

# TOWNSHIP OF EDGEWATER PARK

## ORDINANCE 17-2006

### **An Ordinance of the Township of Edgewater Park, County of Burlington, New Jersey Amending Chapter XVI – Zoning of the Edgewater Park Township Code**

**Whereas**, the Township Committee has determined that it is appropriate and necessary to adopt amendments to Chapter XVI – Zoning as part of the Edgewater Park Township Code consistent with Land Use Plan recommendations in the 2000 Land Use Plan Element of the Master Plan, as amended in 2001, 2002 and 2005,

**Now, Therefore, Be It Ordained** by the Township Committee of the Township of Edgewater Park that:

**Section 1.** The following sections of existing Chapter XVI are hereby repealed as follows:

16.12 through 16.30; 16.5; 16.74.020.M.1; 16.90.

**Section 2.** The following sections shall be added to Chapter XVI, remaining sections shall be renumbered accordingly:

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**THE TOWNSHIP OF EDGEWATER PARK  
CHAPTER XVI, Article XVIII ZONING**

**§ 16-80 General Regulations.**

**§ 16-80.1 Compliance required.** Hereafter, no land shall be used or occupied and no building or structure shall be erected, altered, used or occupied except in conformity with the regulations herein established for the district in which such land, building or structure is located. In cases of mixed use or occupancy, the regulations for each use shall apply to the portion of the building or land so used or occupied.

**§ 16-80.2 Prohibited uses.**

- A. No building or structure may be erected, altered or used, and no lot or premises may be used, for any use which is likely to create conditions of hazards, smoke, fumes, noise, odor or dust or other noxious or offensive conditions detrimental to the health, safety or general welfare of the surrounding area. All uses shall be subject to such fire-safety conditions as are approved by the Construction Official. In determining whether a proposed use is noxious, hazardous or offensive, the following standards shall apply. The proposed use, facility or operations shall not:
- (1) Constitute a public nuisance beyond the boundary of the site on which the use is located, by reason of dissemination of noxious, toxic or corrosive fumes, smoke, odor or dust.
  - (2) Result in noise or vibration exceeding the average intensity of noise or vibration occurring from other causes at the boundary line of the site on which the use is located.
  - (3) Endanger surrounding areas by reason of fire or explosion.
  - (4) Produce objectionable heat or glare.
  - (5) Result in electrical disturbances in nearby residences.
  - (6) Contribute to the pollution of waters.
  - (7) Create an objectionable traffic condition on the street or in an adjacent area.
  - (8) Create any other objectionable condition in an adjoining area which will endanger public health and safety or be detrimental to the proper use of the surrounding area.
- B. All uses not expressly permitted in this chapter are prohibited.
- C. The following uses are expressly prohibited:
- (1) Automobile wrecking yard, junkyards or junk business.
  - (2) Sanitary landfills, garbage dumps, refuse dumps, disposal sites for solid and liquid materials and dumps for hazardous wastes.
  - (3) Acetylene manufacture or warehouse storage.
  - (4) Asphalt or coal tar manufacture or refining.
  - (5) Creosote manufacture or treatment.
  - (6) Celluloid manufacture or storage or rubber manufacture.
  - (7) Fat rendering, soap, tallow, grease or lard manufacture or refining.
  - (8) Abattoir or stockyards.

- (9) Animal black, lampblack or bone black manufacture.
- (10) Crematory.
- (11) Oilcloth or linoleum manufacture.
- (12) Potash works.
- (13) Gas manufacture or storage in excess of ten thousand (10,000) cubic feet.
- (14) Match manufacture.
- (15) Tanning, curling or storage of raw hides.
- (16) Tar distillation or manufacture.
- (17) Petroleum refining or processing.
- (18) Storage of gasoline or petroleum products in excess of 10,000 gallons above ground.
- (19) Fertilizer manufacture.
- (20) Explosive manufacture or storage including, but not limited to, gunpowder, fireworks, etc.
- (21) Manufacture or warehouse storage of combustible inflammable or volatile materials; those uses which may be noxious or offensive by reason of the emission of odor, gas, smoke, dust, vibration or noise; and those uses which constitute an unusual fire or explosive hazard.
- (22) The keeping or maintaining of poultry, pigeons and livestock, except horses as permitted herein.
- (23) Storage or use of motor vehicles, trailers or other types of vehicles for residential or commercial purposes on vacant lots or unoccupied lots or any portion thereof, except temporarily (not more than 15 days) on a lot used for the temporary parking of automobiles.

**§ 16-80.3 Nonconforming uses, buildings and structures.**

- A. The lawful use of land existing at the time of the adoption of this chapter or of an amendment thereto, although such use does not conform to the provisions hereof, may be continued.
- B. The lawful use of a building or structure existing at the time of the adoption of this chapter or of an amendment thereto, although such use does not conform to the provisions hereof, may be continued.
- C. Whenever a nonconforming use of a building has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use or revert to its former nonconforming use.
- D. Whenever a nonconforming use of a building or structure or portion thereof has been abandoned, such nonconforming use shall not thereafter be reestablished, and the future use shall conform to the provisions of this chapter. If a use has not been actively used for a period of 24 months, it shall be considered abandoned.
- E. Procedure for evaluating substantial destruction. Any nonconforming building, structure or use which has been condemned or damaged by fire, explosion, flood, windstorm, or act of God shall be examined by the Construction Official. If in the opinion of the Construction Official, the cost of repair is greater than fifty percent (50%) of the value of replacing the entire structure, it shall be considered completely destroyed and may be rebuilt to the original specifications only

- upon the granting of a variance. If the cost of repair is less than fifty percent (50%) of the value of replacing the entire structure, it may be rebuilt and used for the same purpose as before, provided it is rebuilt within one year and does not exceed the height, area and volume of the original structure. The percent damaged shall be the current replacement costs of the portion damaged or condemned, computed as a percentage of the current total replacement cost of the entire structure, not to include the cost of the foundation unless the foundation is involved in the repair. Residential properties that have been substantially damaged shall be allowed to rebuild, without regard to the percentage of destruction, provided that the rebuilding shall conform to the prior existing footprint, setback and lot coverage conditions. Any rebuild, however, shall comply with the current height limitations established by ordinance.
- F. Repairs and maintenance work required to keep a structure in sound condition may be made to a nonconforming structure or structure containing a nonconforming use. However, no nonconforming structure or structure containing a nonconforming use shall be enlarged, extended, constructed, reconstructed or structurally altered in any manner without an appeal for variance relief.
- G. A non-conforming use of any building, structure or land shall not be increased, enlarged or changed in any manner whatsoever.
- H. No building which a non-conforming use exists shall be enlarged, extended or structurally altered in any manner, provided however that:
- (1) Nothing herein shall prevent the repair and maintenance of any building wherein there exists a non-conforming use, provided that such maintenance and repair does not in any way constitute or result in a further extension of a non-conforming use.
  - (2) Minor alterations and improvements which do not constitute or require structural changes may be made in or to a building wherein a non-conforming use exists, provided that such non-conforming use will not be increased, extended or enlarged thereby.
  - (3) Nothing herein shall prevent the strengthening or restoration to a safe and lawful condition of any part of any building which is non-conforming.
- I. Structural alterations, internal rearrangements and renovations may be made in a building or structure which is non-conforming because it fails to comply with the height, area, yard, off-street parking or other like requirements of this chapter, other than use, so long as the structural alteration or increase, internal rearrangement or renovation does not extend or enlarge the non-conformance of said building or structure.
- J. A non-conforming use changed or altered to a conforming use may not thereafter be changed back to a non-conforming use.
- K. When an improved lot in a residential zone exists as a separate isolated lot under separate ownership and does not adjoin any vacant land or vacant lot of the same owner, and such improved lot is non-conforming due to size, shape, area or setback; any existing residential building or structure on the lot may be further improved, provided that:
- (1) The number of dwelling units shall not be increased even if such increased number of dwelling units are allowed in the zone.
  - (2) Any existing non-conforming setbacks from streets, side lot lines or rear lot lines shall not be made more non-conforming, and all new improvements shall conform.

#### **§ 16-80.4 Lot regulations.**

- A. Every lot shall include front, side and rear yards having the areas and dimensions required within the particular zone in which such lot is located.
- B. No yard or other open space provided for any building for the purpose of complying with the

provisions of this article shall be considered as providing a yard or other open space for any other building.

- C. No land in a residential zone shall be used to fulfill open space, minimum area, minimum yard and/or setback requirements, parking or other similar requirements for any non-residential use in a non-residential zone.
- D. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as flood conditions or similar circumstances, the Board may, after adequate investigation, withhold approval of such lots.
- E. In the case of a through lot, the front lot line of such lot, for the purposes of this article, shall be considered that line upon which the majority of the buildings in the same block front, but in case there has been no clearly defined frontage established, the front lot line shall be the line upon which the primary entrance of the principal building faces, or will face when constructed.
- F. Flag lots shall be prohibited.

### **§ 16-80.5 Yard regulations.**

- A. Projections and Encroachments. Minimum required yards shall be entirely free of buildings, structures (excluding parking) or parts thereof and no building or structure shall project into any minimum required front, side or rear yard nor shall any use be made of any such yard, except as follows:
  - (1) Access accommodations for handicapped or disabled persons such as ramps and/or lifts may be constructed in the required side or rear yards of an existing one (1) or two (2) family residence provided that at least one (1') foot between the property line and the appurtenance is provided for ramps, and five (5') feet for lifts, for maintenance purposes. Encroachments onto neighboring properties, easements or rights-of-way shall be permitted only with express permission of the property, easement or right-of-way owner.
  - (2) Cornices and eaves may project not more than two (2') feet into any required yard.
  - (3) Sills, leaders and similar ornamental or structural features may project six (6") inches into any required yard.
  - (4) An open fire escape may project into a required rear yard not more than four (4') feet.
  - (5) Bay windows may project no more than three (3') feet into a required rear yard.
  - (6) Decks, balconies and patios over two (2') feet in height shall be considered part of the principal building, however, these structures may encroach five (5') feet into the required rear yard setback.
  - (7) A chimney may project into any required rear yard, provided that the projection does not exceed two (2') feet.
  - (8) Uncovered steps may project not more than five (5') feet into any required front and rear yard, and not more than three (3') feet into any required side yard.
  - (9) Freestanding flagpoles are permitted in any required front and rear yard, but must be set back five (5') feet from any property line and shall not exceed a height of twenty (20) feet in a residential zoning district and thirty-five (35') feet in a non-residential zoning district.
  - (10) Window wells affording light and air to basement and cellar areas are permitted in all required yards.

- B. Drive-throughs and loading areas shall not be located in the front yard.
- C. Yards Abutting Navigable Waters. When side or rear yards of lots abut navigable waters, as determined by the Board Engineer, the respective side and rear yard minimum requirements shall not apply.

**§ 16-80.6 Frontage upon a street.**

- A. Every principal building shall be built upon a lot having minimum street frontage equal to the required minimum lot width upon an approved street which shall be improved in accordance with street standards established by the Township of Edgewater Park or the Residential Site Improvement Standards (RSIS), as applicable.
- B. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
- C. Reversed Frontage Lots. For developments situated along county roadways or other collector or arterial routes, the Board may require frontage reversal away from the collector or arterial roadway onto a separate access road. Reversed frontage lots shall be designed with minimum three (3') foot high berming, minimum five (5') foot high continuous evergreen landscaping, minimum five (5') foot high board-on-board fencing, or any combination thereof, along all boundaries common to the major roadway, whose purpose shall be the visual screening of roadway traffic perspectives from the lot interior and the perception of the details of the lot usage from the traveled major roadway.

**§ 16-80.7 Principal Buildings.** Only one (1) principal building may be erected on each lot in all residential zones except for those zones that permit multi-family dwellings. In all other zones, related compatible buildings under one (1) management may be erected, used or occupied, provided that all yard, open space, setback and coverage requirements of this article are met.

**§ 16-80.8 Height Exceptions.**

- A. Appurtenances Attached to Principal Structures. Church spires, belfries, domes or antennas attached to buildings, penthouses (not for human occupancy), chimneys, ventilators, skylights, water tanks, bulkheads and necessary mechanical appurtenances usually carried above roof level shall not be considered when determining the height of the building, and are not subject to height limitations, except that such features shall not exceed twenty (20%) percent of total roof area and shall not exceed a height such as is necessary to accomplish the purpose for which it is intended to serve.
- B. Freestanding Non-Commercial Accessory Structures. Water towers, radio and television antennas which are erected as freestanding structures may be erected to a height which can be demonstrated to the Board is necessary to accomplish their intended function. Federally licensed amateur radio facilities shall be subject to Federal Communications Commission rules (47 CFR, Part 97) which govern the height of licensed amateur operator radio antennas. The height of the tower or antennae shall conform with U.S. Federal Communications Commission Regulations governing licensed amateur radio operators and, if required, Federal Aviation Administration (F.A.A.) notification and F.C.C. approval. All freestanding non-commercial accessory structures shall not be located within any required front, side or rear yard setback areas and shall be subject to the structural provisions of the New Jersey Uniform Construction Code.

**§16-80.9 Outdoor storage.**

- A. No flammable or explosive liquids, solids or gases shall be stored above ground unless as otherwise required by applicable Federal, State or Local regulations.
- B. All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property and shall meet all required accessory building setbacks for the zone in which located. No outdoor storage shall be located in the front yard of a property. This provision shall not apply to outdoor storage of new

cars or other vehicles on the premises of an automotive dealer.

- C. No materials or wastes shall be stored on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.
- D. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

**§16-80.10 Christmas tree sales.**

The sale of Christmas trees shall be permitted as an accessory use in any non-residential zone provided that the following standards are met:

- A. A mercantile license shall be obtained for the use and any office trailers, except where exempted by Township Committee.
- B. The applicant shall demonstrate that sufficient on-site parking is provided for the use and that safe ingress and egress is possible.
- C. Any temporary office trailer shall be located within the setback lines of the property. Such a trailer shall only be allowed on the property during the month of December.
- D. Any additional lighting installed on the property for the use shall not spill over onto the adjacent properties or roadway.
- E. The property shall be returned to a finished appearance upon termination of the use.
- F. A zoning permit is required.
- G. Merchants who were licensed to sell Christmas trees in residential zones prior to the adoption of the ordinance codified in this chapter may reapply for a license, however, must meet requirements (a) through (f) of this subsection. The license or right to sell Christmas trees is non-transferable.

