

2019-05

**ORDINANCE AMENDING CHAPTER 135 ENTITLED LAND DEVELOPMENT FOR  
VARIOUS SECTIONS REGARDING THE MASS AND SCALE OF HOMES**

**NOW THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Borough of Haddonfield, County of Camden, State of New Jersey that Chapter 135 of the Haddonfield Land Development Ordinance be amended as follows:

**SECTION I**

**ARTICLE II, Section 135-10 Definitions**

The definitions of the words and phrases below shall be deleted and replaced with the following definitions:

BASEMENT – An interior space, or portion thereof, having a floor level below the average finished grade at the foundation wall of the building or structure in which it is contained, and having a floor to ceiling height of not less than six and one half (6.5) feet. A basement shall be considered as a story where the top of the foundation or exterior basement wall is:

- More than three (3) feet above the average grade (existing or finished), determined by measuring the elevation at every corner of the building and at the midpoints between all of the corners, adding the elevations and dividing that sum by the number of measurements; or
- More than three (3) feet above the finished grade for 50% or more of the total building perimeter; or
- More than ten (10) feet above the finished grade at any point.

FAÇADE – The exterior face (front, rear or side elevations) of a building, including but not limited to, the walls, windows, window sills, doorways and such other traditional design elements, including but not limited to horizontal lines, cornices and parapets.

GARAGE - A detached accessory building, or a portion of a principal building, containing one or more parking spaces and used primarily for the storage of motor vehicles owned or used by the occupant of the principal building.

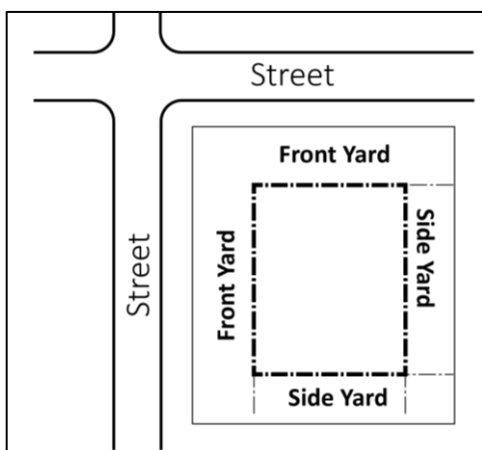
GARDEN OR GREENHOUSE WINDOW – A glass sided window that protrudes from the facade of the building to increase light and which is commonly used for growing plants.

GRADE, PRECONSTRUCTION – The elevation of a property in its current condition, before demolition or excavation occurs.

**HEIGHT (ZONES OUTSIDE OF DOWNTOWN ZONING DISTRICT)** The vertical distance of a building measured from the average pre-construction grade or average finished grade, whichever is lower, around the building's perimeter to the highest point along the roofline. This dimension is expressed both in terms of stories and in terms of feet. Average grade shall be determined by measuring the elevation at every corner of the building and at the midpoints between all corners, adding the elevations and dividing that sum by the number of measurements.

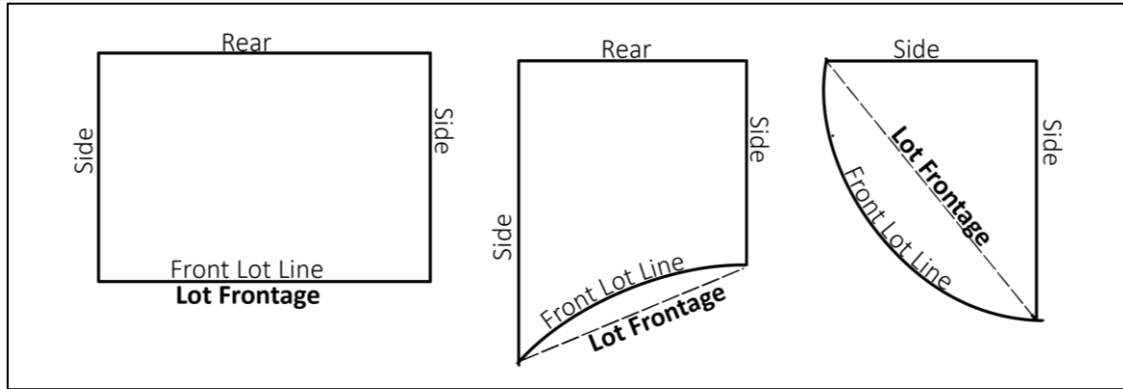
As part of the application for a construction permit, an applicant shall submit to the construction official a height calculation form provided by the construction official. Prior to the issuance of a Certificate of Occupancy or Approval of Construction, an applicant must submit to the construction official an as-built survey certified by a licensed New Jersey surveyor, which includes the setbacks and heights of all structures.

**LOT, CORNER** – A lot abutting two or more streets at their intersection where the interior angle of the intersection does not exceed 135 degrees or a lot upon two parts of the same street forming an interior angle that does not exceed 135 degrees. Each corner lot shall have front yards that face the street(s) and side yard(s) that do not face any street. Corner lots shall otherwise comply with all other area and yard requirements of the applicable zone, including lot depth.

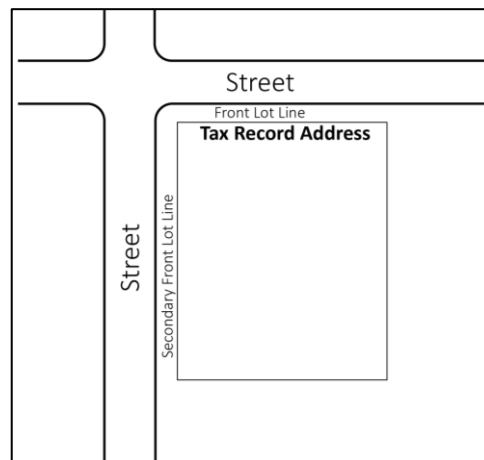


**LOT DEPTH** – The length of a straight line joining the midpoint of the front lot line and the midpoint of the rear lot line.

