

Explanation: This Ordinance amends (i) subsection 15-1.3 entitled, "Definitions" by replacing the definition of "Height" with the definition of "Building Height"; (ii) subsection 16-4.2 entitled, "Definition of Terms" by amending the definition of "Building Height"; and (iii) subsection 15-5.8 (a) entitled, "Measurement of Building Height" by making the Township's definition of "height", consistent with New Jersey Building Code.

**TOWNSHIP OF WARREN
ORDINANCE NO. 11-09**

AN ORDINANCE AMENDING CHAPTER XV ENTITLED, "LAND USE PROCEDURE" BY AMENDING (I) SUBSECTION 15-1.3 ENTITLED, "DEFINITIONS" BY REPLACING THE DEFINITION OF "HEIGHT" WITH THE DEFINITION OF "BUILDING HEIGHT"; (II) SUBSECTION 16-4.2 ENTITLED, "DEFINITION OF TERMS" BY AMENDING THE DEFINITION OF "BUILDING HEIGHT", AND (III) SUBSECTION 15-5.8(A) ENTITLED, "MEASUREMENT OF BUILDING HEIGHT" BY MAKING THE TOWNSHIP'S DEFINITION OF "HEIGHT", CONSISTENT WITH NEW JERSEY BUILDING CODE.

BE IT ORDAINED, by the Township Committee of the Township of Warren, Somerset County, New Jersey, as follows:

SECTION I. Section 15-1 entitled, "Short Title, Purpose, Definitions" is hereby amended by amending subsection 15-1.3 entitled, "Definitions" by replacing the definition of "Height" with the new definition of "Building Height" to be consistent with the New Jersey Building Code. Otherwise, the remainder of subsection 15-1.3 shall remain unchanged. The definition of "Building Height" shall read as follows:

[HEIGHT] – [The vertical distance from the average ground elevation around the foundation to the level of the highest point of the structure.]

BUILDING HEIGHT – The vertical distance from the finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs.

SECTION II. Section 16-4 entitled, "Definitions" is hereby amended by amending subsection 16-4.2 entitled, "Definition of Terms" by replacing the existing definition of "Building Height" with a new definition of "Building Height" to be consistent with the New Jersey Building Code. Otherwise, the remainder of subsection 16-4.2 shall remain unchanged. The new definition of "Building Height" shall read as follows:

[BUILDING HEIGHT] – [The vertical distance from the average finished grade to the top of the highest roof beams of a flat roof, or to the ridge line of the highest gable or slope of a hip roof.]

BUILDING HEIGHT - The vertical distance from the finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs.

SECTION III. Section 16-5 entitled, "General Regulations" is hereby amended by amending subsection 16-5.8 (a) entitled, " Measurement of Building Height" by amending the definition of "building height" to be consistent with the New Jersey Building Code. The remainder of subsection 16-5.8 shall remain unchanged. The entry shall read as follows:

a. [All measurements of a building height shall be made in accordance with the provisions of the State Building Code as adopted and amended by the State of New Jersey]. The vertical distance from the finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distances between the eaves and the ridge level for gable, hip and gambrel roofs.

SECTION IV Severability: Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.

SECTION V. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

SECTION VI. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Warren for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION VII. This ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16.

ATTEST:

TOWNSHIP OF WARREN


Patricia DiRocco, RMC
Township Clerk

By: 

Gary P. DiNardo
Mayor

INTRODUCED: JUNE 23, 2011

ADOPTED: JULY 21, 2011

EFFECTIVE: JULY 28, 2011