**§16-80.11 Satellite dishes.**

- A. Permitted Districts.
  - (1) A satellite dish shall be permitted as an accessory use in all zone districts. Satellite dishes 2 feet or less in diameter shall be permitted as-of-right. Satellite dishes larger than 2 feet in diameter shall require a Zoning Permit.
  - (2) Whenever an applicant claims that any general regulation standard herein must be modified because of inability to transmit and/or receive a reasonably satisfactory signal, impracticability, undue hardship, or other criteria for modification under this section, or whenever the adequacy of and/or reasonableness of screening is in issue, such application shall be referred to the Board for interpretation pursuant to N.J.S.A. 40:55D-70b.
- B. Location.
  - (1) The ability of the applicant to install a satellite dish in an unobtrusive location and to minimize the visual impacts on neighboring properties shall be a major factor in determining whether or not a permit is issued.
  - (2) No satellite dish may be placed in the front yard of any lot. For purposes of this requirement, a corner lot shall be deemed to have a front yard facing each street.
  - (3) Transmit/receive satellite dishes and satellite dishes thirty six (36") inches in diameter or less shall be located on the roof. Receive-only satellite dishes greater than thirty six (36") inches in diameter shall be placed on a lot in the rear yard; provided, however, that on a

clear and convincing showing by an applicant that a reasonably satisfactory signal cannot be obtained from a rear yard location, the satellite dish may be located in the side yard. If such a signal cannot be obtained in either a rear or side yard, the dish may be permitted on the roof, in accordance with the standards of this section.

- (4) All satellite dishes shall not be closer to the side property line than a distance equal to the diameter of the dishes or the side yard setback requirement for the principal structure on the lot, whichever results in the greatest setback.
- (5) All satellite dishes shall not be closer to the rear property line than a distance equal to the diameter of the dishes or the rear yard setback requirement for the principal structure on the lot, whichever results in the greatest setback.
- (6) Roof mounted antennas on a flat roof shall be located in the center of the roof structure to reduce visibility. On all other style roofs, the dish must be located on the portion of the roof facing the rear yard, or, if this would unreasonably limit signal reception, the side yard.

#### C. Height.

- (1) No ground mounted satellite earth station shall exceed twelve (12') feet in height, as measured from the average grade at the base of the antenna to the highest point of the antenna.
- (2) No roof mounted satellite earth station may extend above the roof line more than (9') feet six (6") inches when mounted on a flat roof. On all other roofs, no satellite dish may extend above the highest point of the roof more than three (3') feet. However, upon a showing that such a roof mounted antenna will not produce adequate reception under the restrictions of this subsection, the minimum height necessary for reasonably satisfactory reception may be allowed.

#### D. Additional Standards.

- (1) Diameter. The diameter of satellite dishes shall not exceed twelve (12') feet for C-band technology for receiving and shall not exceed eight (8') feet in diameter for Ku-band V Sat technology for transmitting. All satellite dishes larger than twenty-four (24") inches shall be of the mesh type only, with not more than eighty-five (85%) percent of the surface being solid.
- (2) Color. All satellite dishes shall be painted a solid, dark, non-metallic, color if ground mounted. Roof-mounted satellite dishes mounted on a flat roof or mansard style roof shall be colored in a solid, non-metallic color that matches the roof color to the extent possible, or shall be painted a solid, non-metallic, non-glossy light to medium gray. When mounted on any other style roof the satellite earth station shall be painted the color of the surface to which it is attached.
- (3) Number. The number of allowable satellite earth stations are as follows:
  - (a) For all residential uses in residential zones: three (3) per building.
  - (b) For all other uses permitted in residential zones not specifically provided for otherwise (e.g. schools, places of worship, assisted living residence, etc.): five (5) per building.
  - (c) For commercial and industrial zones: five (5) per business.
- (4) The satellite dish may only be used for occupants of the building located on the property.
- (5) When the use of the satellite dish is abandoned, it shall be removed.

- (6) The proposed satellite dish shall be the smallest commercially available equipment feasible based on the current technology so as to minimize the visual impact on surrounding areas.
- (7) Satellite dishes may not be mounted on a portable or movable structure, such as a trailer.
- (8) No satellite dish shall be erected on a public utility easement without the consent of the easement holder.
- (9) No satellite earth station may be used as a sign.
- (10) All wiring or connecting cables between any ground mounted satellite dish and the principal building on the site shall be buried underground. All wiring or connecting cables between the roof-mounted satellite dish and the principal building shall be hidden or appropriately screened.
- (11) All satellite dishes, appurtenances, landscaping, and fencing shall be kept and maintained in good condition.

**§ 16-80.12 Bed and breakfast inn.**

- A. The exterior of the inn shall remain residential in appearance to the extent possible.
- B. Parking shall be located at the rear of the property and shall be provided at the rate of one space for every room for let and one space per employee on maximum shift.
- C. Rooms shall be let for not more than 30 days at a time.

**§ 16-80.13 Home occupations.**

- A. As permitted accessory use; no approval required. Home occupations shall be permitted as an as-of-right permitted use not requiring Township approval under the following circumstances:
  - (1) The occupation is conducted by a sole practitioner who is a resident of the dwelling.
  - (2) Not more than one occupation is operated in the dwelling.
  - (3) All operations occur inside the dwelling.
  - (4) Not more than one client comes to the dwelling at any one time.
  - (5) Not more than one vehicle, including trailers, related to the occupation is located on the site at any one time.
  - (6) There is no outdoor storage of equipment or materials.
  - (7) The exterior of the dwelling is not modified in any way and the occupation occupies less than 20 percent of the floor space in the dwelling.
  - (8) Occupations fitting this category typically include music teachers, tutors and professionals such as accountants and designers.
- B. As permitted accessory use; zoning permit required. Home occupations shall be permitted as an as-of-right permitted use requiring a zoning permit under the following circumstances:
  - (1) The occupation is conducted by a resident of the dwelling plus no more than one additional employee on the premises at any one time who can live outside of the dwelling.
  - (2) The home occupation is a Family Day Care per the Municipal Land Use Law.

- (3) Not more than one occupation is undertaken on-site at any one time.
- (4) The home occupation shall be limited to not more than thirty percent (30%) of the total livable floor area of the dwelling unit or accessory structure in which the home occupation is to be situated.
- (5) The exterior shall remain residential in appearance, however may contain a nameplate or similar identification sign not exceeding 2 square feet in area.
- (6) Sufficient parking is provided on-site for the employee and visitors to the site, however no more than 2 visitors shall come to the site at any one time. Sufficient parking shall be one space for the resident employee, one space per non-resident employee and one space per visitor.
- (7) No display of products shall be visible from the street.
- (8) No more than 2 vehicles, including trailers, used in conjunction with the home occupation shall be parked on the site at any one time.
- (9) There is no outdoor storage of equipment or materials.
- (10) Home occupations shall not generate light, smoke, glare, noise, and vibrations that are obnoxious and become a nuisance to residential neighbors. No machinery or equipment shall be used that will cause interference with radio, television and satellite reception and other forms of electronic communications in neighboring residences.
- (11) Hours during which the non-resident employee works on the premises and patrons visit the premises shall be limited to 8 a.m. to 9 p.m.
- (12) The home occupation shall be conducted entirely within either the dwelling or accessory building.
- (13) The home occupation shall not affect the area, yard and bulk requirements for the principal residential use.

C. Any home occupation not fitting into the above categories shall not be permitted.

### **§ 16-81 Conditional Uses.**

The following uses shall be conditionally permitted when all specific requirements for each respective conditional use set forth herein have been met:

A. Automotive dealerships.

- (1) Minimum lot area shall be three (3) acres.
- (2) Minimum lot width shall be three hundred (300) feet.
- (3) Minimum lot depth shall be three hundred (300) feet.
- (4) Minimum front yards:
  - (a) To buildings and structures: sixty (60) feet.
  - (b) To vehicle display, parking and storage areas: twenty (20) feet.
- (5) Minimum side yards:
  - (a) To buildings and structures: fifty (50) feet.

- (b) To vehicle display, parking and storage areas abutting residential zoning districts and uses: thirty (30) feet.
  - (c) To vehicle display, parking and storage areas abutting non-residential zoning districts: fifteen (15) feet.
- (6) Minimum rear yards:
- (a) To buildings and structures: fifty (50) feet.
  - (b) To vehicle display, parking and storage areas abutting residential zoning districts and uses: thirty (30) feet.
  - (c) To vehicle display, parking and storage areas abutting non-residential zoning districts: fifteen (15) feet.
- (7) Maximum building and structure height shall be thirty-five (35) feet and two and one-half (2-1/2) stories.
- (8) Maximum impervious coverage shall be seventy percent (70%).
- (9) Maximum building coverage shall be thirty percent (30%).
- (10) Minimum landscaped area: thirty percent (30%) of site area.
- (11) No wrecked or inoperable vehicles shall be stored on site.
- (12) Outdoor loudspeaker or music systems shall not be permitted.
- (13) Minimum landscape buffer areas:
- (a) Along side and rear yards abutting residential zoning districts and uses shall be thirty (30) feet in width and shall have a solid six-foot (6-foot) high fence ending twenty (20) feet from the street line.
  - (b) Along side and rear yards abutting non-residential zoning districts and uses shall be fifteen (15) feet in width.
  - (c) Along the street line shall be twenty (20) feet in width and shall consist of plant material that is maintained at a height no less than three (3) feet.
  - (d) All landscape buffer areas shall be designed and installed pursuant to § 16-89.
- (14) Minimum onsite loading. One (1) loading space for the first 10,000 square feet of gross floor area; one (1) additional loading space for gross floor area in excess of 10,000 square feet up to 40,000 square feet; and one (1) additional loading space for gross floor area in excess of 40,000 square feet.
- (15) All parking and loading areas shall be paved.
- (16) A minimum distance of 1,000 feet shall be required between similar or like businesses.

**B. Gasoline Service Stations.**

- (1) Minimum lot area shall be 20,000 square feet.
- (2) Minimum lot width shall be one hundred (100) feet.
- (3) Minimum lot depth shall be one hundred and seventy-five (175) feet.
- (4) Minimum front yard setbacks:

- (a) To buildings and structures: fifty (50) feet.
  - (b) To fuel dispensing islands and canopies: twenty-five (25) feet.
- (5) Minimum side yard setbacks:
- (a) To buildings and structures: ten (10) feet.
  - (b) To fuel dispensing islands and canopies: thirty (30) feet.
- (6) Minimum rear yard setbacks:
- (a) To buildings and structures: ten (10) feet.
  - (b) To fuel dispensing islands and canopies: forty (40) feet.
- (7) Maximum building and structure height including canopies over fuel dispensing islands, shall be twenty-five (25) feet and one and one-half (1-1/2) stories.
- (8) All landscape buffer areas shall be designed and installed pursuant to § 16-89.
- (9) Outdoor loudspeaker or music systems shall not be permitted.
- (10) Minimum on-site loading. Adequate space shall be provided onsite for the off-loading of fuels from a delivery truck to on-site storage tanks.
- (11) Minimum distance of 1,000 feet shall be required between similar or like businesses.
- (12) If a retail convenience store is proposed as accessory to or in conjunction with the gasoline service station, the minimum lot size shall be 40,000 square feet, and the convenience store shall be no greater than 5,000 square feet in area. The gasoline service station shall be limited to 6 pump islands with no more than 12 fueling points. No drive-throughs shall be permitted on the convenience store.

C. Automotive Repair Service and Garages and Body Repair Shops.

- (1) In C-2 Downtown Commercial Zoning District:
- (a) Minimum lot area shall be two (2) acres.
  - (b) Minimum lot width shall be two hundred (200) feet.
  - (c) Minimum lot depth shall be two hundred (200) feet.
  - (d) Minimum side yard setback to buildings and structures shall be thirty (30) feet.
  - (e) Minimum rear yard setback to buildings and structures shall be fifty (50) feet.
  - (f) No wrecked or inoperable vehicles shall be stored on site. Only those vehicles that are currently under repair shall be permitted on site. No vehicle may be stored on-site for more than 6 months.
  - (g) Vehicular storage areas must be paved and shall be fully screened from adjacent properties and public viewsheds.
  - (h) All work must be performed in a fully-enclosed building.
  - (i) Garage doors shall be oriented toward the side or rear yard of the site to the extent feasible.

- (j) Outdoor loudspeaker or music systems shall not be permitted.
- (2) Automotive Repair Service and Garages and Body Repair Shops in C-3, C-LI Light Industrial Zoning Districts and I General Industrial Zoning District:
- (a) Storage of vehicles that have been or are waiting to be repaired is prohibited in the front yard. Vehicles shall be stored on-site for no more than 6 months.
  - (b) Vehicle storage areas must be paved and screened from view from any street right of way or property line with a solid, six (6) foot high fence.
  - (c) All work must be performed in a fully-enclosed building.
  - (d) Garage doors shall be oriented toward the side or rear yard of the site to the extent feasible.
  - (e) Outdoor loud speakers shall not be permitted.
  - (f) Automobile and/or truck sales are prohibited.
- D. Billboards. Billboards may be constructed in the C-3 and C-LI-5 Districts in accordance with the following restrictions:
- (1) Minimum lot size shall be that of the zoning district in which the use is proposed.
  - (2) Only one billboard is permitted per lot, and the billboard shall be the principal and only use of the property.
  - (3) The size of the billboard shall not exceed an area of one square foot for each one foot of lot width measured at the right-of-way along which the billboard is directed. The maximum area of the billboard shall be 200 square feet.
  - (4) The billboard must face oncoming traffic proceeding along the nearest traffic lane to the billboard. Under no circumstances shall the billboard be two-sided or so designed to face traffic approaching from two directions.
  - (5) The billboard shall be located at least 200 feet from any residential use or zone.
  - (6) The highest point of the billboard shall be no higher than 25 feet measured from existing grade.
  - (7) Billboards shall not be located within a sight distance triangle as prescribed by the American Association of State Highway Officials (AASHTO) nor be located any closer than forty (40) feet to any side or rear property line unless further restricted by a sight triangle consideration.
- E. Places of worship.
- (1) Places of worship in R-1, R-2, R-3 and R-4 Single-Family Residential Zoning Districts and C-2 Zoning District:
    - (a) Minimum lot area shall be three (3) acres.
    - (b) Minimum lot frontage shall be two hundred and fifty (250) feet.
    - (c) Minimum lot depth shall be three hundred (300) feet.
    - (d) Minimum front yard setback to buildings and structures shall be fifty (50) feet.
    - (e) Minimum side yard setbacks to buildings and structures shall be forty (40) feet.
    - (f) Minimum rear yard setback to buildings and structures shall be 50 feet.