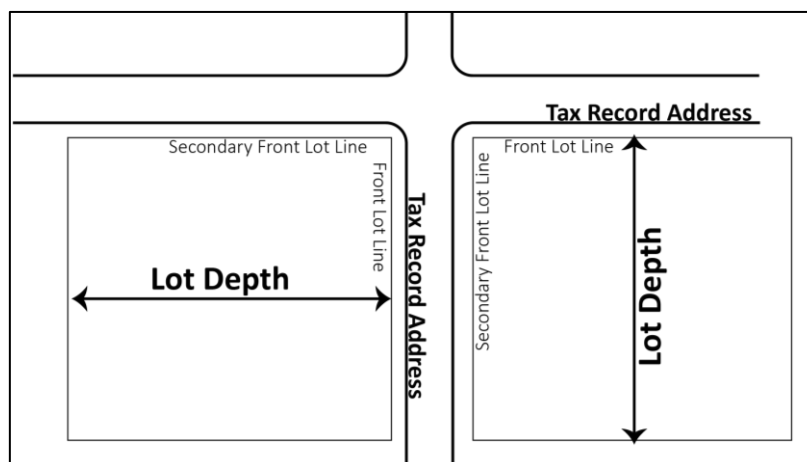
**LOT FRONTAGE** – The straight-line distance between side lot lines at the points where they intersect the front lot line. For corner lots, the secondary front lot line shall be considered a side lot line for purposes of this calculation.



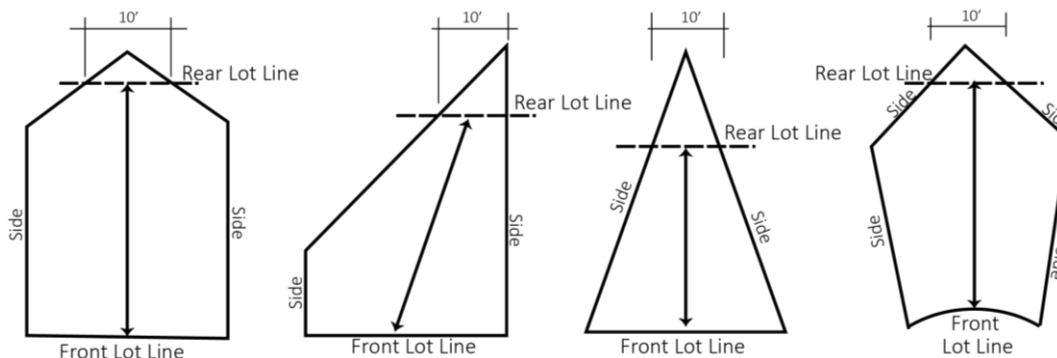
LOT LINE, SECONDARY FRONT – A lot line that fronts (abuts) a street but which is not the front lot line.



LOT LINE, FRONT – The lot line that fronts (abuts) the street line. Where a lot abuts more than one street, the front lot line is that lot line that abuts the street shown in the property address identification portion of the tax records of the Borough of Haddonfield as of January 1, 2018. All other lot lines abutting a street shall be considered secondary front lot lines.



LOT LINE, REAR – The property line that is opposite and most distant from the front lot line. In case of a lot pointed at the rear (i.e. triangular or pentagonal), the rear lot line shall be an imaginary line parallel to and furthest from the front lot line, provided the imaginary line is not less than ten (10) feet long and is wholly located within the lot.



LOT WIDTH – The straight-line distance between the side lot lines at the points where they intersect the front yard setback line. For corner lots, the secondary front lot line shall be considered a side lot line for purposes of this calculation.

STORY – That portion of a building included between the upper surface of a floor and the upper surface of the floor next above it. A cellar or basement meeting the definition in this chapter shall not be considered a story. A half story is the top floor of a building provided that a seven (7) foot or higher ceiling height above the half story floor does not occupy more than thirty-three (33%) percent of the area of the floor immediately below.

YARD, FRONT – A space extending the full width of the lot between any building and the front lot line and measured from and at right angles from the closest point of a building to the front lot line.

YARD, REAR – A space extending across the full width of the lot between the principal building measured from and at right angles from the closest point of the building to the rear lot line.

## **ARTICLE II, Section 135-12 Zoning Map**

The Zoning Map shall be amended as follows:

Block 65, Lot 1; Block 66, Lots 8, 9 and Block 68, Lot 13 on Washington Avenue shall change from R6 to R5 zone.

Block 64.13, Lot 3, 1045 Washington Avenue shall change from R5 to R3 zone.

Block 76, Lot 5 on Warwick Road shall change from R-7 to R-2 zone.

Block 66, Lots 1, 2 and 3; Block 64, Lots 1, 3, 15, 16 and 17; Block 64.05, Lots 1, 19.01, 19.02 and 19.03; Block 81.02, Lots 9.02, 10, and 13; Block 81.03, Lots 12 and 14.02; Block 81.04, Lots 14.01, 15, 16 and 21 on Warwick Road shall change to R-3 zone.

Block 81.02, Lot 12 Mountwell Avenue and Block 81.02, Lot 11.01 Jefferson Avenue shall change from R-4 to R-6 zone.

### **ARTICLE III, SECTION 135-19**

Accessory buildings shall comply with all requirement for the zoning district in which they are located. **All accessory buildings or structures shall be set to the rear of the front most portion of the principal building. All accessory buildings must be set at a minimum distance of 10 feet from the principal building.** ~~Any structure that is closer to the street line or front property line than the rear most portion of a principal building or structure, or is less than 10 feet from the principal building or structure, shall be considered a portion of the principal building or structure and not an accessory building.~~

### **ARTICLE III, Section 135-21B**

Article III, Section 135-21B is deleted and replaced with the following:

Yard encroachments (See Figure 1) shall be permitted in the R, O, C and P zones (outside of the downtown zoning district) provided that:

1. The principal building or structure to which the encroachment is attached otherwise conforms to all setback requirements or, if the building or structure has a nonconforming yard, it will not increase the nonconformity thereof;
2. No such encroachment shall be permitted to be closer than four (4) feet to any property line;
3. All such encroachments that extend over a driveway, sidewalk, walkway, patio, handicapped access ramp or other means of vehicular or pedestrian ingress or egress shall maintain a height at least eight (8) feet above such means of ingress or egress; and
4. Notwithstanding any other limitation set forth in the definition of protrusions, every yard encroachment permitted pursuant to this subsection shall adhere to the standards set forth on Attachment 6 included at the end of Chapter 135.

