

LAND USE

35 Attachment 5

**SCHEDULE 1—SCHEDULE OF REQUIREMENTS
TOWNSHIP OF BERKELEY**

[Ord. No. 99-36-OAB § 3; Ord. No. 04-24-OAB; Ord. No. 08-15-OA; Ord. No. 08-16-OAB; Ord. No. 10-26-OA § 2; Ord. No. 2013-20-OAB (provisions expire August 1, 2015.); Ord. No. 2015-13-OAB § 1, 2; Ord. No. 2015-22-OAB § 4, 5; Ord. No. 2016-28-OAB; Ord. No. 2017-48-OAB; amended 12-16-2019 by Ord. No. 19-44-OAB; 10-26-2020 by Ord. No. 20-37-OAB]

Zone	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Setbacks ^{11,12}						Minimum Floor Area (square feet)	Maximum Lot Coverage (%)	Maximum Building and Structure Height ¹³ (feet)
			Minimum			Both Sides (feet)	Minimum Accessory ¹⁰				
			Front ⁷ (feet)	Rear (feet)	Side (feet)		Rear (feet)	Side (feet)			
R-MF	200,000	200	50	50	50	100	25	25	See Note 1	25	35
R-31.5	3,150 ⁷	45	20	10	5	15	5	5	720	35	35
R-50	5,000 ⁷	50	35 ⁹	20	5	15	5	5	720	35	35
R-60	6,000 ⁷	60	35 ⁹	20	7	18	5	5	864	30	35
R-64	6,400 ⁷	80	25	20	7	18	5	5	864	30	35
R-90	9,000 ⁸	75	30	25	7	20	5	5	See Note 3	30	35
R-100	10,000	100	35	30	10	30	10	10	See Note 3	25	35
R-125	12,500	100	35	30	10	25	7	7	See Note 3	25	35
R-150	15,000	100	35	30	10	25	7	7	See Note 3	25	35
R-200	20,000	125	40	30	15	35	15	15	See Note 3	20	35
R-400	40,000	200	40	40	25	50	15	15	See Note 3	20	35
R-400PRRC5	40,000	200	40	40	25	50	15	15	See Note 2	20	35
Conservation/ Residential Zone			See standards in Subsection 35-96.1A								
Public Preservation/ Conservation Zone			See standards in Subsection 35-96.1B								
NB	5,000	50	25	20	— ¹²	— ¹²	5	5	400	60	25
HB	15,000	150	50	40	15	40	10	10	700	50	35
LI	43,560	200	50	40	40	80	40	40	5,000	30	35
GI	200,000	200	50	40	40	80	40	40	5,000	30	
R-4F	See standards in Subsection 35-96.9										

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Zone	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Setbacks ^{11,12}						Minimum Floor Area (square feet)	Maximum Lot Coverage (%)	Maximum Building and Structure Height ¹³
			Minimum			Both Sides (feet)	Minimum Accessory ¹⁰				
			Front ⁷ (feet)	Rear (feet)	Side (feet)		Rear (feet)	Side (feet)			
R-TH			See standards in Subsection 35-96.7								
R-LR			See standards in Subsection 35-96.8								
RC			See standards in Subsection 35-106.4								
BR			See standards in Subsection 35-96.9								

Notes to Schedule 1, § 35-95.