- (g) Maximum building coverage shall be twenty-five percent (25%).
- (h) Minimum landscaped area shall be twenty-five percent (25%) of the lot including buffers to neighboring residences.
- (i) Minimum width of a landscape buffer along side and rear property lines shall be thirty (30) feet. Landscape buffer area shall be designed and installed pursuant to §16-89.
- (j) Off-street parking. One (1) parking space per sixty (60) square feet of floor space devoted to patron use.

(2) Places of worship in R-MF Multi-Family Residential Zoning District:

- (a) Minimum lot area shall be five (5) acres.
- (b) Minimum lot width shall be three hundred (300) feet.
- (c) Minimum lot depth shall be five hundred (500) feet.
- (d) Minimum front yard setback to buildings and structures shall be sixty (60) feet.
- (e) Minimum side yard setback to buildings and structures shall be forty (40) feet.
- (f) Minimum rear yard setback to buildings and structures shall be fifty (50) feet.
- (g) Maximum building coverage shall be twenty percent (20%).
- (h) Minimum landscaped area shall be twenty-five percent (25%) of the lot including buffers to neighboring residences. The minimum width of a landscape buffer along side and rear property lines shall be thirty (30) feet. Landscape buffer areas shall be designed and installed pursuant to §16-89.
- (i) Off-street parking. One (1) parking space per sixty (60) square feet of floor space devoted to patron use.

(3) Places of worship in R-LD Low-Density Single-Family Residential Zoning District.

- (a) Minimum lot area shall be ten (10) acres.
- (b) Minimum lot width shall be five hundred (500) feet.
- (c) Minimum lot depth shall be seven hundred and fifty (750) feet.
- (d) Minimum front yard setback to buildings and structures shall be one hundred (100) feet.
- (e) Minimum side yard setback to buildings and structures shall be one hundred (100) feet and two hundred (200) feet for both side yards combined.
- (f) Minimum rear yard setback to buildings and structures shall be one hundred (100) feet.
- (g) Maximum building coverage shall be ten percent (10%).
- (h) Off-street parking. One (1) parking space per sixty (60) square feet of floor space devoted to patron use.
- (i) Minimum width of a landscape buffer along side and rear property lines shall be fifty (50) feet. Landscape buffer areas shall be designed and installed

pursuant to §16-89.

- (j) The minimum landscaped area shall be twenty-five percent (25%) of the lot including buffers to neighboring residences.
- (4) Places of worship in C-3 Highway Commercial, C-LI-1 and C-LI-5 Commercial-Light Industrial and I General Industrial Zoning Districts:
- (a) Minimum lot area shall be three (3) acres.
  - (b) Minimum lot width shall be four hundred (400) feet.
  - (c) Minimum front yard setback to buildings and structures shall be sixty (60) feet.
  - (d) Minimum side yard setback to buildings and structures shall be fifty (50) feet.
  - (e) Minimum rear yard setback to buildings and structures shall be fifty (50) feet.
  - (f) Maximum impervious coverage shall be fifty percent (50%).
  - (g) Off-street parking. One (1) parking space per sixty (60) square feet of floor space devoted to patron use.
  - (h) Landscape buffer areas shall be designed and installed pursuant to §16-89.

F. Wireless telecommunications towers and antennae.

- (1) Wireless telecommunications towers and antennae shall be permitted as conditional uses in the C-LI and I Districts and on municipally-owned property.
- (2) Before a new monopole or tower will be permitted in the C-LI or I Districts, Applicant must demonstrate to the Board's satisfaction that no existing structure in those zones, or in another nonresidential zoning district in the Township can be utilized.
- (3) The property line setback requirements for monopoles and towers shall be the length of the monopole or tower.
- (4) Wireless telecommunications tower and antenna sites shall be secured with a six-foot (6-foot) high chain link fence that is coated with black vinyl and a locked gate to which the Township Police Department shall be given access, i.e., keys, electronic passes, etc., for emergency purposes. Barbed or razor wire shall not be used.
- (5) Wireless telecommunications towers and antennae shall be located on or within existing structures as much as possible, and designed and colored to blend into the skyline to the greatest extent practicable. Monopoles shall be preferable to lattice towers.
- (6) Wireless telecommunications towers and antennae shall be designed and constructed to accommodate a minimum of five (5) additional ports for use by other utilities, and shall be made available for use by other carriers.
- (7) Wireless telecommunications towers, antennae and other equipment removed from service shall be removed from their location within six (6) months of the date on which service was discontinued.
- (8) Maximum Height. The maximum height of any proposed wireless telecommunications antenna and any proposed new tower or monopole shall be demonstrated by the applicant to be the minimum height necessary for the proposed installation to satisfactorily operate, but in no event in excess of the following standards for height, exclusive of lightning rods:

- (a) Tower height shall not exceed 110 feet for a single carrier; 130 feet for two carriers; and 175 feet for three or more carriers. All tower and monopole footings, if applicable, shall be designed for possible extensions to 175 feet.
- (b) Antenna height. Antenna arrays may be mounted on existing buildings or structures, however shall not extend beyond the overall height of any such building or structure by more than 10 feet or 10 percent of the height of the building or structure, whichever is less, up to a total maximum height of 175 feet.

(9) Design standards for new towers:

- (a) Towers shall be sited on a property in a location that will provide the least visual impact from surrounding properties and public rights-of-way.
- (b) Towers shall be subject to any applicable standards by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC).
- (c) Stealth designs where reasonably practicable shall be employed to camouflage the appearance of the new tower, such as bell towers, silos, artificial trees and similar treatments. The degree and nature of such stealth designs shall depend upon the specifics of the site involved so as to provide the most appropriate design under the circumstances presented. At a minimum all towers shall be of slim line design and all antenna arrays shall be flush-mounted.
- (d) Towers and antennas shall be painted a gray or sky blue color so as to reduce the visual obtrusiveness of the installation.
- (e) All towers shall be designed with anti-climbing devices in order to prevent unauthorized access.
- (f) No lighting shall be permitted on a tower except lighting that is specifically as required by the FAA and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project toward adjacent and nearby properties.

(10) Design standards for wireless telecommunications antennas:

- (a) Antennas shall be suitably finished and/or painted so as to minimize their visual impact. Depending upon the placement of this equipment, color shall be selected to be consistent with the color scheme of the building or structure on which they are mounted. When this is not reasonable or practicable, color selection shall be designed to minimize the visual impact of the antenna arrays.
- (b) No antenna shall be located on any tower in order to provide land-line telephone service; such service shall be provided via existing telephone lines if available to the site, or by the underground extension of telephone lines to the site if necessary.

(11) Design standards for wireless telecommunications equipment compounds.

- (a) The equipment compound shall consist of no more than 900 square feet in area.
- (b) The equipment compound shall be situated behind existing structures, building or terrain features which shall shield the equipment compound from public view.

- (c) When a location out of public view is not reasonable practicable, a landscaped buffer of 10 feet in width shall be provided outside the fence around the equipment compound to shield the equipment compound from public view. Landscaping shall include native evergreen and deciduous trees at least 8 feet high at the time of planting and the number of trees shall be based on the equivalent of staggered double rows at 10 feet on center.
- (d) Any proposed building enclosing related electronic equipment shall not be more than 15 feet in height more than 400 square feet in area. Only one such building shall be permitted for each provider of wireless communications services located on the site.
- (e) The building enclosing electronic equipment may have one light at the entrance of the building, provided that the light is attached to the building, is focused downward and is switched so that the light is on only when workers are at the building. This shall be exclusive of lights equipped with motion detectors. To the extent these requirements are inconsistent with BOCA requirements, the BOCA requirements shall apply.

(12) General design standards:

- (a) All equipment shall be designed and automated to the greatest extent possible in order to reduce the need for onsite maintenance and thereby, minimize the need for vehicular trips to and from the site.
- (b) Other than typical "warning", "emergency" and equipment information signs, no signs shall be permitted. Emergency signs shall be on plates attached to the tower or building and shall not exceed 2 square feet.
- (c) Minimal off-street parking shall be permitted as needed.

(13) Submission Requirements. In addition to a complete site plan depicting the proposed installation, the following shall be required at the time of submission:

- (a) Documentation by a qualified engineer with a demonstrated expertise in structural engineering regarding the capacity of a proposed tower for the number and type of antennas.
- (b) Documentation by a qualified engineer with a demonstrated expertise in structural engineering that any proposed tower will have sufficient structural integrity to support the proposed antennas and the anticipated future collocated antennas and that the structural standards developed for antennas by the Electronic Industry Association (EIA) and/or the Telecommunications Industry Association (TIA) have been met.
- (c) Antenna Modifications. Operators of wireless telecommunications towers shall provide to the Borough a report every 3 years from a licensed professional engineer certifying the structural integrity of the tower, together with all antennas mounted thereon and whether they remain in use, and that they meet applicable minimum safety requirements. Such report shall also be provided whether antenna arrays are modified, and shall include a detailed listing of all antennas and equipment so certified. Vendors shall also be required to notify the Borough when the use of such antennas and equipment is discontinued. A satisfactory insurance company inspection report shall be deemed to meet the requirements of this section.
- (d) Restoration Provisions. The applicant shall provide a performance bond and/or other assurances satisfactory to the Borough in a form approved by the Borough Attorney that will cause the antennas, the supporting tower, the ancillary building enclosing related electronic equipment and all other related improvements to the land to be removed at no cost to the Borough, when the antennas are no longer operative. Any communication facility not used for its intended and approved purpose for a period of 12 months shall be considered

“no longer operative” and abandoned and shall be removed by the applicant or their assigns within 60 days thereof. If the use of the tower is 10 percent or less of its maximum permitted capacity, it shall be considered “no longer operative” and therefore abandoned.

G. Assisted Living Residences.

- (1) Minimum lot area shall be three (3) acres.
- (2) Minimum lot frontage shall be two hundred and fifty (250) feet.
- (3) Minimum lot depth shall be three hundred (300) feet.
- (4) Maximum building coverage shall be twenty-five percent (25%).
- (5) Minimum landscaped area shall be twenty-five percent (25%) of the lot.
- (6) Minimum front yard setback to buildings and structures shall be fifty (50) feet.
- (7) Minimum side yard setback to buildings and structures shall be forty (40) feet.
- (8) Minimum rear yard setback to buildings and structures of fifty (50) feet.
- (9) Maximum building and structure height shall be three stories and forty (40) feet.
- (10) Where abutting a residential use or zone, minimum width of a landscape buffer along side and rear property lines shall be thirty (30) feet.

H. Quasi-public buildings and uses, including recreation areas.

- (1) R-2, R-3, R-4 and C-2 Downtown Zoning Districts:
  - (a) Minimum lot area shall be three (3) acres.
  - (b) Minimum lot frontage shall be two hundred and fifty (250) feet.
  - (c) Minimum lot depth shall be three hundred (300) feet.
  - (d) Maximum building coverage shall twenty-five percent (25%).
  - (e) Minimum landscaped area shall be twenty-five percent (25%) of the lot including buffers to neighboring residences.
  - (f) Minimum front yard setback to buildings and structures shall be fifty (50) feet.
  - (g) Minimum side yard setback to buildings and structures shall be shall be forty (40) feet.
  - (h) Minimum rear yard setback of one hundred (100) feet.
  - (i) Minimum width of a landscape buffer along side and rear property lines shall be thirty (30) feet.
- (2) Quasi-public uses in R-MF, C-3 Highway Commercial, C-LI-1 and C-LI-5 Commercial-Light Industrial Zoning Districts.
  - (a) Minimum lot area shall be three (3) acres.
  - (b) Minimum lot width shall be four hundred (400) feet.
  - (c) Minimum front yard setback to buildings and structures shall be sixty (60) feet.

- (d) Minimum side yard setback to buildings and structures shall be fifty (50) feet.
- (e) Minimum rear yard setback to buildings and structures shall be fifty (50) feet.
- (f) Maximum building and structure height shall be three (3) stories and forty-five (45) feet.
- (g) Maximum impervious coverage shall be fifty percent (50%).
- (h) Landscape buffer areas shall be designed and installed pursuant to §16-89.

(3) Quasi-public uses in R-LD Low Density Single Family Residential Zoning District:

- (a) Minimum lot area shall be ten (10) acres.
- (b) Minimum lot width shall be five hundred (500) feet.
- (c) Minimum lot depth shall be seven hundred and fifty (750) feet.
- (d) Minimum front yard setback to buildings and structures shall be one hundred (100) feet.
- (e) Minimum side yard setback to buildings and structures shall be one hundred (100) feet and two hundred (200) feet for both side yards combined.
- (f) Minimum rear yard setback to buildings and structures shall be one hundred (100) feet.
- (g) Maximum building and structure height shall be three (3) stories and forty-five (45) feet.
- (h) Maximum impervious coverage shall be ten percent (10%).
- (i) Minimum width of a landscape buffer along side and rear property lines shall be fifty (50) feet. Landscape buffer areas shall be designed and installed pursuant to §16-89.
- (j) The minimum landscaped area shall be twenty-five percent (25%) of the lot including buffers to neighboring residences.

I. Schools.

- (1) Minimum lot area shall be ten (10) acres.
- (2) Minimum lot width shall be two hundred (200) feet.
- (3) Minimum lot depth shall be three hundred (300) feet.
- (4) Minimum front yard setback to buildings and structures shall be thirty-five (35) feet.
- (5) Minimum side yard setback to buildings and structures shall be twenty-five (25) feet.
- (6) Minimum rear yard setback to buildings and structures shall be thirty-five (35) feet.
- (7) Maximum impervious coverage shall be seventy percent (70%).
- (8) Minimum landscape buffer shall be designed and installed pursuant to § 16-89.

J. Sexually-oriented businesses and body piercing, tattoo and massage parlors.

- (1) Minimum lot area shall be five (5) acres.
- (2) Minimum lot width shall be four hundred (400) feet.
- (3) Minimum lot depth shall be two hundred (200) feet.
- (4) Minimum front yard setback to buildings and structures shall be one hundred (100) feet.
- (5) Minimum side yard setback to buildings and structures shall be one hundred (100) feet.
- (6) Minimum rear yard setback to buildings and structures shall be one hundred (100) feet.
- (7) Minimum distance of any property line to the property line of a residential use or to any place of public recreation, any school or school bus stop, any municipal or county playground or place of public recreation, or any area zoned for residential use shall be one thousand (1,000) feet.
- (8) Minimum landscape buffer along front, side and rear property lines shall be fifty (50) feet in width designed and installed pursuant to N.J.S.A. 2C:34-7(c).
- (9) Minimum onsite parking shall be one (1) parking space per one hundred (100) square feet of customer service area and one (1) parking space for each employee during peak shift.
- (10) No body piercing, tattoo or massage parlor shall display more than two (2) exterior signs, consisting of one (1) identification sign and one (1) sign giving notice that the premises are off limits to minors. The identification sign shall be no more than forty (40) square feet in size.

**§ 16-82 District Regulations.**

**§ 16-82.1 Districts enumerated.** The Township of Edgewater Park is hereby divided into 18 classes of districts, which shall be known as:

- R-1 Single-Family Residential (minimum lot size—85,000 sq. ft.)
- R-2 Single-Family Residential (minimum lot size—40,000 sq. ft.)
- R-3 Single-Family Residential (minimum lot size—20,000 sq. ft.)
- R-4 Single-Family Residential (minimum lot size—7,500 sq. ft.)
- R-5 Single-Family Residential (minimum lot size—12,500 sq. ft.)
- R-6 Single-Family Residential (minimum lot size—6,000 sq. ft.)
- R-LD Low-Density Single-Family Residential (minimum lot size—6 acres)
- R-MF Multi-Family Residential
- R-AR Age-Restricted Residential
- R-AR-1 Age-Restricted Residential
- C-1 Neighborhood Commercial
- C-2 Downtown Commercial
- C-3 Highway Commercial
- C-LI-1 Commercial-Light Industrial
- C-LI-5 Commercial-Light Industrial
- LI Light Industrial
- I General Industrial
- C Cemetery

**§ 16-82.2 District boundaries.**

- A. The location and boundaries of districts are and shall be as shown on a map entitled "Zoning Map, Township of Edgewater Park, New Jersey," on file in the office of the Township Clerk of said municipality. Where the designation on the Zone Map indicates a district boundary located approximately along a street or alley line or along a lot line, the centerline of such street or alley or such lot line shall be construed to be the boundary.
- B. Zoning district boundaries may be superseded by redevelopment overlays delineated in redevelopment plans on file in the office of the Township Clerk.

**§ 16-82.3 R-1 Single-Family Residential District.**

- A. Permitted Principal Uses. In an R-1 Single-Family Residential District, land shall be used only for the following permitted uses:
  - (1) Single-family detached dwellings.
  - (2) Public parks and recreational facilities.
  - (3) Governmental buildings and facilities.
  - (4) Bed-and-breakfast.
- B. Permitted Accessory Uses. The following accessory uses shall be permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
  - (1) Private garages.
  - (2) Utility sheds.
  - (3) Private swimming pools, including above and below ground.
  - (4) Private greenhouses.
  - (5) Fences and walls.
  - (6) Decks and patios.
  - (7) Home occupations.
  - (8) Signs pursuant to §16-17.
- C. Conditional Uses. The following conditional uses shall meet the requirements set forth in § 16-81:
  - (1) Places of worship.
  - (2) Assisted Living Residence.
- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements, except where otherwise specified for conditional uses in §16-81.

**§ 16-82.4 R-2 Single-Family Residential District.**

- A. Permitted Principal Uses. In an R-2 Single-Family Residential District, land shall be used only for the following permitted uses:
  - (1) Single-family detached dwellings.
  - (2) Existing agricultural uses.

- (3) Public parks and recreational facilities.
  - (4) Governmental buildings and facilities.
- B. Permitted Accessory Uses. The following accessory uses shall be permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
- (1) Private garages.
  - (2) Utility sheds.
  - (3) Private swimming pools, including above and below ground.
  - (4) Private greenhouses.
  - (5) Fences and walls.
  - (6) Decks and patios.
  - (7) Home occupations.
  - (8) Farm stands, ancillary to primary agricultural uses undertaken on property.
  - (9) Greenhouses, horticultural activities, field crop and Christmas tree production and similar agricultural uses in conjunction with existing agricultural uses.
  - (10) Signs pursuant to §16-90.
- C. Conditional Uses. The following conditional uses shall meet the requirements set forth in §16-81:
- (1) Places of worship.
  - (2) Assisted Living Residence.
  - (3) Quasi-public use.
- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements, except where otherwise specified for conditional uses in §16-81.

**§ 16-82.5 R-3 Single-Family Residential District.**

- A. Permitted Principal Uses. In an R-3 Single-Family Residential District, land shall be used only for the following permitted uses:
- (1) Single-family detached dwellings.
  - (2) Public parks and recreational facilities.
  - (3) Governmental buildings and facilities.
- B. Permitted Accessory Uses. Only the following accessory uses are permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
- (1) Private garages.
  - (2) Utility sheds.
  - (3) Private swimming pools, including above and below ground.

- (4) Private greenhouses.
  - (5) Fences and walls.
  - (6) Decks and patios.
  - (7) Home occupations.
  - (8) Signs pursuant to §16-90.
- C. Conditional Uses. The following conditional uses shall meet the requirements set forth in §16-81:
- (1) Places of worship.
  - (2) Assisted Living Residence.
  - (3) Quasi-public use.
- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements, except where otherwise specified for conditional uses in §16-81.

**§ 16-82.6 R-4 Single-Family Residential District.**

- A. Permitted Principal Uses. In an R-4 Single-Family Residential District, land shall be used only for the following permitted uses:
- (1) Single-family detached dwellings.
  - (2) Public parks and recreational facilities.
  - (3) Governmental buildings and facilities.
- B. Permitted Accessory Uses. Only the following accessory uses are permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
- (1) Private garages.
  - (2) Utility sheds.
  - (3) Private swimming pools, including above and below ground.
  - (4) Private greenhouses.
  - (5) Fences and walls.
  - (6) Decks and patios.
  - (7) Home occupations.
  - (8) Signs pursuant to §16-90.
- C. Area and Bulk Requirements. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.
- D. Conditional Uses. The following conditional uses shall meet the requirements set forth in §16-81:
- (1) Places of worship.
  - (2) Assisted Living Residence.

(3) Quasi-public use.

(4) Schools.

**§ 16-82.7 R-5 Single-Family Residential District.**

A. Permitted Principal Uses. In an R-5 Single-Family Residential District, land shall be used only for the following permitted uses:

(1) Single-family detached dwellings.

(2) Public parks and recreational facilities.

(3) Governmental buildings and facilities.

B. Permitted Accessory Uses. The following accessory uses shall be permitted when on the same lot with and customarily incidental to the foregoing permitted uses:

(1) Private garages.

(2) Utility sheds.

(3) Private swimming pools, including above and below ground.

(4) Private greenhouses.

(5) Fences and walls.

(6) Home occupations.

(7) Decks and patios.

(8) Signs pursuant to §16-90.

C. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.

**§ 16-82.8 R-6 Single-Family Residential District.**

A. Permitted Principal Uses. In an R-6 Single-Family Residential District, land shall be used only for the following permitted uses:

(1) Single-family detached dwellings.

(2) Public parks and recreational facilities.

(3) Governmental buildings and facilities.

B. Permitted Accessory Uses. The following accessory uses shall be permitted when on the same lot with and customarily incidental to the foregoing permitted uses:

(1) Private garages.

(2) Utility sheds.

(3) Private swimming pools, including above and below ground.

(4) Private greenhouses.

(5) Fences and walls.

- (6) Decks and patios.
- (7) Home occupations.
- (8) Signs pursuant to §16-90.

C. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.

**§ 16-82.9 R-LD Residential, Low-Density District.**

A. Permitted Principal Uses. In an R-LD Residential, Low Density District, land shall be used only for the following permitted uses:

- (1) Single-family detached dwellings.
- (2) Agricultural uses excluding the raising and keeping of livestock except where otherwise permitted herein and including greenhouses, horticultural activities, field crop production, Christmas tree production and similar agricultural uses.
- (3) Public parks and recreational facilities.
- (4) Governmental buildings and facilities.
- (5) Equestrian activities. Limited to one (1) horse per two (2) acres of land devoted to paddock.
- (6) Executive golf course on minimum 65 acres.

B. Permitted Accessory Uses. Only the following accessory uses are permitted when on the same lot with and customarily incidental to the foregoing permitted uses:

- (1) Private garages.
- (2) Utility sheds.
- (3) Private swimming pools, including above and below ground.
- (4) Private greenhouses.
- (5) Fences and walls.
- (6) Decks and patios.
- (7) Farm stands ancillary to primary agricultural uses.
- (8) Home occupations.
- (9) Signs pursuant to §16-90.
- (10) Barns shall not be located in the front yard and shall be located at least 100 feet from all property lines.

C. Conditional Uses. The following conditional uses shall meet the requirements set forth in §16-81:

- (1) Places of worship.
- (2) Quasi-public buildings and recreation areas.
- (3) Schools.

- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements, except where otherwise specified for conditional uses in §16-81.

**§ 16-82.10 R-MF Multi-Family Residential District.**

- A. Permitted Principal Uses. In an R-MF Multifamily Residential District, land shall be used only for the following permitted uses:

- (1) Multi-family dwellings at a maximum density of eight (8) dwelling units per acre.
- (2) Public parks and recreational facilities.
- (3) Governmental buildings and facilities.

- B. Permitted Accessory Buildings and Structures. Permitted accessory buildings and structures in the R-MF Zone include:

- (1) Private garages and carports.
- (2) Off-street parking facilities.
- (3) Swimming pools.
- (4) Signs pursuant to §16-90.
- (5) Essential utilities.

- C. Conditional Uses. The following conditional uses shall meet the requirements set forth in §16-81:

- (1) Places of worship.
- (2) Quasi-public buildings and recreation areas.
- (3) Assisted Living Residence.
- (4) Schools.

- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements, except where otherwise specified for conditional uses in §16-81.

- E. Additional Requirements Applicable to the Multi-Family Residential Zone.

- (1) There shall be no dwelling units below the first or above the second story.
- (2) Each dwelling unit shall contain complete kitchen facilities, toilet, bathing, and working facilities, as well as living space and shall have a minimum gross floor area in accordance with the following:
  - (a) One-bedroom dwelling units and/or efficiency units shall have a minimum of eight hundred (800) square feet;
  - (b) Two-bedroom dwelling units shall have a minimum of nine hundred fifty (950) square feet.
  - (c) There shall be a common storage space in each building of twenty-five (25) square feet in area and a minimum of five feet in height per dwelling unit;
- (3) There shall be no more than twenty (20) dwelling units in each building or structure. The façade of any building or structure shall not exceed sixty (60) feet in length unless making

an angle turn or having an offset of at least four feet within each sixty (60) feet of length.

- (4) Courtyards bounded by three or more sides by the wings of a single building or by the walls of separate buildings shall have a minimum court width of two feet for each one foot in height of the tallest adjacent building.
- (5) No dwelling structure shall be located within twenty-five (25) feet of another structure.
- (6) Every building shall have a minimum setback of ten (10) feet from any and all interior roads, driveways and parking areas.
- (7) Landscape buffers shall be provided in the following manner:
  - (a) Front Yard. Minimum width of landscaped buffer shall be twenty-five (25) feet.
  - (b) Side Yard. Minimum width of landscaped buffer shall be twenty-five (25) feet.
  - (c) Rear Yard. Minimum width of landscaped buffer shall be twenty-five (25) feet.

**§ 16-82.11 R-AR Age-Restricted Residential District.**

- A. Permitted Principal Uses. In the Age-Restricted Residential District, land shall be used only for the following permitted uses:
  - (1) Single-family attached age-restricted housing not to exceed eight (8) units per acre.
- B. Permitted Accessory Buildings and Structures. Permitted accessory buildings and structures in the Age-Restricted Residential District include:
  - (1) Necessary accessory buildings and facilities, including but not limited to gatehouses, garages, carports, guardhouses, storage facilities for maintenance of equipment and administrative, clubhouse, activity center and recreational structures shall be permitted.
  - (2) Model homes or sales offices.
  - (3) Private garages and carports.
  - (4) Off-street parking facilities.
  - (5) Swimming pools.
  - (6) Signs pursuant to § 16-90.
  - (7) Essential utilities.
- C. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.

**§ 16-82.12 R-AR-1 Age-Restricted Residential District.**

- A. Permitted Principal Uses. In the Age-Restricted Residential District, land shall be used only for the following permitted uses:
  - (1) Single-family attached age-restricted housing not to exceed eight (8) units per acre.
  - (2) Commercial uses along U.S. Route 130 in compliance with C-3 District standards. Commercial lots shall be no less than 200, and no more than 350 feet in depth as measured from U.S. Route 130. Minimum lot area shall be no smaller than 1.5 acres and no larger than 2.0 acres.
- B. Permitted Accessory Buildings and Structures.

- (1) Necessary accessory buildings and facilities, including but not limited to gatehouses, garages, carports, guardhouses, storage facilities for maintenance of equipment and administrative, clubhouse, activity center and recreational structures shall be permitted.
- (2) Model homes or sales offices.
- (3) Private garages and carports.
- (4) Off-street parking facilities.
- (5) Swimming pools.
- (6) Signs pursuant to § 16-90.
- (7) Essential utilities.

C. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.

**§ 16-82.13 C-1 Neighborhood Commercial District.**

- A. Permitted Principal Uses. In a C-1 Neighborhood Commercial District, land shall be used only for the following permitted uses:
- (1) Retail sales and service as defined herein.
  - (2) Restaurants and cafes, provided that any restaurant or café which does not hold a license for the sale of alcoholic beverages and which allows patrons to bring their own alcoholic beverages shall be limited to the same hours of operation as apply to premises licensed to sell alcoholic beverages.
  - (3) Funeral homes and mortuaries.
  - (4) Professional and medical office.
  - (5) Public parks and recreational facilities.
  - (6) Governmental buildings and facilities.
  - (7) Financial Institutions.
- B. Permitted Accessory Uses. Only the following accessory uses are permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
- (1) Refuse enclosures.
  - (2) Fences and walls.
  - (3) Rooftop screens and parapets for mechanical equipment.
  - (4) Off-street parking and loading spaces shall be provided for commercial uses pursuant to §16-88.
  - (5) Signs pursuant to §16-90.
- C. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.

**§ 16-82.14 C-2 Downtown Commercial District.**

- A. Permitted Principal Uses. In a C-2 Downtown Commercial District, land shall be used only for the following permitted uses:
- (1) All uses permitted in the C-1 Neighborhood Commercial zoning district.
  - (2) Single-family detached dwellings pursuant to the provisions for the R-4 Single-Family zoning district requirements.
- B. Permitted Accessory Uses. The following accessory uses shall be permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
- (1) Private garages.
  - (2) Refuse enclosures.
  - (3) Utility sheds.
  - (4) Fences and walls.
  - (5) Rooftop screens and parapets for mechanical equipment.
  - (6) Home occupations.
  - (7) Swimming pools associated with residential uses.
  - (8) Off-street parking and loading spaces shall be provided for commercial uses pursuant to §16-88.
  - (9) Signs pursuant to §16-90.
- C. Conditional Uses. The following conditional uses shall meet the requirements set forth in § 16-81:
- (1) Places of worship.
  - (2) Automotive repair services and garages.
  - (3) Quasi-public buildings and recreation areas.
  - (4) Assisted Living Residence.
- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements, except where otherwise specified for conditional uses in Section 16-81.
- E. Design standards. (Reserved)

**§ 16-82.15 C-3 Highway Commercial District.**

- A. Permitted Principal Uses. In a C-3 Highway Commercial District, land shall be used only for the following permitted uses:
- (1) Retail sales and services as defined herein.
  - (2) Financial institutions.
  - (3) Funeral homes and mortuaries.
  - (4) Restaurants.

- (5) Professional, general and medical office.
- (6) Planned shopping centers that contain a mix of the foregoing commercial uses.
- B. Permitted Accessory Uses. Only the following accessory uses are permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
  - (1) Refuse enclosures.
  - (2) Fences and walls.
  - (3) Rooftop screens and parapets for mechanical equipment.
  - (4) Off-street parking and loading spaces shall be provided for commercial uses pursuant to §16-88.
  - (5) Signs pursuant to §16-90.
- C. Conditional Uses. The following conditional uses shall meet the requirements set forth in §16-81:
  - (1) Billboards.
  - (2) Places of worship.
  - (3) Quasi-public buildings and recreation areas.
  - (4) Assisted Living Residence.
  - (5) Automotive dealerships.
  - (6) Automotive repair services and garages and body shops.
  - (7) Gasoline service stations.
- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements, except where otherwise specified for conditional uses in §16-81.
- E. Other Regulations. All other regulations of this ordinance shall be applied accordingly.

**§ 16-82.16 C-LI-1 Commercial-Light Industrial District.**

- A. Permitted uses for the C-LI-1 Commercial-Light Industrial District.
  - (1) Professional, general and medical offices.
  - (2) Funeral homes and mortuaries.
  - (3) Automotive repair and services and body shops.
  - (4) Sales and service of electronics, appliances and small equipment, i.e., lawn equipment.
  - (5) Light industrial uses that include research and scientific laboratories, assembly, fabrication and packaging of products, computer software development and manufacture, printing, furniture and cabinet making, upholstery, telecommunications offices and facilities excluding cellular communications towers, and media production facilities.
  - (6) Self storage and mini-warehouse facilities.
- B. Permitted Accessory Uses. Only the following accessory uses are permitted when on the same

lot with and customarily incidental to the foregoing permitted uses:

- (1) Private garages.
- (2) Refuse enclosures.
- (3) Fences and walls.
- (4) Rooftop screens and parapets for mechanical equipment.
- (5) Off-street parking and loading spaces shall be provided for commercial uses pursuant to §16-88.
- (6) Signs pursuant to § 16-90.

C. Conditional Uses. The following conditional uses shall meet the requirements set forth in §16-81:

- (1) Places of worship.
- (2) Assisted Living Residence.
- (3) Quasi-public buildings and recreation areas.
- (4) Wireless telecommunications towers.

D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements, except where otherwise specified for conditional uses in § 16-81.

E. No accessory structures, driveways, parking areas or loading areas shall be located in the buffer area.

**§16-82.17 C-LI-5 Commercial-Light Industrial District.**

A. Permitted Principal Uses. The following are permitted uses in the C-LI-5 Commercial-Light Industrial District:

- (1) General, professional and medical offices.
- (2) Retail sales and services.
- (3) Indoor recreational facilities, i.e., bowling, gymnasiums, martial arts training facility, fields, courts and rinks.
- (4) Exhibit / convention centers and movie theaters excluding live entertainment venues.
- (5) Research and scientific laboratories.
- (6) Assembly, fabrication and packaging of products.
- (7) Computer software development and manufacture.
- (8) Printing and publishing.
- (9) Media production facilities.
- (10) Warehousing and distribution, excluding truck depots and terminals.
- (11) Manufacturing of light machinery.
- (12) Pharmaceutical and medical supply manufacturing excluding processing and disposal

of medical waste.

(13) Wholesale food manufacturing and processing in accordance with the performance standards of this chapter.

(14) Bottling of food and beverages excluding alcoholic and spirituous liquor.

B. Permitted Accessory Uses. The following accessory uses shall be permitted when on the same lot with and customarily incidental to the foregoing permitted uses:

(1) Refuse enclosures.

(2) Fences and walls.

(3) Rooftop screens and parapets for mechanical equipment.

(4) Off-street parking and loading spaces shall be provided for commercial uses pursuant to §16-88.

(5) Signs pursuant to § 16-90.

C. Conditional Uses. The following conditional uses shall meet the requirements set forth in §16-81:

(1) Assisted Living Residence.

(2) Billboards.

(3) Places of worship.

(4) Gasoline service stations.

(5) Automotive dealerships.

(6) Automotive service and repairs and body shops.

(7) Quasi-public buildings and recreation areas.

(8) Wireless telecommunications towers.

D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.

E. No accessory structures, driveways, parking areas or loading areas shall be located in the buffer area.

F. Other Regulations.

(1) Overhead doors and/or loading docks shall not be permitted in the front yard or along the front building façade.

(2) Loading and unloading shall occur in the rear yard.

#### **§16-82.18 LI Light Industrial District.**

A. Permitted Principal Uses. In the LI Light Industrial District, land shall be used only for the following permitted uses:

(1) General, professional and medical office.

(2) Warehouses, including self-storage and mini-warehouses.

- (3) Packaging and distribution facilities, not including trucking terminal.
  - (4) Wholesale facilities and showrooms.
  - (5) Tradesman and artisan shops, offices and showrooms including glass, tile and stone trade, metal trade, furniture and cabinet trade, and printing, publishing and media trade.
  - (6) Manufacture, fabrication and assembly of products from previously processed and prepared materials. Such operations shall occur within completely closed buildings and structures.
  - (7) Research laboratory.
  - (8) Research and scientific laboratories.
  - (9) Computer software development and manufacture.
- B. Permitted Accessory Uses. Only the following accessory are permitted when on the same lot with and customarily incidental to the foregoing permitted uses:
- (1) Refuse enclosures.
  - (2) Cafeteria and child care center for use by employees.
  - (3) Rooftop screens and parapets for mechanical equipment.
  - (4) Off-street parking and loading pursuant to § 16-88.
  - (5) Signs pursuant to § 16-90.
- C. Conditional Uses. The following conditional uses shall meet the requirements set forth in § 16-81:
- (1) Automotive repair services and garages.
- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.
- E. Overlay Zone. The following provisions for creating a planned mixed-use development that is comprised of a variety of office, commercial and light industrial uses. The following conditions shall be required for the overlay zone to be applied:
- (1) Minimum lot area shall be eight (8) acres.
  - (2) Minimum lot width shall be eight hundred (800) feet.
  - (3) Minimum lot depth shall be eight hundred (800) feet.
  - (4) Minimum front yard set back shall be thirty (30) feet.
  - (5) Minimum side yard set back shall be thirty (30) feet.
  - (6) Minimum rear yard set back shall be thirty (30) feet.
  - (7) Maximum building coverage shall be fifty (50) percent.
  - (8) Maximum building height shall be three (3) stories and forty-five (45) feet.
  - (9) Landscape buffers at least thirty (30) feet wide, which consist of coniferous trees planted in two staggered rows fifteen (15) feet on center, should be provided along side

and rear yards when a mixed-use development abuts a residential use.

(10) Landscaped pedestrian access, i.e., six-foot (6-foot) wide sidewalks with street trees and ornamental lighting, should be provided from the vicinity of each transit station stop to the mixed-use development.

(11) Permitted Mix of uses by type and percentage of gross floor area should include:

Type of Use	Percentage of GFA
Office uses as permitted in C-LI-5	10 to 25 percent
Commercial uses as permitted in C-1	10 to 25 percent
Light industrial uses as permitted in C-LI-5*	50 to 80 percent

\* Excluding cellular communications towers, warehousing and distribution, bottling of food and beverages, bakeries, ice cream manufacturing, and food processing.

### § 16-82.19 I, General Industrial District.

#### A. Permitted Principal Uses.

- (1) Automotive repair services and garages and body shops.
- (2) General offices.
- (3) Wholesale and distribution centers excluding trucking terminals.
- (4) Warehousing and distribution, including self-storage and mini-warehouses.
- (5) Manufacture, fabrication and assembly of products from previously processed and prepared materials conducted within completely enclosed buildings.
- (6) Research laboratories.
- (7) Tradesman and artisan shops, offices and showrooms including glass, tile and stone trade, metal trade, furniture and cabinet trade, and printing, publishing and media trade.
- (8) Kennel.

#### B. Permitted Accessory Uses. Only the following accessory uses are permitted when on the same lot with and customarily incidental to the foregoing permitted uses:

- (1) Refuse enclosures.
- (2) Cafeteria and child care center for use by employees.
- (3) Off-street parking and loading shall be provided for commercial uses pursuant to §16-88.
- (4) Rooftop screens and parapets for mechanical equipment.
- (5) Signs pursuant to §16-90.

#### C. Conditional Uses. The following uses shall meet the requirements set forth in §16-81.

- (1) Sexually-oriented businesses, body piercing, tattoo and massage parlors.
- (2) Wireless telecommunications towers.

- D. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.

**§ 16-82.20 C, Cemetery District.**

- A. Permitted Principal Uses.

(1) Cemetery.

- B. Permitted Accessory Uses. Only the following accessory uses are permitted when on the same lot with and customarily incidental to the foregoing permitted uses:

(1) General office.

(2) Storage building.

(3) Refuse enclosures.

(4) Individual family mausoleums not greater than 16 feet in height.

(5) Signs pursuant to §16-90.

- C. Area and Bulk Regulations. The area and bulk regulations for this district shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.

**§ 16-83 Accessory Buildings.**

- A. Prior to the construction or placement of an accessory building or structure, a zoning permit shall be issued by the Zoning Officer.
- B. No accessory structure may be built upon any lot on which there is no principal building or structure.
- C. On through lots, no accessory structure erected in the rear yard shall be nearer to the "rear" street line than the minimum front yard setback for the zone in which such lot is located.
- D. Setback. Any accessory building attached to a principal building is part of the principal building and shall adhere to the yard requirements for the principal building. Detached accessory structures that are accessory to a one- or two-family structure shall be located not less than three (3) feet from any side and rear property line and shall be located in the rear yard.
- E. Accessory structures associated with nonresidential uses shall be located within the required setbacks for principal structures, except that refuse enclosures may encroach into the rear or side yard setback by one-half the setback requirement if enclosed on three sides by a masonry wall and not located within a required buffer. Refuse enclosures shall not be located in the front yard.
- F. Area. Provided adherence with lot coverage requirements of the prevailing zone, the maximum gross floor area of an accessory building, excluding utility sheds, shall be four-hundred fifty (450) square feet for parcels of less than one-half (1/2) acre, six-hundred (600) square feet for parcels of between one-half (1/2) and two (2) acres, and one-thousand (1,000) square feet for parcels larger than two (2) acres. A utility shed shall have a maximum gross floor area of one hundred forty-four (144) square feet, and no one wall length shall exceed 12 feet.
- G. Height. The maximum height of a detached garage shall be sixteen (16) feet, and the maximum height of a utility shed shall be ten (10) feet.
- H. One utility shed shall be permitted per property.
- I. Utility sheds and garages shall be anchored in such a manner to resist toppling from wind and flotation from flood waters. Garages shall be secured to a poured concrete foundation and shall be constructed of durable, permanent materials, and shall be surrounded on all sides with non-metal building walls, one which should contain a garage door for the entry of motor vehicles. Garages and utility sheds shall be architecturally consistent with the principal structure including building materials, colors and roof pitch.
- J. Number. One (1) accessory structure, excluding pools, fences, patios and decks less than 2 feet in height, in addition to a detached garage shall be permitted on any parcel zoned or used for residential use provided a principal residential structure is situated thereon.

**§ 16-84 Fences and walls.**

- A. Prior to the construction of a fence or wall, a zoning permit shall be issued by the Zoning Officer.
- B. Plans and detailed information shall be submitted with each application for a fence or wall permit, setting forth the dimensions and materials incorporated in construction and the exact location on the premises. All plans shall comply with the Uniform Construction Code.

- C. Fences and walls shall be located within the property lines and shall not be located in any required sight triangle, nor shall they be located within any public right-of-way or drainage, utility or conservation easement.
- D. Fences and walls located between the street line and the required front yard setback line in Residential zoning districts shall not exceed four (4) feet in height. This regulation shall apply to all street frontages on corner lots. Fences located in the front yard shall have a minimum of fifty percent (50%) of their surface area open to permit visible penetration allowing for light and air to pass through. This regulation shall not apply to reverse frontage lots and lots fronting along alleys where the portion of the lot fronting along said public right-of-way serves as a back yard.
- E. Fences and walls accessory to residential uses and located along side and rear yards shall not exceed six (6) feet above the finished grade.
- F. The maximum height for fences in Commercial and Industrial zoning districts shall be six (6) feet. Fences shall not be permitted in a front yard in a non-residential district unless otherwise required by this chapter.
- G. Fences and walls shall surround all swimming pools as required by State code.
- H. General regulations.

- (1) Applicability. The standards and regulations herein set forth shall apply to all fences and walls hereinafter erected, altered or reconstructed, or which are presently existing and are not considered a preexisting nonconforming use under any present or former ordinance of the Township.
- (2) Height. No fence or wall, except as provided herein, shall exceed six (6) feet in height at the highest point above ground level, except that fences or walls located within twenty-five (25) feet of any dedicated street line shall not exceed four (4) feet at the highest point. At least fifty percent (50%) of the surface area of any fence or wall located within twenty-five (25) feet of any dedicated street line shall have a minimum of fifty percent (50%) of their surface area open to permit visible penetration allowing for light and air to pass through.
- (3) Fences and walls, Rear yard; Height; Location. Fences and walls in the rear yard of any property shall be no higher than six (6) feet, except that no six-foot high fence or wall shall be closer than forty (40) feet to a right-of-way.
- (4) Recreational area fences and walls; Height. Fences or walls enclosing athletic and recreational areas shall not exceed twelve (12) feet in height above ground level. All such fences in excess of six (6) feet in height shall be of wire mesh construction. Baseball backstops shall not exceed seventeen (17) feet in height.
- (5) Material. No fence or wall shall be fabricated, constructed or built of any material other than wood, wire, vinyl, metal, brick, stone or masonry.
- (6) Fences shall be installed with the unfinished side facing inward toward the interior of the lot on which it is installed.
- (7) Prohibited fences and walls. The following fences, fencing materials and walls are specifically prohibited:
  - (a) Barbed or razor wire fences.
  - (b) Sharp pointed fences or walls.
  - (c) Electrically charged fences, except in relation to the keeping of horses or other permitted livestock.

- (d) Temporary fences, except snow fences for the purpose of controlling snow drifting and construction fences that are temporary in function and intent.
- (e) Expandable fences.
- (f) Collapsible fences, except collapsible temporary fences which shall be permitted on municipal and school owned properties and recreation areas in general where required for safety reasons.

**§ 16-85 Decks, patios and swimming pools.**

- A. Decks, patios and swimming pools shall not be permitted in the front yard. Swimming pools shall be permitted only in the rear yard, and in no case may a pool be located closer to the street than the principal building.
- B. Decks and patios shall be set back in accordance with the side and rear yard set back requirements of the respective zoning district in which the premises is located. Swimming pools may be set back up to 5 feet from the side or rear property line. For swimming pools, the setback shall be measured from the lot line to the nearest inside wall of the pool.
- C. Decks attached to the principal building shall be no higher than the floor elevation of the uppermost habitable floor. Unattached decks not associated with an above-ground swimming pool shall not exceed 2 feet in height, measured from original grade. Decks surrounding above-ground pools shall be no higher than the top rim of the pool.
- D. Swimming pools shall be set back at least 10 feet from any principal or accessory structure.
- E. No person shall erect, alter or relocate any deck, patio or swimming pool without a zoning permit and, when applicable, a building permit. Decks, patios and swimming pools shall conform to the Uniform Construction Code of the State of New Jersey.
- F. No private swimming pool shall be used other than as accessory to the principal use of the premises upon which it is located.
- G. Elevated lights over four (4') feet in height used or maintained in connection with a private swimming pool shall be so located and shielded that the illumination therefrom is not directed upon any adjacent property and shall be turned off by 10:00 p.m.
- H. The yard area or portion of the yard area in which the pool is located shall be completely enclosed with a fence that is in compliance with the New Jersey Uniform Construction Code.
- I. The pool may be lighted by either underwater or exterior lights provided all exterior lights are located so that the light is neither directed or reflected upon adjacent properties. All freestanding standards used for exterior lighting shall be no closer to the edge of the pool than its height. All lighting shall be in compliance with the applicable State Uniform Construction Code.

**§ 16-86 Rooftop units.**

Rooftop units and structures, such as those associated with heating, ventilation, air conditioning, elevation, power regulation and communications, and similar purposes shall be screened from the view of residential uses or public rights-of-way by parapets or other architectural features consistent with the design of the primary structure.

**§ 16-87 Trailers, campers and boats.**

- A. No trailer, auto trailer, trailer coach, travel trailer, camper or boat shall be used for dwelling purposes, sleeping quarters or the permanent conduct of any business, profession, occupation.
- B. Trailer, camper and boat equipment may be used for a temporary construction office located on

a construction site, provided that the approving authority has specifically authorized the temporary construction office and approved its location as part of its approval of a subdivision or site plan. Prior to use for a temporary construction office, a temporary permit shall be issued by the Construction Official.

- C. No trailer or other storage vehicle may be used for temporary storage in commercial districts unless a permit is issued by the Planning Board. Said permit shall be limited to storage associated with repair or remodeling of a commercial space, shall provide for substitute parking arrangements to replace parking area consumed by storage, shall be screened from the street and neighboring residential uses where feasible, and shall not exceed thirty (30) days in duration.
- D. This section shall not be construed to prohibit the parking or storage of such equipment on private premises only. Such equipment shall not be parked on a public street in a residential zoning district for a period exceeding twenty-four (24) hours.

**§ 16-88 Off-street parking.**

- A. Residential driveways. One (1) driveway and curb cut or street access point shall be permitted per single-family dwelling provided conformance with the following standards:
  - (1) A minimum setback of five (5) feet from any property line other than that over which ingress/egress is necessary except that shared driveways are permitted on collector or arterial roadways.
  - (2) Driveways are to be a minimum of nine (9) feet in width.
  - (3) On corner lots, driveways shall be set back a minimum of thirty (30) feet from an intersecting roadway. Driveways on corner lots at the intersection of roadways of different classifications as defined under the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.) are to be situated on the lower order street.
- B. Off-street parking requirements.
  - (1) The required parking shall be measured exclusive of interior driving lanes and maneuvering areas. All required parking shall be provided off the street and on site.
  - (2) When the computation of the number of required parking spaces results in a fraction, such fractions shall be rounded to the next highest whole number.
  - (3) All parking areas shall be paved, curbed and provided stormwater management drainage improvements and appurtenances in accordance with sound engineering practice.
  - (4) Dimensions. Off-street parking spaces shall be a minimum of nine (9) feet wide and eighteen (18) feet long, except parallel parking spaces shall be twenty-five (25) feet long.
  - (5) Americans with Disabilities Act. The number, design, and signage of parking spaces designed for the disabled shall comply with the requirements of the Americans with Disabilities Act, Public Law 101-336 and all subsequent amendments.
  - (6) Required parking spaces. The number of parking spaces required for each nonresidential use shall be determined by the amount of gross floor area as defined in this chapter or such other measure indicated below further providing the number of stalls provided shall not exceed one hundred five percent (105%) of the stated requirement. Where a particular site or facility contains more than one (1) use, the total parking requirements shall be the sum of the component parts, unless indicated otherwise. Where specific parking requirements are not specified, the parking requirement shall be determined by the Board, taking into consideration the standards

established herein.

Use:	Parking spaces required:
Assisted Living Residence	One-quarter (0.25) parking space per resident plus one space per employee on maximum shift.
Automotive dealership	One (1) space for each employee during peak shift; plus one (1) space per 300 SF of building floor area; plus one (1) space per ever 20 outdoor vehicle display/storage spaces.
Automotive repair service and garage and body repair shop	One (1) space per employee on maximum shift plus three spaces per service bay.
Bowling alley	Four (4) spaces per alley
Commercial recreation	One (1) space per employee at peak shift and one (1) space per one hundred (100) square feet of gross floor area, and in the case of outdoor facilities, one (1) space per 100 hundred (100) square feet of area in which patrons use (e.g., golf driving range: area used by patrons is the tee area from which golf balls are driven; and batting cage: area used by patrons is the entire cage)
Community swimming pool	One (1) space per fifteen (15) square feet of surface area
Child care center	In a freestanding building: One (1) space per two hundred fifty (250) square feet of gross floor area. In a mixed-use complex: The parking requirement shall be per the Municipal Land Use Law.
Financial institution, bank and office	One (1) space per two hundred fifty (250) square feet of gross floor area
Gasoline service station	One (1) parking space for each employee during peak shift. If a convenience store is proposed, the convenience store shall use the retail parking standard.
Manufacturing, assembly and fabrication	One (1) space per one thousand (1,000) square feet of gross floor area
Medical professional	One (1) space per one hundred fifty (150) square feet of gross floor area
Mortuary and funeral home	Ten (10) spaces per viewing room and chapel
Places of assembly	One (1) space per three (3) seats where seats are fixed. One (1) space per two hundred (250) square feet of gross floor area where seats are not fixed.
Nightclub	One (1) space per sixty (60) square feet of gross floor area

Use:	Parking spaces required:
Assisted Living Residence	One-quarter (0.25) parking space per resident plus one space per employee on maximum shift.
Retail sales and service	One (1) space per two hundred (200) square feet of gross floor area
Research facility	One (1) space per eight hundred (800) square feet of gross floor area
Restaurant	One (1) space per three (3) seats plus 1 space for each employee on maximum shift
School, Grades Kindergarten through 10	One (1) space for every instructor and staff member
School, Grades 11 through 12	One (1) space for every instructor and staff member, plus one space for every five students in Grades 11 through 12.
Veterinary hospital	Two (2) spaces per examination room plus one space per employee on maximum shift
Warehouse, shipping and receiving	One (1) space per five thousand (5,000) square feet of gross floor area

- (7) Off-street parking requirements for residential uses shall be as specified within the New Jersey Residential Site Improvement Standards (RSIS) adopted by the State of New Jersey under N.J.A.C. 5:21-1 et seq., Table 4.4.
- (8) Location.
- (a) Parking spaces shall be located on the same lot as the use being served. No off-street parking space shall have direct access from a street.
  - (b) No parking space shall be located in any required landscape buffer area.
  - (c) Parking spaces for residential uses shall be located within a reasonable distance to a residential dwelling.
  - (d) No commercial motor vehicle, school bus, dump truck, walk-in van or construction equipment shall be parked or stored anywhere in a Residential zoning district or on any residential parcel, except when the vehicle is being used in the transaction of business with the owner or occupant of the property. Commercial motor vehicles shall include all commercially licensed vehicles and all trucks or vans with a gross registered weight in excess of eight thousand (8,000) pounds. The provisions of this subsection shall not apply to the parking or storage of school buses and school vans on public school, private school or parochial school property.

## § 16-89 Landscape buffer areas and design.

- A. Landscape buffer areas are required between residential and non-residential development as provided herein, unless specified otherwise in this chapter.
- B. Landscape buffer areas shall be maintained and kept clean of all debris, rubbish, weeds and tall grass by the owner. Any screen planting shall be maintained permanently, and any plant material which does not survive shall be replaced within one (1) year or one (1) growing season.
- C. No structure, activity, storage of materials or parking or loading of vehicles shall be permitted in a landscape buffer area.
- D. Landscape buffer areas shall extend along the full length of the respective yards in which they are required.
- E. Buffer areas, as defined in this chapter, shall be developed in an aesthetic manner for the primary purpose of screening views, providing physical separation and reducing noise and glare beyond the buffer area. Buffer area widths shall be measured horizontally and perpendicularly to lot and street lines. The preservation of all desirable existing vegetation in a buffer area shall be assured through sensitive grading and development practices. The standards for the location and design of buffer areas are intended to provide flexibility in order to provide effective buffers. The location and design of buffers shall consider the use of the portion of property being screened; the distance between the use and the adjoining property or street; differences in elevation; the type of buffer, such as planting, berming, preservation of existing vegetation, a wall, hedge or fence; buffer height; buffer width; and other combinations of man-made and natural features. The buffer shall be designed, planted, graded or developed with the general guideline that the closer a use or activity is to a property line or the more intense the use, the more effective the buffer must be in obscuring light, vision and reducing noise beyond the lot.
- F. Required landscape buffer areas. Requirements for conditional uses set forth in this chapter provide for required landscape buffer areas. In the event that no landscape buffer area is specifically provided in § 16-81, the landscape buffer area required for the zoning district in which such conditional use is conditionally permitted shall apply. Further, in the event a use is permitted by the granting of a use variance, the landscape buffer area shall be determined as a result of the use variance approval process, while applying the landscape buffer area required for the zoning district in which the use variance is sought.
- G. In residential subdivisions or site plans, a 15-foot buffer shall be maintained along all tract boundary lines that directly abut existing residential uses or zones.
- H. Additional requirements:
  - (1) In the C-1 Zone, landscaping shall be provided in all yards, and a 10-foot-wide buffer shall be provided along side and rear yards. When commercial use abuts a residential use or zone, a solid fence at least 6-feet-high shall also be provided in addition to the landscaping to enhance the buffer and provide an effective screen. A minimum 5-foot-wide landscaped area shall be provided along the front property line.
  - (2) In the C-2 Zone, landscaping shall be provided in all yards and a 10-foot-wide buffer shall be provided along side and rear yards where a commercial use abuts a residential use or zone. A 10-foot-wide landscaped area shall be provided along the front property line.
  - (3) In the C-3, C-LI and I Zones, landscaping shall be provided in all yards, with minimum planted areas of at least 20 feet-wide in the front yard and 15 feet-wide in side and rear yards when abutting non-residential uses or zones; and 30 feet-wide along side and rear yards when abutting residential uses or zones.

- (4) In the Cemetery Zone, a 15-foot-wide perimeter buffer shall be provided from all property lines.

## **§ 16-90 Signs.**

No person shall erect, alter or relocate any sign without a sign permit, unless exempted under the following provisions. Applications for a sign permit shall be made to the Construction Official. The permit fee for such signs shall be as provided in the schedule set forth in Township ordinances. Whenever a sign is changed, the fee for such change shall be as provided in the schedule set forth the Township ordinances. Normal maintenance and the removal of a sign shall not require a permit.

### **§ 16-90.1 General regulations.**

#### **A. Prohibited signs.**

- (1) Animated, flashing and illusionary signs. Signs using mechanical and/or electrical devices to revolve, flash, change intensity of illumination or display movement or the illusion of movement. Prohibited signs shall include changeable-type signs and reader-board signs.
- (2) Signs illuminated externally by bare-bulbs.
- (3) Banner-type signs, except in celebration of public events and erected with the approval of the governing body.
- (4) Mobile signs, including signs that are not permanently attached to a building, or not placed in the ground in such a fashion as to be permanent in a manner conforming to the Uniform Construction Code, or signs mounted on wheels, trailers or unregistered motor vehicles. Delivery trucks should be stored out of sight of the front of the building. Any registered vehicle(s) that has as its principal purpose the advertising of a business from a site as opposed to serving as a delivery or service vehicle for other business purposes of this section is prohibited. If a vehicle with advertising on it is nor parked on the property where the business is located, out of sight of the front of the building, and remains in a single location for more than two hours and is not actively engaged in making a delivery, it shall be presumed that it is in violation of this section.
- (5) Neon lit signs, except for neon illumination covered by a colored, translucent lens to ensure that there are no exposed neon bulbs, channels or tubes visible from the street or adjacent properties.
- (6) No signs shall be placed within the right-of-way which is defined for purposes of this restriction as the area between the street paving and the furthest edge of the sidewalk, or, if there is no sidewalk, the area extending back ten (10') feet from the edge of the street paving. Any sign so placed shall be subject to removal and destruction by the Township.
- (7) Signs shall not be painted or otherwise applied directly to the surface of a building.
- (8) All signs not specifically permitted are prohibited.

**B. Attached signs.** Signs parallel to walls shall project between 6 and 15 inches from the surface of the wall. Signs perpendicular to walls shall extend no more than five (5) feet from the surface of the wall, shall not exceed four (4) square feet in sign area, shall be supported in a structurally sound manner approved by the Township Engineer and/or Construction Official and shall have a clearance of at least nine (9) feet between the bottom of the sign to the finished grade.

**C. Sign height.** Unless otherwise specified herein, the height of any attached sign shall not exceed ten percent (10%) of the height of the wall to which it is attached, except that such sign can be at least two (2) feet in height. No attached sign shall extend above a roofline.

**D. Window signs and posters.** Promotional signage and posters displayed in windows shall be fastened or hung on the interior side of the window and shall not exceed ten (10) percent of the

total window area.

- E. Illuminated signs. Indirect lighting shall be used for signs wherever feasible. All lighted signs shall have the light source shielded from adjoining or nearby lots, streets and interior drives. Illuminated signs shall have translucent fixtures.
- F. Monument signs. All monument signs shall be mounted on masonry and have complementing landscaping along the base.
- G. Exemptions from sign permits. Street number designations, highway signs, postal boxes, family names on residences, on-site traffic directional and parking signs not exceeding 4 square feet in area, signs posting property as "private property," "no hunting," "danger," "warning" or for similar purposes are permitted but are exempt from other sign area limits as set forth in this chapter. Such signs unless otherwise indicated shall not exceed two (2) square feet each.
- H. No person shall erect, alter or relocate any sign within the public right of way or sight triangle.

### **§ 16-90.2 Temporary signs.**

- A. Construction signs, non-residential. No more than one (1) sign naming the project under construction and the participating firms and individuals is permitted on the construction site, beginning with the issuance of a building permit and terminating with the issuance of a certificate of occupancy or the expiration of the building permit, whichever comes first. Such signs shall not exceed an area of thirty-two (32) square feet.
- B. Construction sign, residential. Not more than two (2) temporary ground signs for an approved residential development shall be permitted, provided that each sign does not exceed twelve (12) square feet, shall be no closer than fifteen (15) feet to any street or side lot line and shall be removed within thirty (30) days after all lots or units have been sold or rented.
- C. Real estate signs. Real estate signs shall be set back at least ten (10) feet from the edge of the street paving and ten (10) feet from all property lines and shall not exceed four (4) square feet on each side. Signs shall be removed at the expense of the advertiser within fifteen (15) days after the termination or completion of the matter being advertised. They do not require a permit. No more than one (1) sign shall be permitted along each street. Real estate signs shall be permitted only on the lot that the sign is advertising.
- D. Open House signs. Real estate open house signs shall be permitted under section I the day of the event and two (2) days prior to the event. Open House signs and directional signs shall be removed within one hour after the close of the event. No open house or open house directional sign shall be placed on any property without the consent of the property owner.
- E. Election and charitable special event signs. Temporary signs advertising a special event by a charitable organization, or election signs shall be erected no more than one month prior to the event and shall be removed within five days after the event shall have taken place.
- F. One-day event signs. Signs advertising a one-day yard sale or other one day event not including signs permitted under section (d) and section (e) shall not be displayed for more than two days preceding the event and shall be removed within one day after the event. One-day event signs shall not exceed three in number, two of which shall be no larger than four (4) square feet and the third of which shall be no larger than nine (9) square feet and this third sign shall be located on the premises where the yard sale or other event is to take place. No permit shall be required for signs permitted under this section.
- G. Mechanics and artisans. Each mechanic and artisan is permitted to erect one (1) sign during the period when the mechanic or artisan is actively performing work on the lands or premises where the sign is placed. The sign shall have a maximum of six (6) square feet, and it shall not be placed in such a way that it interferes with visibility for motorists exiting the premises.

### **§ 16-90.3 Signs for certain uses.**

- A. Public and quasi-public uses, places of worship and schools. One (1) attached or monument sign not exceeding twelve (12) square feet may be located on the premises of places of worship, schools, quasi-public and public buildings and grounds. The sign regulations shall not apply to signs or banners placed by the Township along streets, notwithstanding that such signs or banners may be sponsored and have a portion of the sign or banner acknowledging the sponsor. No fee shall be required in connection with the permit for such a sign.
- B. Gasoline service stations. Gasoline service stations may display the following special signs:
  - (1) One (1) monument sign advertising the name of the station, including the company or brand name, insignia or emblem, provided that such sign area shall not exceed fifty (50) square feet and shall be at least fifteen (15) feet from the property line. Said sign shall not exceed the applicable height requirements established in Section 16-90.5 for monument signs. One (1) monument sign per street frontage shall be permitted, however an additional sign may be permitted for additional frontages if it is demonstrated to the Board's satisfaction that the signs are separate enough to not be seen simultaneously. The monument sign may have a supplementary price sign, provided that it is mounted on the same support structure as the monument sign, that the price sign does not exceed twenty-five (25) square feet in sign area and that the lowest part of the price sign is at least four (4) feet above the finished grade.
  - (2) Incidental signs advertising services, trade information, credit cards, prices and information other than product advertising are permitted, provided that no one (1) sign exceeds ten (10) square feet, there is no more than one (1) such sign per street frontage and all are set back at least twenty (20) feet from the curb line.
  - (3) In addition to the monument sign permitted herein, gasoline service stations that have a canopy over the fuel dispensing islands shall be permitted one (1) sign on the canopy, with the sign area limited to no more than ten percent (10%) of the area of the longest facade of the canopy.
  - (4) In addition to the monument sign, the incidental sign and the sign on the canopy, the principal building shall be permitted to have one (1) attached sign in accordance with the provisions of § 16-90.5.

### **§ 16-90.4 Signs within residential zoning districts.**

- A. Apartment Complexes and Townhouses. One (1) monument sign shall be permitted indicating the name of the development and street address. Said sign shall not exceed twelve (12) square feet in area and a maximum height of four (4) feet, and shall be no closer than ten (10) feet to any right-of-way.
- B. Home occupations. Where permitted, one (1) attached sign providing only the name and occupation, not exceeding two (2) square feet and attached flush with the facade of the dwelling. Such sign shall not be illuminated. A home occupation sign shall be provided in lieu of a separate residential sign that is exempted in the provisions set forth in § 16-90.1.G.

### **§ 16-90.5 Signs within nonresidential zoning districts.**

- A. C-1 Neighborhood Commercial and C-2 Downtown Commercial Zoning Districts.
  - (1) Freestanding businesses not part of a multi-tenant commercial facility. There shall be no more than two (2) business signs per freestanding business. No more than one (1) sign shall be permitted to be an attached sign, and no more than one (1) sign shall be permitted to be a monument sign.
  - (2) Parallel attached signs. Maximum sign area shall be the lesser of 30 square feet or ten

percent (10%) of the exterior façade elevation.

- (3) Perpendicularly attached signs. Maximum sign area shall conform to § 16-90.1.B, and sign height shall conform to § 16-90.1.B.
- (4) Monument sign. Maximum sign area shall be thirty (30) square feet; maximum sign height shall be six (6) feet and minimum setback from curblines shall be 15 feet.
- (5) Awning or canopy signs. Awning or canopy signs may be permitted in lieu of parallel or perpendicular attached signs and in addition to monument signs permitted in this subsection provided said signage considered with attached signage does not exceed in aggregate the square footage limitation for attached signs; further providing adherence to the requirements set forth in this subsection. Multiple perpendicularly attached signs and awning or canopy signs shall not be permitted.
  - (a) Signs may be permitted as part of an awning provided that the sign does not exceed twenty percent (20%) of the surface area of the awning.
  - (b) Signs may be permitted on each vertical face of a canopy provided that the sign does not exceed ten percent (10%) of the surface area of each vertical face of the canopy on which the sign is to be located.
- (5) Multi-tenant commercial facilities. Multi-tenant commercial facilities consisting of two (2) or more businesses in a building or buildings shall be permitted to have one (1) attached sign per business and no more than one (1) monument sign on the premises.
  - (a) Attached signs. Each tenant may have one attached sign equal to 2 square feet per linear foot of building facade dedicated to that tenant, not to exceed 20 square feet. Signs shall be located on the front facade, or in the alternative may be located on the facade that contains that tenant's primary entrance. Signs shall be consistent in style and color and shall be consistently located in a band above the store entrances.
  - (b) In the case where a building contains multiple stories, tenant signs shall be located along the same story, regardless of actual tenant locations within buildings.
  - (c) Perpendicularly attached signs. As an alternative to parallel attached signs, multi-tenant commercial facilities may utilize perpendicularly attached signs.
  - (d) Awning and canopy signs shall comply with the provisions set forth in §16-90.5.A(5).
  - (e) No window signage is permitted on second, third or fourth floors.
  - (f) Monument signs. Maximum sign area shall be 65 square feet, and maximum sign height shall be eight (8) feet. Each tenant may be provided contiguous sign area roughly proportional to the percentage of space occupied by the tenant and shall contain the site's street address. Such signs shall be set back at least fifteen (15) feet from the curb line and shall be uniform to all other applicable provisions of §16-90.1.

**B. C-3 Highway Commercial and C-LI-1 and C-LI-5 Commercial Light Industrial Zoning Districts.**

- (1) Freestanding businesses not part of a multi-tenant commercial facility. There shall be no more than two (2) business signs per freestanding business. No more than one (1) sign shall be permitted to be an attached sign, and no more than one (1) sign shall be permitted to be a monument sign.
  - (a) Parallel attached signs. Maximum sign area shall be the lesser of forty (40) square feet or ten percent (10%) of the exterior façade elevation.

- (b) Perpendicularly attached signs. Maximum sign area shall conform to § 16-90.1.B and sign height shall conform to §16-90.1.B.
- (c) Monument sign. Maximum sign area shall be 75 square feet; maximum sign height shall be 8 feet and minimum setback from curblines shall be 15 feet.
- (d) Awning or canopy signs. Awning or canopy signs may be permitted in lieu of parallel or perpendicular attached signs and in addition to monument signs permitted in this subsection provided said signage considered with attached signage does not exceed in aggregate the square footage limitation for attached signs; further providing adherence to the requirements set forth in this subsection. Multiple perpendicularly attached signs and awning or canopy signs shall not be permitted.
  - [1] Signs may be permitted as part of an awning provided that the sign does not exceed twenty percent (20%) of the surface area of the awning.
  - [2] Signs may be permitted on each vertical face of a canopy provided that the sign does not exceed ten percent (10%) of the surface area of each vertical face of the canopy on which the sign is to be located.
- (2) Multi-tenant commercial facilities. Multi-tenant commercial facilities consisting of two (2) or more businesses in a building or buildings shall be permitted to have one (1) attached sign per business and no more than one (1) monument sign on the premises.
  - (a) Attached signs. Each tenant may have one attached sign equal to 2 square feet per linear foot of building facade dedicated to that tenant, not to exceed 20 square feet. Signs shall be located on the front facade, or in the alternative may be located on the facade that contains that tenant's primary entrance. Signs shall be consistent in style and color and shall be consistently located in a band above the store entrances.
  - (b) In the case where a building contains multiple stories, tenant signs shall be located along the same story, regardless of actual tenant locations within buildings.
  - (c) Perpendicularly attached signs. As an alternative to parallel attached signs, multi-tenant commercial facilities may utilize perpendicularly attached signs.
  - (d) Awning and canopy signs shall comply with the provisions set forth in § 16-90.5.B(d).
  - (e) Monument signs. Maximum sign area shall be one hundred (100) square feet, and maximum sign height shall be eight (8) feet. Each tenant may be provided contiguous sign area roughly proportional to the percentage of space occupied by the tenant and shall contain the site's street address. Such signs shall be set back at least 25 feet from the curb line and shall be uniform to all other applicable provisions of §16-90.1.
  - (f) No window signage is permitted on second, third or fourth floors.