### **CHAPTER 135, ATTACHMENT 6**

The following shall be added as an attachment to Chapter 135:

135 ATTACHMENT 6

PERMITTED YARD ENCROACHMENTS IN THE R, O, C AND P ZONES OUTSIDE OF THE  
DOWNTOWN BUSINESS ZONING DISTRICT

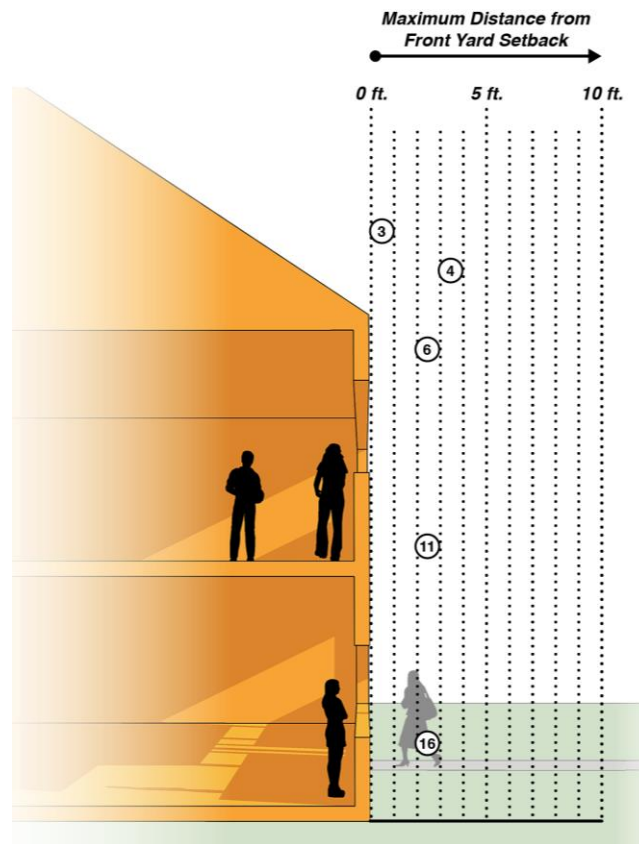
The following limitations apply only when all or a portion of the feature encroaches into a required yard.

	Encroachment	Permitted in Front Yard?	Permitted in Side Yard?	Permitted in Rear Yard?	Other Limitations When Feature Encroaches into a Yard**
①	<b>Air conditioners (ground mounted)</b>	No	No	Yes	Limited to four (4) foot depth and ten (10) foot width.
②	<b>Air conditioners (window mounted)</b>	Yes	Yes	Yes	
③	<b>Architectural features such as sills, belt courses, cornices and window flower boxes</b>	Yes	Yes	Yes	Limited to one (1) foot depth.
④	<b>Cantilevered awnings and unsupported door canopies</b>	Yes	Yes	Yes	Limited to four (4) foot depth
⑤	<b>Balconies (unroofed) and terraces</b>	No	No	Yes	Limited to four (4) foot depth and eight (8) foot width.
⑥	<b>Bay, bow or box windows and oriels</b>	Yes	Yes	Yes	Limited to three (3) foot depth and ten (10) foot width. Height limited to eight (8) feet.
⑦	<b>Bilco Doors</b>	No	No	Yes	Limited to six (6) foot depth. Area of such encroachment, including the slab, shall not exceed thirty-six (36) square feet.

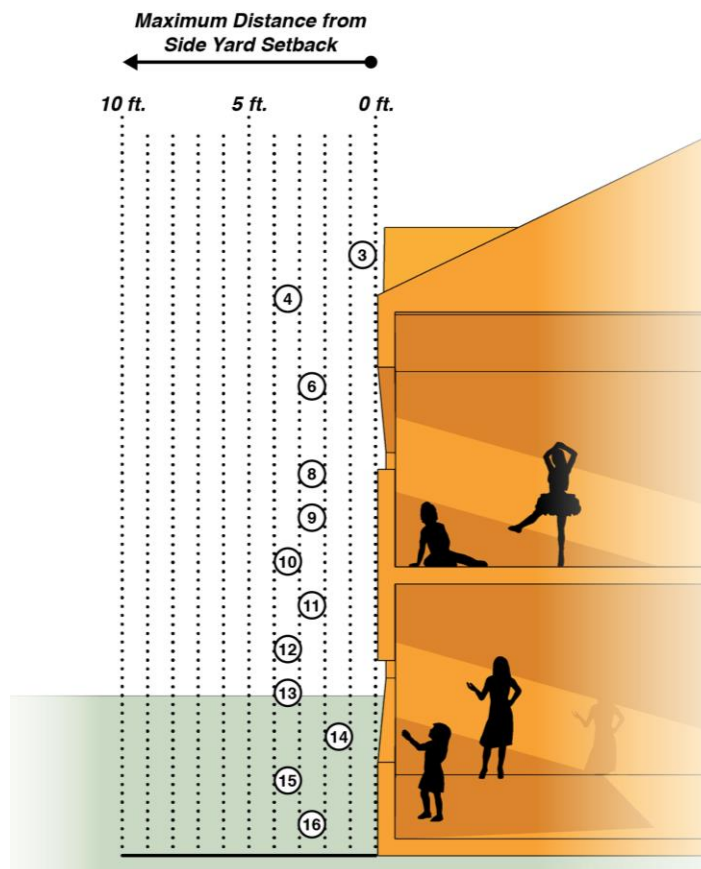
⑧	<b>Chimneys (ground supported)</b>	No	Yes	Yes	Limited to three (3) feet depth and eight (8) foot width.
⑨	<b>Chimney box structures and flues, stacks and vents attached to the facade</b>	No	Yes	Yes	Limited to three (3) foot depth. Area of such encroachment projected to ground level shall not exceed eighteen (18) square feet.
⑩	<b>Deck (unenclosed)</b>	No	Yes	Yes	Limited to four (4) foot depth and ten (10) foot width.
⑪	<b>Eaves, gutters and pent roofs between 1<sup>st</sup> and 2<sup>nd</sup> stories</b>	Yes	Yes	Yes	Limited to three (3) foot depth.
⑫	<b>Porticos, entrance stoops and landings (unenclosed)</b>	No	Yes	Yes	Limited to four (4) foot depth and five (5) foot width. Height limited to three (3) feet.
⑬	<b>Fire escapes</b>	No	Yes	Yes	Limited to four (4) foot depth.
⑭	<b>Garden windows</b>	No	Yes	Yes	Limited to two (2) foot depth, and four (4) foot width. Height limited to five (5) feet.
⑮	<b>Pergolas attached to the principal building</b>	No	Yes	Yes	Limited to four (4) feet depth and ten (10) foot width.
⑯	<b>Window wells (basement)</b>	Yes	Yes	Yes	Limited to three (3) foot depth and seven (7) foot width. Height limited to one (1) foot above grade.

