations that result in the addition of a second story shall require that all wires shall be placed underground in accordance with Section 560-47.

5. Any nonconforming structure has to be brought into compliance with all Borough Codes in order to add a second floor.

Section 6. 560-38 D. Supplemental area regulations. is amended (added text underlined and deleted text is ~~stricken~~) as follows:

D. Setback exceptions.

(1) Notwithstanding the setback requirements set forth in Article IV above, the following shall be permitted in yard spaces in all zoning districts unless otherwise noted:

(a) Landings/stairs.

- [1] For all residential buildings having an elevation at or above design flood elevation, as defined in Chapter 300, stairs or steps leading to a first-floor entrance landing or porch shall be permitted in yard spaces in all zoning districts, provided that (i) no such stairs or steps shall be located less than five feet from a front property line or less than 3 1/2 feet from a side or rear property line, except in the Residential C and Residential D Zoning Districts, where no such stairs or steps shall be located less than two feet from a side property line; and (ii) stairs or steps located in a front yard setback shall not exceed 25% of the building length as defined in § 560-10.
- [2] For all residential buildings having an elevation below design flood elevation as defined in Chapter 300, stairs or steps leading directly to a first-floor entrance landing or a porch shall be permitted in yard spaces in all zoning districts, provided that (i) no such stairs or steps shall be located less than five feet from a property line, except in the Residential C and Residential D Zoning Districts, where no such stairs or steps shall be located less than two feet from a side property line; and (ii) stairs or steps located in a front yard setback shall not exceed 25% of the building length as defined in § 560-10.
- [3] This § 560-38D(1)(a) shall not permit landings to be located in any front yard setback.
- [4] Landings not exceeding five feet in length or five feet in width shall be permitted in side yard and rear yard setbacks; provided that no such landing shall (i) be located less than five feet from a property line, except in the Residential C and Residential D Zoning Districts, where no such

landing shall be located less than two feet from a side or rear property line; nor (ii) be elevated above design flood elevation.

- (b) Outside shower enclosures, which shall not exceed four feet by eight feet in length and width, shall not exceed seven feet in height, and shall not encroach more than four feet into the yard space; provided that no shower enclosure shall be less than six feet from a side property line in the Residential A and Residential B Zoning Districts nor less than two feet from a side property line in the Residential C and Residential D Zoning Districts. Outside showers are prohibited in front yards.
- (c) Trash receptacle enclosures which shall not exceed four feet in height; provided that encroachments into side yards or front yards shall not exceed four feet; and further provided that no trash receptacle enclosure shall be closer to the front or side property lines than five feet in the Residential A and Residential B Zoning Districts nor closer than two feet in the Residential C and Residential D Districts.
- (d) Bay windows, chimneys, and window seats having no floor area; provided that they do not extend more than 20 inches into the yard space; and further provided that the windows, chimneys, and window seats having no floor area shall not exceed 10 feet in width and shall be separated from each other by a minimum horizontal distance of 10 feet. Should bay windows, chimneys, and window seats having no floor area not have footings or foundations, they shall not be counted as lot coverage or building coverage. Any and all bay windows, chimneys, and window seats which have footings or foundations shall be counted as lot coverage and building coverage and shall comply with all applicable setback requirements. The purpose of the aforesaid deviations from the setback requirements is to permit aesthetic enhancement to structures in the case of bay windows and window seats and for proper ventilation in the case of chimneys. This section shall supersede and control to the extent its provisions conflict with the definitions of "lot coverage" and "building coverage." / Not permitted in Residential D District.
- (e) Eaves; provided that they do not extend more than 20 inches into any yard space; and further provided that eaves extending from bay windows and/or window seats permitted under § 560-38D(4) may extend an additional eight inches into a side yard space. In no event shall any eave extend to within three feet of any property line.
- (f) Heating, air-conditioning and circulating equipment; provided that they do not encroach more than five feet into any yard space; and further provided that they are no closer than two feet to any side, rear, or front property line.
- (g) Fences; provided that no fence shall exceed four feet in height, with the exception of fences enclosing swimming pools subject to § 560-43.
- (h) Lampposts, which shall be of a single-globe type only, at a height not to exceed seven feet above grade. The light intensity shall not exceed the lumen output of a standard one-hundred-watt frosted incandescent lamp or 1,750 lumens, whichever is higher.

- (i) Arbors and trellises, provided that:
 - [1] No arbor or trellis shall exceed eight feet in height, five feet in width (inside dimension) or five feet in depth.
 - [2] Arbors and/or trellises greater than four feet in height and located on a single lot or parcel shall be separated by a minimum distance of 25 feet.
 - [3] Arbors and trellises shall not be placed in the site triangle on any corner lot.
 - [4] Any fence, latticework, bench or decorative structure attached to, extending from or running with an arbor or trellis shall not exceed four feet in height, if these structures are contained within a required yard setback.
- (2) Notwithstanding the foregoing, no provision of this § 560-38D shall permit the construction of improvements in any required yard space which is adjacent to any beach or bay waters.

Section 7.

Zone Change and Zoning Map Amendment. **(NOT TO BE PLACED IN THE CODE)**

The Zoning Map of the Borough of Stone Harbor, New Jersey is hereby amended to conform to the following changes.

Zone Change	General Location	Block & Lot
Residential C to Residential D	LINDEN LANE	BLOCK 84.03, LOT 82, 84, 86, 88, 90, 91.02, 92, 94, 95.02, 96, 97.02, 98, 99.03, 100, 101.02, 101.03, 102, 103.02, 103.03, 104, 105.02, 105.03, 106, 107.02, 108, 109.03, 110, 112, and 114

Section 8. If any portion of this ordinance is determined to be invalid by a Court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

Section 9. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

Section 10. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

APPROVED:

Judith Davies- Dunhour, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk