

ARTICLE 10, SUPPLEMENTARY HEIGHT, AREA, BULK REGULATIONS

The regulations set forth in this article qualify or supplement the district regulations appearing elsewhere in this Ordinance.

Section 1. Mixed Uses, Height, Area, and Bulk Requirements

Where more than 25 percent of the total floor area of any building which may also contain non-residential uses, the minimum height, area, and bulk requirements for residential development applicable in the district in which such building is located shall apply, subject to the side yard modification for mixed uses contained elsewhere in this article. Where 25 percent or less of the total floor area of such building is used for dwelling purposes, the building shall be subject to the height, area and bulk requirements applicable to nonresidential buildings in the district.

Section 2. Modification of Height Regulations

1. Except within an area defined as an Airport Approach Zone by the Federal Aviation Agency, the height limitations of this Ordinance shall not apply to:

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|------------------------------|--|
| Belfries                     | Public Monuments   |
| Chimneys                     | Commercial radio and television towers less than 125 feet in height. |
| Church spires                | Silos  |
| Conveyors                    | Smoke stacks   |
| Cooling Towers               | Stage towers or scenery lofts  |
| Elevator bulkheads           | Tanks  |
| Fire towers                  | Water towers and stand pipes   |
| Flag Poles                   |  |
| Ornamental towers and spires |  |

2. Except within an area defined as an Airport Approach Zone by the Federal Aviation Agency, public, semi-public, and public service buildings, hospital, institutions, and schools, when permitted in a district, may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet, when the required side and rear yards are each increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

3. Notwithstanding any other provisions of this Ordinance, no places of public assembly, including, but without limitation, schools, churches, hospitals, theaters, and assembly halls, shall be erected or otherwise located within any area which would be classified as an Airport Approach Zone within a distance of 11,000 feet from the end of any airport runway.

Section 3. Lot Area

1. If the owner of a lot in any district does not own a parcel or tract of land immediately adjacent to such lot, and if the deed or instrument under which such owner acquired title to such lot was of record prior to the application of any zoning regulations and restrictions as to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to width of lots and lot area per family, the provisions of such lot area per family and lot width regulations and restrictions shall not prevent the owner of such lot from erecting a single-family dwelling or making other

improvements on the lot, provided that such improvements conform in all other respects to applicable zoning regulations and restrictions.

2. Requirements for lot area per family do not apply to dormitories, fraternities, sororities, and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms or apartments.

3. Requirements for lot area per family do not apply to rental units in a hotel, motel, motor lodge, or tourist home, or to rooms in a rooming, boarding, or lodging house.

#### Section 4. Yards and Open Space Generally

1. Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.

2. Where these regulations refer to side streets, the Administrator shall be guided by the pattern of development in the vicinity of the lot in question in determining which of the two streets is the side street.

3. Every part of a required yard shall be open to the sky, except as authorized by this article, and excepting ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices, and ornamental features which may project to a distance not to exceed 24 inches into a required yard.

4. More than one main building may be located upon a lot or tract in the following instances:

- a. Institutional buildings
- b. Public or semi-public buildings
- c. Multiple-family dwellings
- d. Commercial or industrial buildings
- e. Homes for the aged

The provisions of this exception shall not be construed to allow the location or erection of any building or portion of a building outside of the buildable area of the lot.

5. In the event that a lot is to be occupied by a group of two or more related buildings to be used for residential purpose, there may be more than one main building on the lot when such buildings are arranged around a court, between buildings that are parallel or within 45 degrees of being parallel, shall have a minimum width of 30 feet for one-story buildings, 40 feet for two-story buildings, and 50 feet for buildings of three stories or more, and in no case may such buildings be closer to each other than 15 feet.

6. Where a court is more than 50 percent surrounded by a building, the minimum width of the court shall be at least 15 feet for one-story buildings, 40 feet for two-story buildings, and 50 feet for three or four-story buildings.

#### Section 5. Front Yards

1. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.

2. On through lots, the required front yard shall be provided on each street.

3. There shall be a front yard of at least 15 feet on the side street of a corner lot in any district, provided, however, that the buildable width of a lot of record at the time of passage of this Ordinance shall not be reduced to less than 28 feet.

4. Open, unenclosed porches, platforms, or paved terraces, not covered by a roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the front or side yard not more than six feet.

5. Where 25% or more of the total street frontage between two major streets, is improved with buildings that have a front yard less than that required in that district, the front yard of any new building shall be the same as the front yard of the immediately adjoining property which faces the same street and is the closest to the right-of-way. In the case where the adjoining building is within the right-of-way of the street, the new building shall not be constructed within the right-of-way but may be constructed within two feet of the right-of-way.

#### Section 6. Side Yards

1. Where a building in a commercial district is subject to the height, area and bulk requirements applicable to residential development under Section 1 of this article, the side yard requirements for residential development shall be applied only to the lowest floor (and all floors above it) which contains more than 25 percent of its area used for dwelling purposes. All floors shall be subject to side yards required by these regulations for commercial buildings adjacent to residential districts.

2. For the purpose of the side yard regulations, a group of business or industrial buildings separated by common or party walls shall be considered as one building occupying one lot.

3. The minimum width of side yards for schools, libraries, churches, community houses, and other public buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a business or industrial district, in which case, the width of that yard shall be as required in chart of Article 5 for the district in which the building is located.

#### Section 7. Rear Yards

1. Open or lattice-enclosed fire escapes, outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues, may project into the required rear yard for a distance of not more than five feet, but only where the same are so placed as not to obstruct light and ventilation.

#### Section 8. Corner Visibility

1. No sign, fence, wall hedge, planting, or other obstruction to vision, extending to a height in excess of three feet above the established street grade, shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 20 feet distant from the intersection of the street lines.

#### Section 9. Accessory Buildings and Structures

1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.

2. Filling station pumps and pump islands may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.

3. An ornamental fence or wall not more than three and one-half feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Ornamental fences or walls may project into or enclose other required yards, provided such fences and walls do not exceed a height of seven feet.

4. Borough of Somerset has separate regulations regarding fences around swimming pools, see ordinance No. 995. For purposes of zoning the space occupied by a swimming pool shall be considered in determining if yard meets setback requirements.

5. Permitted accessory storage of a boat, boat trailer, or camp trailer shall not be conducted in a front yard.

6. Accessory buildings which are not a part of the main building, although they may be connected by an open breezeway, may be constructed in a rear yard, provided that such accessory building does not occupy more than 30 percent of the area of the required rear yard and provided it is not located closer than five feet to the rear lot line nor closer than three feet to a side lot line.

#### Section 10. Special Regulations for Two-Family Dwelling and Town Houses

1. Each dwelling unit of a two-family dwelling must comply with the minimum lot area per dwelling unit specified in the Table of District Regulations of Article 5.

2. The dwelling units and individual lots of a two-family dwelling or town house may be sold separately if separate utilities systems are provided and if systems are provided and if separate lots for all dwelling units in a building are created at the same time and in conformance with the applicable regulations and standards governing the subdivision of land.

3. The following regulations shall apply to town houses in any district where town houses are permitted:

a. The town house building shall comply with minimum lot requirements contained in the Table of District Regulations of Article 5, but each dwelling unit of a town house need not be located on a lot complying with minimum lot area requirements, and provided that no lot is created with lot area less than 2,000 square feet.

b. Lot frontage, measured at a building line, for individual dwelling units of a town house may be reduced to not less than 18 feet. Lot width for end units shall be adequate to provide required front and side yards.

c. For the purpose of the side yard regulations, a town house building shall be considered as one building on one lot with side yards required for end units only, in accordance with the Table of District Regulations of Article 5. Any side yard adjacent to the line of lot occupied by a detached single-family dwelling or a lot in a single-family residential district shall not be less than 25 feet.

d. No detached garage or carport or other detached accessory building shall be permitted on a lot occupied by a town house.

e. Unless otherwise restricted by district regulations, not more than two dwelling units shall be included in any one town house. Not less than two nor more than seven town houses shall be constructed in a single building or structure that abut one another, each town house shall have its own entrance.

f. The facades of dwelling units in a town house shall harmonize. Variation may be obtained by changes in front yards within the permitted front yard limits, height of structures, the architectural treatment of facades and roof lines.

g. Provision satisfactory to the Borough Council and approved by the Borough Attorney shall be made to assure that non-public areas for the common use and enjoyment of occupants of town houses, but not in individual ownership of such occupants, shall be maintained in a satisfactory manner without expense to the general public.

h. Required off-street parking space of one and a half spaces per dwelling unit may be provided on the lot in the rear yard or within 200 feet of the lot.

i. A site plan complying with requirements of Article 14 shall accompany an application for approval of a town house development.