[Note: numbers in Figure 1 illustration correspond to left-hand column in table above]

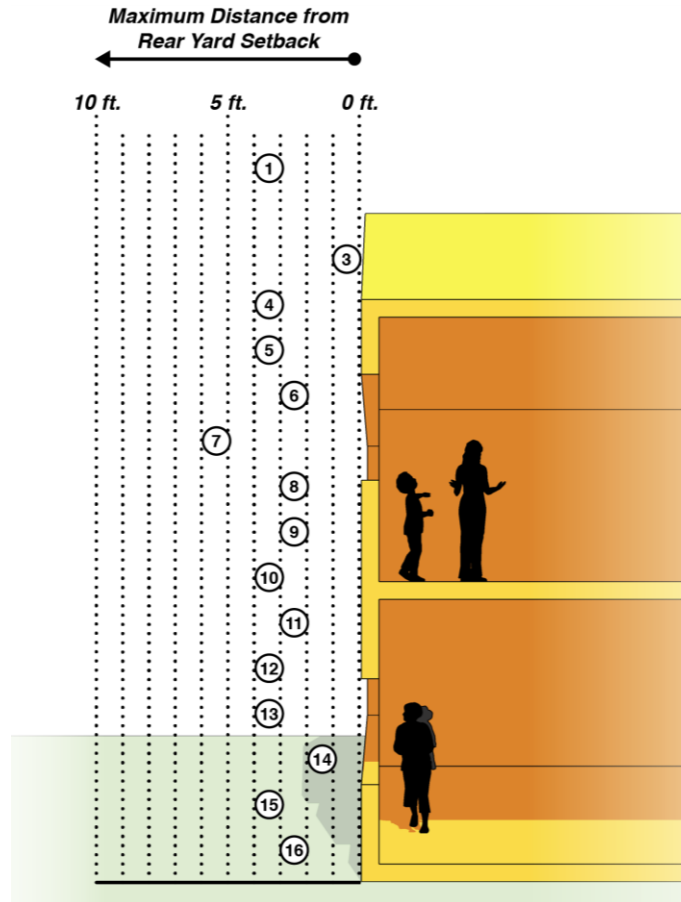
**Figure 1a: Permitted encroachments into front yard setback**



**Figure 1b: Permitted encroachments into side yard setback**







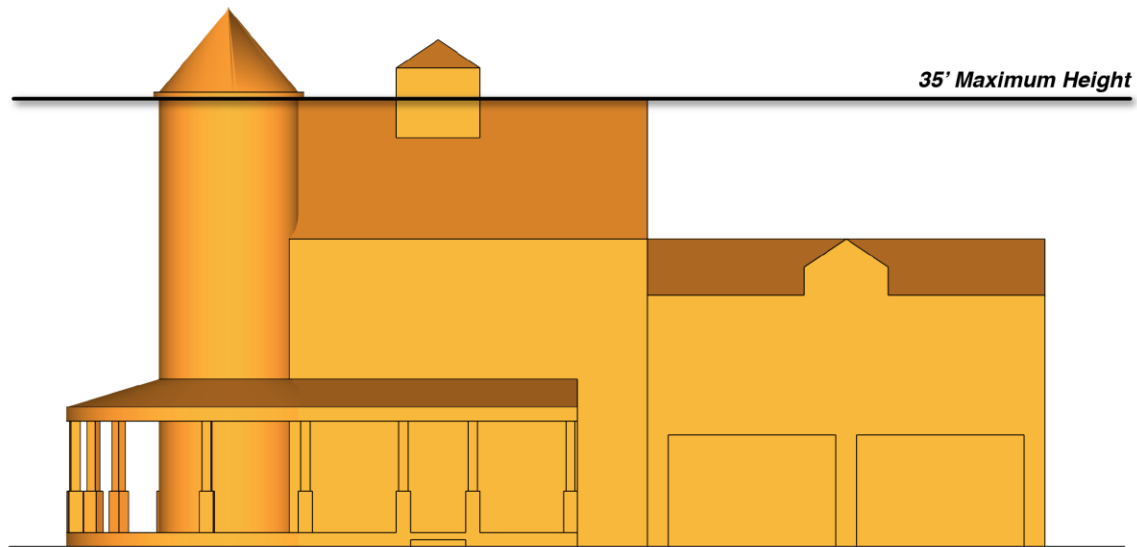
**ARTICLE IV, Sections 135-26 to 135-34 Inclusive**

Subsection D(5)(b), Height Restrictions for Zones R-1 (See Figure 2), R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-8 and R-9 are deleted and replaced with the following:

135-26D(5)(b) – Maximum height: 35 feet; provided, however, that the maximum height may be exceeded by cupolas, finials, spires or similar projections if there are no more than two such features; the highest point of each feature does not exceed the 35 foot height limit by more than 10 feet; and, in total, they do not occupy more than ten (10) percent of the roof area.

135-27D(5)(b) – Maximum height: 33.5 feet.  
135-28D(5)(b) – Maximum height: 33.5 feet.  
135-29D(5)(b) – Maximum height: 33.5 feet.  
135-30D(5)(b) – Maximum height: 33.5 feet.  
135-30.1D(5)(b) - Maximum height: 33.5 feet.  
135-31D(5)(b) – Maximum height: 33.5 feet.  
135-33D(5)(b) – Maximum height: 32 feet.  
135-34D(5)(b) – Maximum height: 32 feet.

**FIGURE 2**



*In District R1 only: Maximum height may be exceeded by cupolas, finials, spires or similar projections if there are no more than two such features; the highest point of each feature does not exceed the 35 foot height limit by more than 10 feet; and, in total, they do not occupy more than ten (10) percent of the roof area.*

**CHAPTER 135, ATTACHMENT 7**

The following shall be added as an attachment to Chapter 135:

## 135 ATTACHMENT 7

### ANALYSIS FOR FRONT YARD SETBACKS

The following neighborhood context analysis (See Figure 3) shall be used to determine what the required front yard setback is for lots in the R2, R3, R4, R5, R5A, R6, R7, R8 and R9 zones.

Step 1. Identify the lots to be analyzed based on the following distances from the subject lot. Only lots on the same side of the street as the subject lot are to be included; however, the measurement extends beyond a cross street. To be included, the required distances must encompass at least a portion of the lot.

<u>Zone</u>	<u>Measuring Distance from Each Side of the Subject Lot</u>
R2	500 feet
R3	400 feet
R4	320 feet
R5	300 feet
R5A	300 feet
R6	240 feet
R7	200 feet
R8	160 feet
R9	160 feet

Step 2. Determine the actual front yard setback on each lot.

Step 3. Eliminate the highest value and lowest value. Only one high and one low value are eliminated, even if there are multiple measurements at that same value.

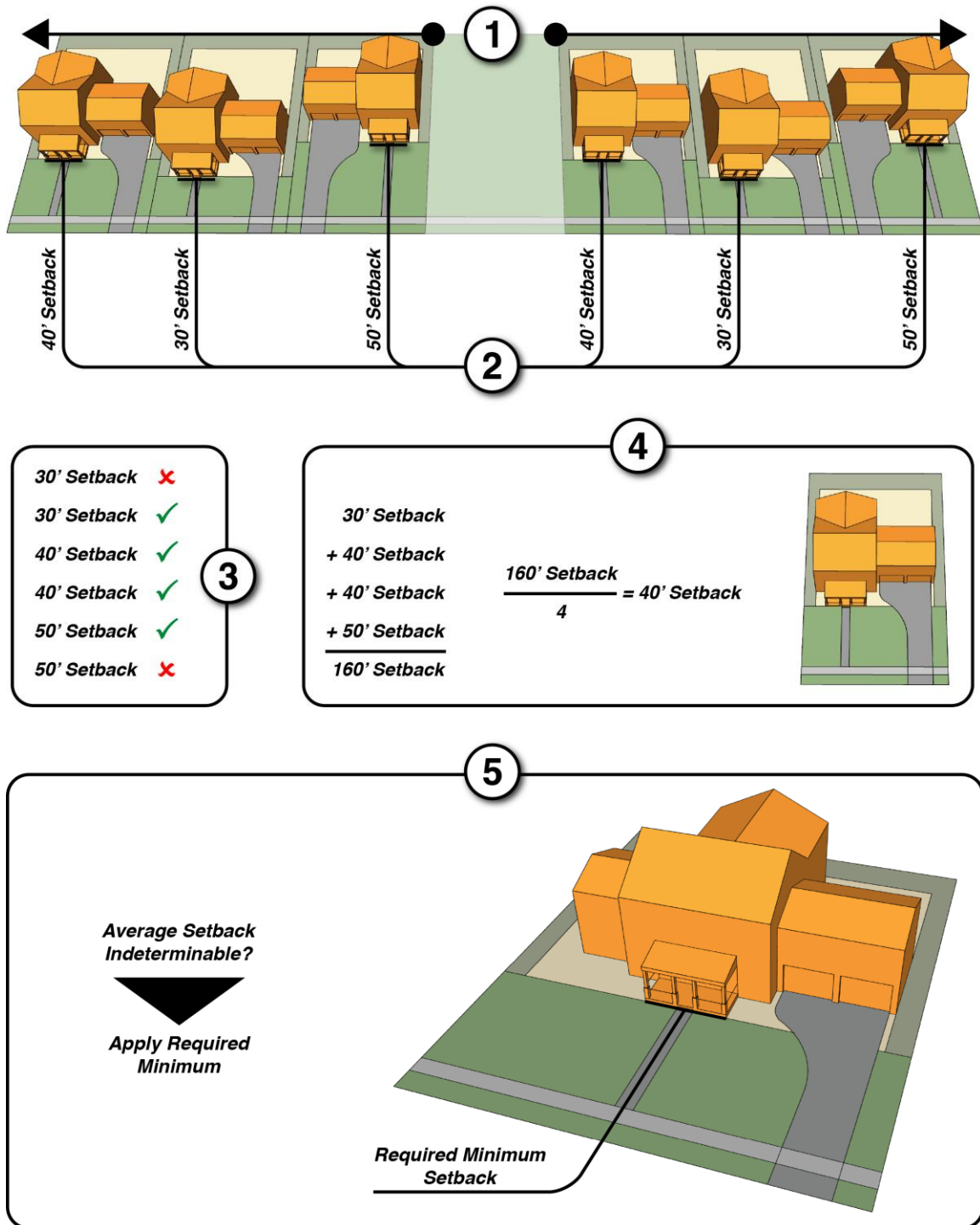
Step 4. Calculate the average of the remaining values.

A larger front yard is permissible provided it is no more than 10% larger than the minimum.

Step 5. In the event an average front yard can't reasonably be determined by the above steps, the following minimum front yard setbacks shall apply:

<u>Zone</u>	<u>Minimum Front Yard</u>
R2	40 feet
R3	35 feet
R4	35 feet
R5	30 feet
R5A	40 feet
R6	30 feet
R7	20 feet
R8	20 feet
R9	5 feet

**FIGURE 3**



#### **ARTICLE IV, Sections 135-26 to 135-34 Inclusive**

Article IV, Sections 135-26 to 135-34 are amended to add the following subsections after subsection 135-35E for the R-1 to R-9 zones:

##### **F. Façade Articulation**

###### **A. Maximum Unbroken Wall Length**

Any new/reconstructed façade or any extension to an existing façade of a residential building that faces a side lot line or a secondary front lot line and that exceeds twenty-five (25) feet in length must be articulated in accordance with the following:

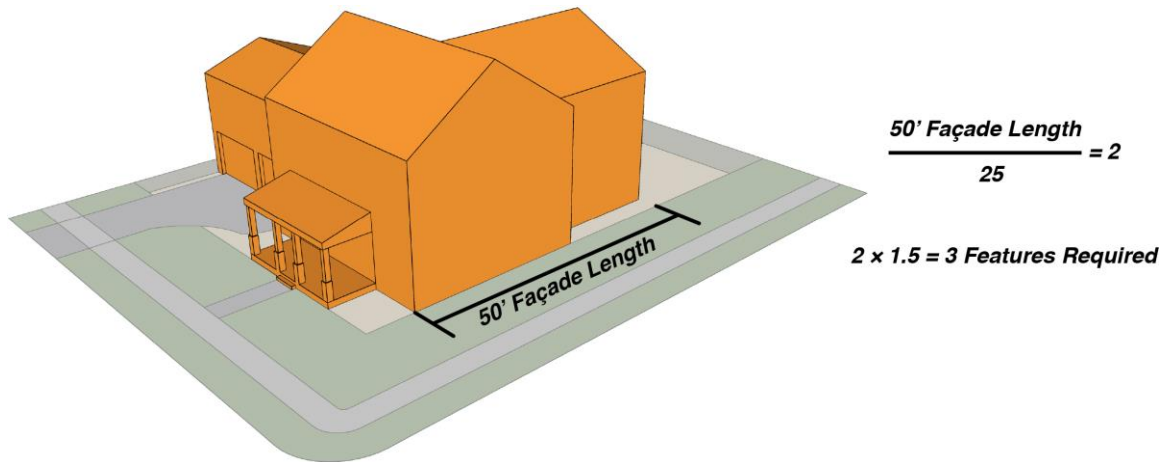
1. This requirement only applies to new or reconstructed facades and to extensions of existing facades where the overall length of old and new façade exceeds 25' in length.
2. The minimum number of articulation features identified in Paragraph 3 below shall be determined by dividing the total length (in feet) of the façade by 25 feet and multiplying the result by 1 ½. (See figure 4a, and 4b) Fractions do not count toward the minimum required number of features.
  - a. If the extension of a façade is less than 15', no more than two features will be required.
3. Each of the following features qualifies as an articulation feature and must have a minimum width of four (4) feet and a depth of two (2) feet unless specified otherwise:
  - Wall offsets that extend from the finished grade to the eave. Garages that face a side or secondary front lot line and meet the requirements of Attached Garages may be considered a wall offset;
  - Projecting bay/bow/box/garden windows with minimum dimensions of three (3) feet in width, four (4) feet height, and eighteen (18) inches in depth;
  - Ground supported masonry chimneys that extend beyond the eave line;
  - Unsupported and enclosed gas chimney box structures and flues attached to the wall and that have a minimum height of five (5) feet;
  - Entrance porticos or door canopies (supported or unsupported) that have a minimum depth of three (3) feet;
  - Porches that may be unenclosed or enclosed;
  - Pent roofs between the 1<sup>st</sup> and 2<sup>nd</sup> stories; and
  - Pergolas that are attached to the façade.
4. These requirements do not prohibit the incorporation of additional architectural features whether or not they are listed in or meet the dimensional requirements of 3 above.

###### **B. Fenestration (Windows and Doors)**

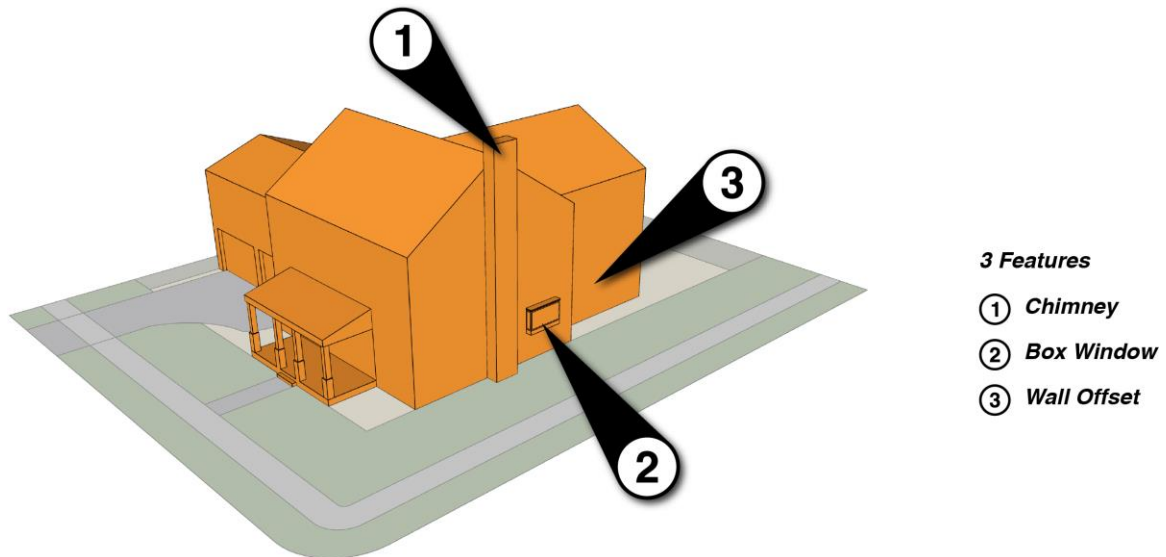
A minimum of ten (10) percent of the total square footage of a residential building façade that faces a side yard or a secondary front lot line shall be made up of windows and/or doors, (See figure 5) in accordance with the following:

1. Garage doors do contribute to the fenestration requirement;
2. Every door on a side façade, other than a garage door, shall have a portico or overhang;
3. Any window or door qualifying as an architectural feature shall also count toward the fenestration requirement; and
4. Trim and shutters do not contribute to the fenestration requirement.

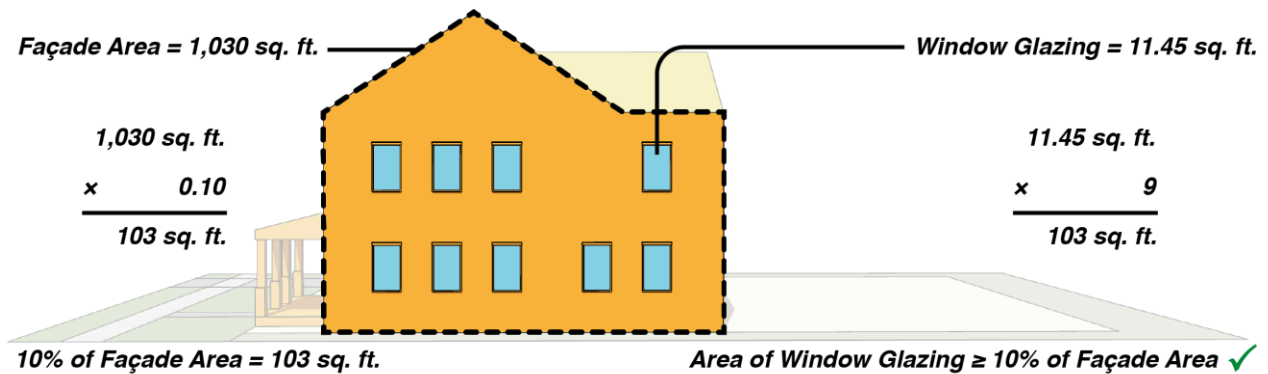
**FIGURE 4a**



**FIGURE 4b**



**FIGURE 5**



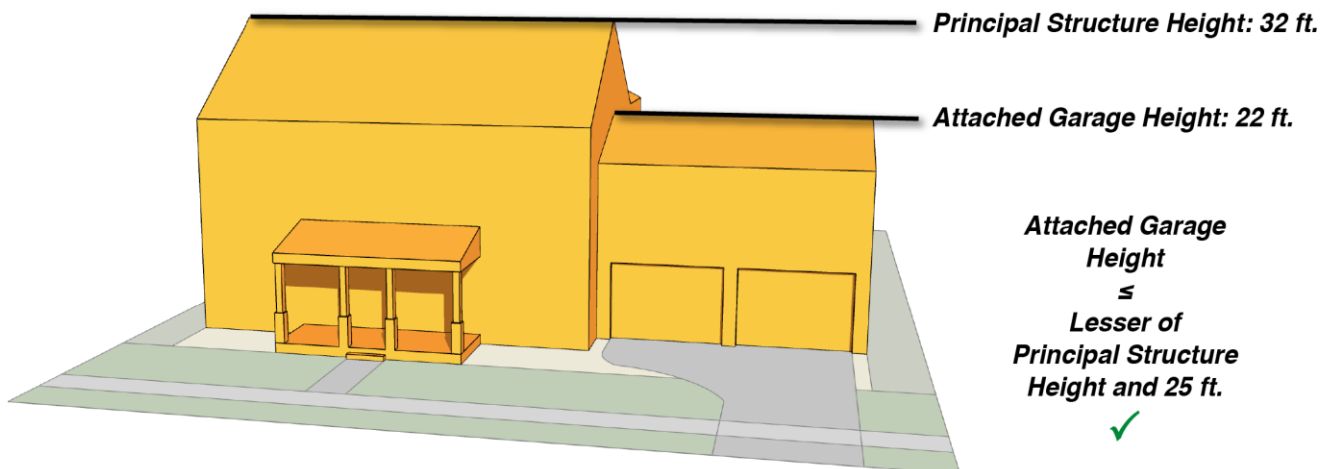
**ARTICLE IV, Sections 135-26 to 135-34 Inclusive**

Article IV, Sections 135-26 to 135-34 Inclusive are amended to add the following subsections after subsection D of each zone districts regulations for the R-1 to R-9 zones:

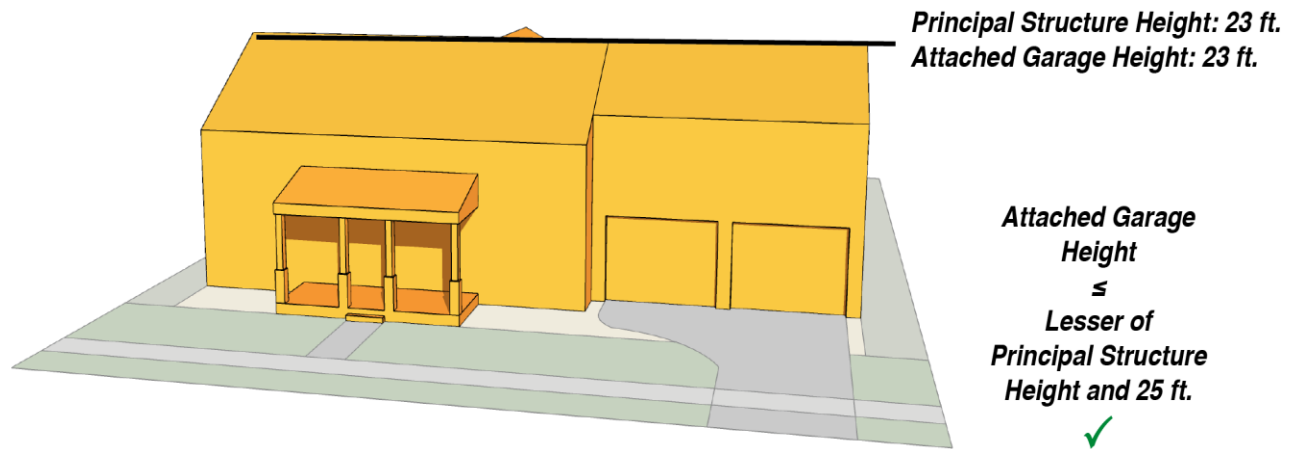
**E. Garages attached to a Residential Building**

1. No portion of an attached garage shall protrude from a residential building's façade if any façade of that garage faces a street.
2. Attached garages cannot be taller than the principal structure or greater than twenty-five (25) feet in height, whichever is less. (See Figure 6a) Height is to be measured from the floor of the garage. This restriction shall not apply to the R7, R8 and R9 zoning districts.