1. See Subsection 35-96.7.
2. PRRC: one bedroom, 800 square feet; two bedroom, 900 square feet; three bedroom, 1,000 square feet.
3. One bedroom, 950 square feet; two bedroom, 1,100 square feet; three bedroom and larger, 1,250 square feet.
4. See Section 35-103 requirements.
5. See Section 35-101 requirements.
6. Reserved.
7. See Subsection 35-89.5.
8. Corner lots require 12,500 square feet.
9. Front setback requirements in the R-50 and R-60 Residential Zones may be reduced to 25 feet, provided that the lot in question is served by a municipal or public water and sewer system and that the setback distance for any new structure will not be less than the average setback of the existing structures within the same block face.
10. Sheds of 120 square feet and less may be constructed and placed not less than three feet from the rear property line and three feet from any side line in any zone of the Township, except that in all circumstances where the rear property line of a building lot is a bulkheaded lagoon area, the aforesaid shed shall not be less than 15 feet from any such bulkhead.
11. The following shall be exceptions to the setback requirements under this chapter:
 - (a) Roof eaves may project not more than three feet into the required yard area.
 - (b) Architectural features. Windowsills, belt courses and similar architectural features, rain leaders and chimneys may project not more than two feet into the required yard area.
 - (c) Exterior stairways and fire escapes. Exterior stairways going to a second story, smokeproof towers, balconies, fire escapes or other required elements of a means of egress may not project more than four feet beyond the face of the wall. This exception shall apply only to rear and side yards and to those structures which presently comply with the minimum side yard requirements under this chapter.
 - (d) Entrance stoops and stairways are excepted as long as same are not more than six feet in height above the average finished grade within 10 feet of their perimeters and are no less than 12 feet from the property line when same are located in the front yard and no more than six feet from the structure and not less than one foot from the property line when located in a side yard or rear yard.
12. Grandfathering Provision for Undersized Lots for Lot Area.

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- (a) The Township of Berkeley, hereinafter referred to as the “Township,” has taken into consideration the devastation that many of the property owners of the Township of Berkeley have experienced due to damage to their principal residential structures during Super Storm Sandy, which occurred on October 29, 2012.
The Township is aware that due to the storm and the many days of aftermath flooding, surges, fires, wind, snow and other weather-related conditions many property owners were victims of structural damage that resulted in or will result in the complete or substantial demolition, renovations and/or rebuild of their principal residential structure.
- (b) The Township has agreed to permit a grandfathering of the requirement of the Municipal Land Use Law, hereinafter referred to as the “MLUL,” to apply for the reconstruction of demolished structures as a result of Sandy. This grandfathering applies to only principal residential structures. The grandfathering does not apply to nonpermitted uses, conditional uses, preexisting nonconforming uses or secondary structures on the property.
- (c) This grandfathering will be available to property owners until August 1, 2018. Any property owner wishing to benefit from this grandfathering must have acquired all permits by August 1, 2018, unless an extension of time is granted by the Township Zoning Board of Adjustment.
- (d) Any preexisting principal residential dwelling that is located on a substandard lot that must be demolished and rebuilt would be entitled to a grandfathering, but must comply with all setback and coverage requirements for the zone and provide off-street parking. If the property owner is requesting a grandfathering of the undersized lot variances, it is required that the location and size of the house is adjusted to eliminate all preexisting setback and coverage variances.
- (e) The maximum area of encroachment for the construction of access to the principal residential structure is into the setbacks a total of 200 square feet.

13. Provision for Height Requirements.

- (a) The Township has agreed to permit a grandfathering of the requirement of the Municipal Land Use Law, hereinafter referred to as the “MLUL,” to apply for the raising of structures as a result of Sandy. This grandfathering applies to only principal residential structures. The grandfathering does not apply to nonpermitted uses, conditional uses, preexisting nonconforming uses or secondary structures on the property.
- (b) This grandfathering will be available to property owners until August 1, 2018. Any property owner wishing to benefit from this grandfathering must have all permits by August 1, 2018, unless an extension of time is granted by the Township Zoning Board of Adjustment.
- (c) Any property owner proposing the raising of the existing principal residential structure, located within a flood hazard area as identified within the Township Code Chapter 29 would be entitled to an adjustment for height requirements. The height of the home in these areas shall be measured from the base flood elevation or advisory base flood elevation (as applicable). The raised house must not include any changes to the number of usable floor levels, building area or rooflines, unless all bulk requirements are complied with. The only permitted increase of area and further setback violation allowed would be the addition of stairs to access the raised dwelling.
- (d) Any property owner raising an existing principal residential structure to comply with flood requirements is permitted to construct access to the residence into the setbacks at a maximum total square footage of 200 square feet.
- (e) Any property owner raising his/her structure in conformance with this section is required to provide a flood elevation certificate and a building height certificate to the Building Department.
- (f) Any resident that is granted approval by the Planning or Zoning Board or grandfathered under this section will hold harmless the Township should they choose to voluntarily reconstruct and fail to comply with the flood elevations as provided by FEMA.