C. I Industrial zoning district.

- (1) No more than one (1) attached wall sign or hanging wall sign shall be permitted and shall be located on one (1) side of the main principal building or structure. Maximum sign area shall not exceed 40 square feet or ten percent (10%) of the area of the wall to which it is attached or located, whichever is less.
- (2) Monument sign. Maximum sign area shall be sixty-five (65) square feet and maximum sign height shall be 6 feet. Such signs shall conform to all applicable provisions in §16-90.1 and shall be set back at least 15 feet from the curblines. All monuments signs

must be mounted on masonry and have complementing landscaping along the base.

- (3) On buildings with multiple tenants, Multi-tenant commercial facilities consisting of two (2) or more businesses in a building shall be permitted to have one (1) attached or wall sign per business; 2 square feet per linear feet of building facade dedicated to a particular tenant, not to exceed 20 square feet per tenant. No more than one (1) monument sign shall be permitted on the premises, not to exceed 65 square feet set back 15 feet from the curblin.

#### **§ 16-91 Performance Standards.**

- A. Air, water and environmental pollution. No use shall emit heat, odor, vibrations, noise or any other pollutant into the ground, water or air that exceeds the most stringent applicable state and federal regulation. No permit shall be issued for any use where a state permit is required until the State has ascertained and approved the level and quality of emission, type and quality of emission control and the level of monitoring to be conducted.
- B. Storage and waste disposal. No materials shall be deposited so they can be transferred off the lot, directly or indirectly, by natural forces such as precipitation, surface water, evaporation or wind. All materials that might create a pollutant or be a safety hazard or a health hazard shall be stored indoors and/or be enclosed in appropriate containers to eliminate such pollutant or hazard. No flammable or explosive substance shall be stored on a property except under conditions approved by the Fire Inspector/Department. No bulk storage of materials or equipment shall be in any front yard. Each site shall provide appropriate area(s), properly screened from adjacent property, for the orderly deposit and pickup of trash, refuse and recyclables.

#### **§ 16-92 Enforcement and Administration.**

##### **§ 16-92.1 Enforcement officers.**

- A. The Zoning Officer shall administer and enforce the zoning provisions of this chapter and shall be responsible for issuing zoning permits. No zoning permit shall be issued unless the proposal complies with this chapter. A zoning permit shall be issued prior to the issuance of a construction permit by the Construction Official.
- B. The duties of the Zoning Officer shall be:
  - (1) To examine all applications for construction, use and sign permits.
  - (2) To issue permits only for construction, uses and signs which are in accordance with the regulations of this chapter and other applicable ordinances as may be subsequently amended.
  - (3) To record and file all applications for zoning permits with the accompanying plans.
  - (4) To issue permits for conditional uses only after such uses and buildings are approved by the appropriate body.
  - (5) To issue all necessary stop orders.
  - (6) To inspect nonconforming uses, buildings and signs.
  - (7) Upon the request of the governing body, to present to such body facts, records and any similar information on specific requests to assist such body in reaching its decision.
  - (8) To give written notice of violation.
  - (9) To sign written complaints against violators in Municipal Court.

(10) To cause any building, plans or premises to be inspected or examined and order in writing the remedying of any conditions found to exist in violation of this chapter.

(11) To enter any building or premises during the daytime in the course of his duties, with the permission of the owner.

(12) To enforce the provisions of subdivision and site plan approvals.

C. No certificate of occupancy for a new use of an existing structure shall be issued unless there is an approved zoning permit. All changes in occupancy of an existing structure which do not involve residential uses shall require a zoning permit which shall certify that the use complies with zoning laws of the Township. Prior to the issuance of a zoning permit for a change in occupancy, the Construction Official shall issue a certificate of continued occupancy which certifies that the building, structure and premises conform with the Uniform Construction Code of the State of New Jersey.

#### **§ 16-92.2 Violations and penalties.**

A. Violations. Failure to secure the required zoning permit or building permit previous to the erection, construction, alteration or addition to a building shall be a violation of this chapter. Structures erected without a permit or not in conformity with this chapter shall be removed.

B. Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written and signed complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. The Zoning Officer shall record promptly such complaint, immediately investigate and take action thereon as provided by this chapter.

C. If the Zoning Officer shall find that any of the provisions of this chapter are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and order the action necessary to correct it.

D. Notice of violation. When written notice of a violation of any provision of this chapter has been served by the Zoning Officer on the owner, owner's agent, occupant, contractor or builder, such violation shall be discontinued and/or removed immediately.

E. Fines and penalties. Any person, firm or corporation violating any provisions of this chapter shall, for each violation upon conviction thereof, be subject the penalty set forth in Section 1.08.010 of the Edgewater Park Township Code.

#### **§ 16-92.3 Building and zoning permits.**

A. Requirements for zoning permits. A zoning permit shall be required prior to the erection or structural alteration of any building, structure or portion thereof and prior to the use or change in use of a building or land, and prior to the change or extension of a nonconforming use. A zoning permit shall be issued or denied within ten (10) days of the date of a complete submission, and the work shall be commenced within one (1) year after the issuance of the permit as provided in this chapter; otherwise, the permit shall be void.

B. Application for permits. Application for permits, including temporary permits, shall be made in writing to the Zoning Officer on such forms as may be furnished by the Township. No permit shall be considered complete or permanently effective until the Zoning Officer has certified that the work meets all the requirements of applicable codes and ordinances.

C. Plot plans for building permits. All applications for building permits shall be accompanied by five (5) copies of a true and accurate plot plan, and all applications for a zoning permit shall be accompanied by one (1) such plot plan. All such plot plans shall be drawn to scale, showing the location and size of each building to be erected upon each lot, the actual dimension of each lot to be built upon and such other information as may be necessary to enable the Construction Official and Zoning Officer to determine whether the proposed structure and use of land will conform to the Uniform Construction Code and the provisions of this chapter. The Zoning Officer shall keep a record of all applications for zoning permits and a record of all permits

issued with a notation of all special conditions involved. He shall also file and safely keep copies of all plans submitted and the same shall become a part of the records of his office for the use of the governing body and other officials of the Township. A plot plan shall not be required where the only changes to be made to a building are interior or where the only change in use of a building is the transfer of ownership by deed or lease conveyance.

- D. Upon completion of the erection or alteration of any building or portion thereof authorized by any permit, and prior to occupancy or use, the holder of such permit shall notify the Zoning Officer of such completion. No permit shall be considered complete or permanently effective until the Zoning Officer has certified that the work has been inspected and approved as being in conformity with the provisions of this chapter and other applicable ordinances.
- E. Expiration of permits. No permit for the erection, razing, change, alteration or removal of buildings shall be valid or effective after one (1) year from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit shall have been substantially commenced within one (1) year from the date of issuance and proceeded with due diligence. One (1) six-month renewal of a valid permit that is about to expire shall be permitted without additional cost to the applicant. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted by reason of any reasonable cause not due to his own negligence, the permit may be renewed without additional cost to the applicant.

#### **§16-92.4 Certificates of occupancy.**

- A. Applications. Excavation for a foundation or erection, construction or structural alteration of any building or structural alteration of any building or structure, or part thereof, or temporary buildings or structures, for construction purposes, shall not be undertaken until a building permit therefor shall have been issued by the Construction Official and a zoning permit therefor issued by the Zoning Officer.
- B. Certificate of occupancy required. No vacant land shall be occupied or used, and no building or structure hereafter erected, structurally altered or changed in use, except for agricultural uses, shall be used or changed in use, until a certificate of occupancy, or a temporary certificate of occupancy shall have been issued, which certificate of occupancy or temporary certificate of occupancy must have upon it the signatures of the Construction Official and Zoning Officer.
- C. Issuance of certificate. No certificate of occupancy shall be issued absent satisfaction of the following requirements, where applicable:
  - (1) Certification by Township Engineer that all improvements have been constructed in conformance with the approved site plan.
  - (2) Submission of documentation demonstrating final approval of outside agencies having jurisdiction.
  - (3) Certification by Construction Official that construction for which permits would have been issued has been completed in accordance with applicable building codes.
  - (4) Approval of the final grading plan by Township Engineer.
  - (5) Acceptance of an As-Built Zoning Site Plan confirming compliance with the terms of the original approval by the Zoning Officer.
  - (6) Acceptance of street restoration by the Township Engineer or municipal official having jurisdiction.
  - (7) Satisfaction of professional services billing from project escrow account.
  - (8) Posting of a maintenance guarantee, as may be required, approved as to language and form by the Township Solicitor.

### **§ 16-92.5 Inspections.**

- A. Inspection for zoning permit. No zoning permit required by this chapter shall be issued by the Zoning Officer until he shall have made such examination of the application and plot plan and such inspection of the property as are necessary to enable him to determine whether the proposed structure or use of land will conform to the provisions of this chapter.
- B. Inspection of new foundations. The property owner shall notify the Zoning Officer when the foundations for new construction are complete. The Zoning Officer shall inspect the site to ensure proper sitting of the foundations with regard to approved plans and compliance with other applicable provisions of this chapter, and shall submit his findings and required remediation, if necessary, in writing to the owner within ten (10) days of said notification.
- C. Inspection for certificate of occupancy. No certificate of occupancy required by this Article shall be issued until the Construction Official and Zoning Officer have made such inspection as is necessary to determine whether the erection or alteration of the building or structure has been completed in conformity with the provisions of this chapter, or that the proposed use of occupancy of land will conform to the provisions of this chapter.
- D. Inspection at request of property owner. It shall be the duty of the Construction Official and Zoning Officer, upon request of the owner, to make an inspection at any stage of the erection or alteration of a building or structure for the purpose of determining whether such erection or alteration is being made in conformity with the Uniform Construction Code and the provisions of this chapter, but the failure of the Construction Official or the Zoning Officer to make any such inspection shall not in any manner entitle such owner to a certificate of occupancy if such erection or alteration when completed does not conform to the Uniform Construction Code or the provisions of this chapter.

**Exhibit "A"**  
**TOWNSHIP OF EDGEWATER PARK**

**ZONING**

**SCHEDULE OF AREA AND BULK REQUIREMENTS**

Zoning District	Density (du / acre)	Minimum Lot Requirements			Minimum Yard Requirements				Maximum Principal Building & Structure Height (feet/stories)	Max. Impervious Coverage (%)	Minimum Habitable Floor Area (sq. ft.)
					Principal Buildings & Structures						
		Lot Area (sq. ft.)	Width (ft.)	Depth (ft.)	Front (ft.)	One Side (ft.)	Two Sides (ft.)	Rear (ft.) <sup>(1)</sup>			
R-1	--	85,000	200	250	40	30	60	35	35 / 2½	10	2,000
R-2	--	40,000	150	200	30	20	50	35	35 / 2½	20	1,000
R-3	--	20,000 <sup>(8)</sup>	120	140	30	12.5	25	35	35 / 2½	30	900
R-4	--	7,500	75	100	30	8	20	25	35 / 2½	50	900
R-5	--	12,000	60	200	30	8	20	30	35 / 2½	40	1,000
R-6	--	6,000	60	100	25	8	20	25	35 / 2½	55	900
R-LD	--	6 (ac.)	500	500	75	50	100	75	35 / 2½	5	1,800
R-MF	8	5 (ac.)	300	500	60	30	60	30	35 / 2½	20	See Section 16-82
R-AR	8	35 (ac.)		100/30	30	30	60	30	35 / 2½	40	--
R-AR-1	8	<sup>(2)</sup> 30 (ac.)	N.A.	N.A.	<sup>(3)</sup> 15	<sup>(4)</sup> 7	<sup>(5)</sup> 7	20	40 / 3	50	--
C-1	--	10,000	100	100	10	15	30	10	35 / 2½	65	--
C-2	--	20,000	100	175	50	10	20	25	40 / 3	65	--
C-3	--	<sup>(7)</sup> 2 acres	200	200	60	30	60	50	45 / 3	60	--
C-LI-1	--	1 (ac.)	200	200	60	30	60	50	45 / 3	50	--
C-LI-5	--	5 (ac.)	300	500	60	50	100	50	45 / 3	65	--
LI	--	2 (ac.)	250	300	30	30 <sup>(6)</sup>	60 <sup>(7)</sup>	30	45 / 3	50	--
I	--	2 (ac.)	200	300	30	15	30	30	45 / 3	65	--
C	--	15 (ac.)	500	500	100	100	200	100	35 / 2½	20	--

<sup>(1)</sup>For residential construction, a five percent (5%) grade shall not be exceeded for at least the first twenty-five (25) feet of rear yard space abutting the primary structure in order to create usable rear yard of at least that depth.

<sup>(2)</sup>4,000 square feet for Court Home lots within project. 15,000 square feet for Manor Homes within project.

<sup>(3)</sup>15 feet for Court Home lots within project. 20 feet for Manor Home lots within project.

<sup>(4)</sup>7 feet for Court Home lots within project. 10 feet for Manor Home lots within project.

<sup>(5)</sup>7 feet for Court Home lots within project. 25 feet for Manor Home lots within project.

<sup>(6)</sup>Zero (0) feet for principal buildings and structures served by a railroad siding located along a side yard property line.

<sup>(7)</sup>Fifteen (15) feet for both side yards combined when principal building or structure is surveyed by railroad siding located along a side yard property line.

<sup>(8)</sup>If publicwater and sewerage are not utilized, then minimum permitted lot size shall be increased to 25,000 square feet.

**Section 3.** If any section, subsection or paragraph of this chapter shall be declared to be unconstitutional, invalid, or inoperative in whole or in part by a court of competent jurisdiction, such section, subsection or paragraph shall to the extent that is not unconstitutional, invalid or inoperative remain in full force and effect, and no such determination shall be deemed to invalidate the remaining sections, subsections or paragraphs of this chapter. To this end, the provisions of each section, subsection, paragraph of this chapter are hereby declared to be severable.

**Section 4.** All ordinances or parts of ordinances of the Township of Edgewater Park heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 5.** This ordinance shall take effect twenty (20) days subsequent to passage and publication according to law.

#### NOTICE

The foregoing was introduced by the Edgewater Park Township Committee at its meeting held on September 5, 2006. This ordinance will be consider for adoption of final reading and public hearing to be held on November 9, 2006 at 7:30 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Linda M. Dougherty, R.M.C.,  
Municipal Clerk/Administrator