**FIGURE 6a**



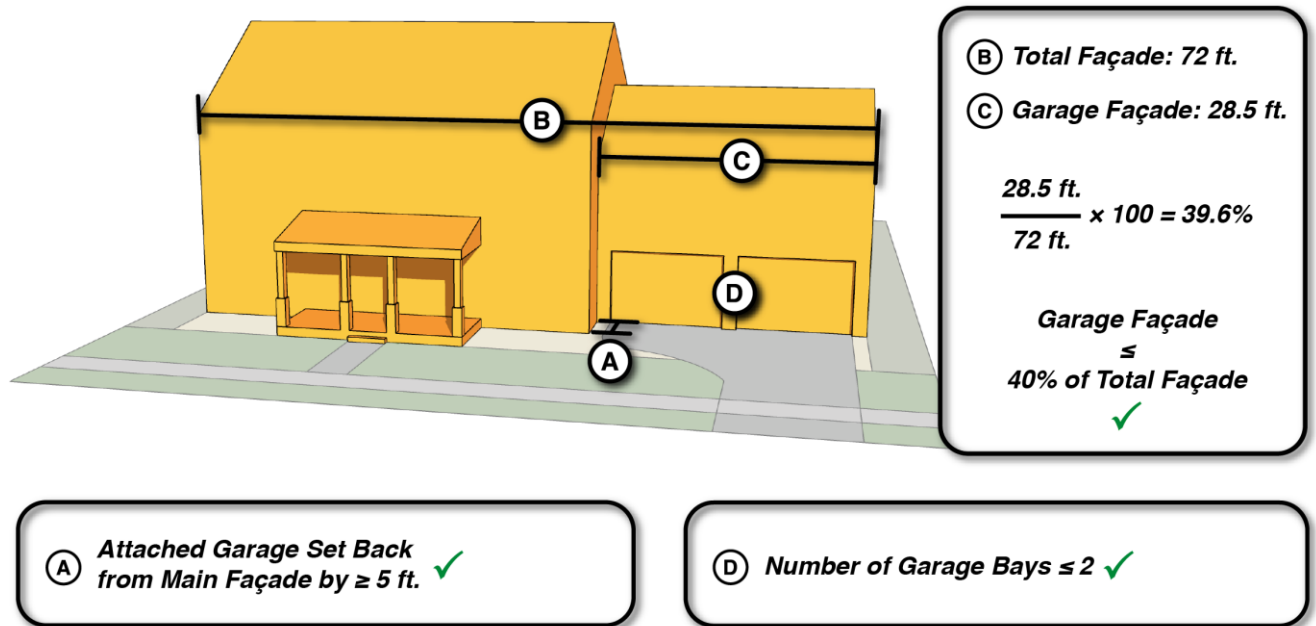
**FIGURE 6a (continued)**



3. No storage or habitable living space located above an attached garage may extend beyond any of the garage's facades.
4. All bay doors on attached garages shall:
  - Be recessed from the primary plane of the garage a minimum of eight (8) inches; and
  - Include a minimum of two (2) design elements that give texture to the garage door's surface or change the appearance of depth, such as windows, articulated panels, bead board, cross buck or decorative contrasting hardware.
5. Any attached garage whose bay doors face a street (See Figure 6b) shall also:
  - Be set back at least five (5) feet from the building's façade that faces the street. Where the building's façade is articulated, the setback shall be calculated from the wall which contains a doorway or, absent a doorway, the longest uninterrupted wall;
  - Not consume more than forty (40) percent of the total length of the building's façade, inclusive of the garage; and
  - Not contain more than two (2) bays.



**FIGURE 6b**



**ARTICLE IV, Sections 135-27 to 135-34 Inclusive**

Subsection D(2)(a), Minimum front yard requirements for principal structures for Zones R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-8 and R-9 are deleted and replaced with the following:

D(2)(a) Minimum front yard as determined by the analysis set forth in Attachment 7, included at the end of Chapter 135.

Subsection D(3)(a), Minimum front yard requirements for accessory structures for Zones R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-8 and R-9 are deleted and replaced with the following:

D(3)(a) Minimum front yard as determined by the analysis set forth in Attachment 7, included at the end of Chapter 135.

**ARTICLE IX, Section 135-76**

ARTICLE IX, Section 135-76 shall be deleted and replaced with the following:

Except as preempted by Residential Site Improvement Standards (RSIS), Site Design Standards under Article IX shall be applicable to all site plans, subdivisions and conditional uses. Departure from such standards shall be governed by N.J.S. 40:55D-51.

Article X – Supplemental Regulation shall be amended as follows:

Section 135-92A – Applicability.

The standards contained in this Article X apply to all development undertaken and to use of all land in the Borough and are intended to be met as conditions to all variances, subdivisions, site plans, conditional uses, construction and zoning permits, certificates of occupancy, and such other permits and approvals as may be required under Borough ordinances.

Any departure from such standards shall be governed by variances in accordance with N.J.S. 40:55D-70(c).

- B. The Supplemental Regulations shall include Sections 135-92, 93, 93.1, 94, 95, 96, 97, 98, 99, 100 and 101 and 101.1 inclusive.
- C. In addition, the following requirements pertaining to off street parking are included as Supplemental Regulatory and deviation from such requirements must be by variance:
  - Section 135-86B(1) Number of parking spaces;
  - Section 135-86B(4) Garages and driveways;
  - Section 135-86B(6) Parking space size.
- D. Any deviation from the stormwater management requirements of Section 135-92A(2) and 135-92A(3) must be by variance.

ARTICLE X, Section 135-93.1E(2)(1) shall be deleted and replaced with Section 135-101.1 Retaining Walls.

#### **ARTICLE X, Section 135-93.2**

The following provision shall be added to the Article X, Section 135-93.2 grading standard:

Grading for driveways that otherwise meet the requirements of Section 135-26B(6) may be located within five (5) feet of adjoining property lines if the off-site storm water impact does not increase as a result of the grading.

#### **ARTICLE X, Section 135-101**

The following provision shall be added to ARTICLE X following Section 135-101:

##### **Section 135-101.1. Retaining Walls**

- A. Retaining walls shall not exceed three (3) feet in height at any point. Terraced retaining walls involving more than one (1) section of wall above or below each other shall be construed as one (1) wall unless the base of the upper wall is separated from the face of the lower wall by at least four (4) feet, measured horizontally.
- B. Retaining walls shall be setback from any property line a distance of at least one (1) foot for each foot of height of the retaining wall.
- C. Any retaining wall proposed to be located within the Preservation Area of a Borough Tree shall require Shade Tree Commission authorization pursuant to Chapter 56 of this Code.

- D. In the event that a fence, safety barrier or other restraining device is provided at the top of the wall, the total height of the wall with the fence, safety barrier and/or restraining device shall not exceed the height limitations set forth for fences in Section 135-96 of this Code.
- E. In the event of a conflict between a construction code requirement for a retaining wall, a safety barrier or a restraining device and the requirements of this Section, the more restrictive requirement shall apply.

## **SECTION II**

If any section, subsection, paragraph, sentence, clause or phrase of the Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, as to this end the provisions of the Ordinance are hereby declared to be severable.

## **SECTION III**

This ordinance shall take effect 120 days following ordinance adoption, except that the provisions pertaining to the revisions of the Zoning Map in Article III, Section 135-12 shall take effect immediately.